

# **1955-15 Social Security (Non-Contributory Benefits and Unemployment Insurance)**

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Subsidiary Legislation made under ss.6 and 12.

## **Retirement Pension Regulations**

**1955.08.04-1**

*Commencement*                      **3.10.1955**

Amending enactments	Relevant current provisions	Commencement date
LN. 1977/095	r. 5	
1983/091	r. 4	

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**Title.**

1. These regulations may be cited as the Retirement Pension Regulations.

**Interpretation.**

- 2.(1) in these regulations, unless the context otherwise requires,—

“credited” means credited in accordance with Part III of the Social Insurance (Contributions) Regulations;

“insurable employment” means employment which is insurable under the Social Security (Insurance) Act.

- (2) For the purposes of the Act and of these regulations, a man and his wife shall not be deemed to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to the desertion has not come to an end.

**Prescribed Conditions as to satisfactory employment record,**

- 3.(1) For the purposes of section 6(1) and section 7(1) of the Act (which subsections provide for the prescribing, for the purposes of entitlement to retirement pension, of conditions as to a satisfactory employment record) the conditions shall be as prescribed hereafter in this regulation.

- (2) In this regulation,—

“relevant person” means the person by whom the conditions are to be satisfied ;

“relevant time” means the date of the relevant person attaining pensionable age or dying under that age.

- (3) The relevant person shall be deemed to have a satisfactory employment record if his yearly average of weeks of insurable employment (ascertained as at the relevant time) is not less than 40.

- (4) For the purposes of this regulation—

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- (a) any week of insurable employment under the Social Security (Employment Injuries Insurance) Act, before the appointed day, shall be deemed to be a week of insurable employment under the Act ;
- (b) the period over which the yearly average is to be calculated shall be the period beginning with the 1st day of January, 1953, and ending with the end of the last complete contribution year before the relevant time ;
- (c) the yearly average shall be calculated by dividing, by the number of years comprised in the period over which the average is to be calculated, the sum total of weeks of insurable employment in that period.

**Reduction of retirement pension on account of earnings.**

4. Where the earnings of a beneficiary who is less than five years over pensionable age have exceeded the maximum weekly basic rate payable in column 2 of Schedule 2 to the Act for the week preceding any week for which he is entitled to a retirement pension, the weekly rate of his pension shall for the last mentioned week be reduced by five pence for each complete ten pence of the excess.

**Women who marry after attaining pensionable age,**

5.(1) For the purposes of section 7(1) (c) of the Act (which paragraph relates to the prescribing of further conditions for entitlement to a retirement pension by virtue of the satisfactory employment record of the husband in a case where a woman married the husband after attaining pensionable age) one of the following further conditions must be satisfied in the case of a woman to whom that paragraph is applicable, that is to say:—

- (a)
  - (i) that she and her husband have been married for not less than one year; or
  - (ii) that, if the husband dies before the expiration of one year from the date of the marriage, she has a family which includes a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs ; or
- (b) that, immediately before the date of marriage, she was entitled to widow's benefit or an old age pension under the Social Security (Insurance ) Act ; or

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- (c) that, immediately before that date, she was entitled to a retirement pension under the Act, or would have been so entitled but for her failure to satisfy the condition that she had retired from regular employment ; or
- (d) that, immediately before that date, she was entitled, otherwise than under the Act, to any pension or allowance payable out of public funds and ceased to be so entitled by reason only of her marriage or re-marriage.

(2) Notwithstanding anything contained in sub-regulation (1)(a)(i) the Director may, in his absolute discretion, waive the condition that the woman and her husband shall have been married for one year and may, in his further discretion, revoke such waiver if the husband dies within one year of the marriage but without prejudice to any pension paid before such revocation.

**Choice of retirement pension by woman.**

6. A woman who, but for the provisions of section 7(3) of the Act (which subsection relates to the disentitlement of women to more than one retirement pension for the same period) would be entitled for the same period to more than one such pension, may by notice in writing to the Director choose from time to time which pension she shall be entitled to for any week commencing after the date on which such notice is so given :

Provided that for any period in respect of which no such notice is given the woman shall be treated as if she had chosen the pension which is payable at the higher or highest rate.

**Priority between a man and his wife to increase of retirement pension for child.**

7. Where but for section 12(3)(a) of the Act (which paragraph restricts the entitlement of a man and his wife to increases of retirement pensions in respect of children) a man and his wife would both be entitled for the same period, by virtue of his satisfactory employment record, to an increase of retirement pension in respect of the same child or to increases in respect of more than four children, the following provisions shall apply ;-

- (a) if and so long as the man and his wife are living together, the man shall, and his wife shall not, be entitled to the increase or, as the case may be, to the additional increase ;
- (b) if and so long as they are not living together, such one of them shall, and such other of them shall not, be entitled to the increase or additional increase as the Director may in his discretion from time to time determine.