

**Additional Heads of Bill
relating to Working-Age Payments**

for inclusion in

General Scheme of Social Welfare (Amendment) Bill 2023

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HEAD 13 - Amendment to section 40 (entitlement to illness benefit)

X. (1) The Principal Act is amended in subsection (1) of section 40 by the substitution of the following for paragraph (a):

“(a) on the day for which the benefit is claimed he or she—

(i) is under pensionable age, or

(ii) being a person born on or after 1 January 1958, has attained pensionable age but has not attained the age of 70 years, and has never been awarded a State pension (contributory),”

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides for the entitlement of persons over the age of 66 and under the age of 70 (other than such persons born before 1 January 1958), who have not been awarded State pension (contributory), to receive illness benefit subject to the same conditionality as if they were under pensionable age.

Background

The Government decision of 20 September 2022 envisages that as a consequence of allowing people defer access to State pension (contributory) up to age 70, access should be extended to contingency-based short-term payments under the Social Welfare Acts.

Head

Section 40(1)(a) currently provides that a claimant for illness benefit must be under pensionable age on the day for which benefit is claimed. This is amended to allow for claims by persons aged 66, 67, 68 or 69 who have not been awarded State pension (contributory). Such persons are likely to include those who have decided to defer access to State pension (contributory).

Commencement

This section comes into operation on 1 January 2024.

HEAD 14 - Amendment to section 44 (duration of illness benefit)

X. (1) The Principal Act is amended in section 44 by the insertion of the following subsection after subsection (10):

“(11) Where a person was in receipt of illness benefit immediately prior to attaining pensionable age, payment of that benefit shall cease upon him or her attaining pensionable age unless he or she—

(a) was born on or after 1 January 1958, and

(b) has, in the prescribed manner and within the prescribed time, notified the Minister of his or her desire to continue receiving illness benefit after attaining pensionable age for any remaining period in which he or she is entitled to receive it.”

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides that where illness benefit is in payment to a claimant prior to their 66th birthday it shall cease as and from that date unless the person (born on or after 1 January 1958) has elected for payment to continue.

Commencement

This section comes into operation on 1 January 2024.

HEAD 15 – Amendment to section 46A (entitlement to partial capacity benefit)

X. (1) The Principal Act is amended in section 46A(1) by the substitution of the following for paragraph (d):

- “(d) (i) is under pensionable age, or
- (ii) (I) was born on or after 1 January 1958,
- (II) has attained pensionable age but has not attained the age of 70 years,
- (III) has never been awarded a State pension (contributory), and
- (IV) satisfies the requirement of clause (I) of subparagraph (i) of paragraph (c).”

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides for the entitlement of persons over the age of 66 and under the age of 70 (other than such persons born before 1 January 1958), who have not been awarded State pension (contributory), to receive partial capacity benefit subject to the same conditionality as if they were under pensionable age provided the claim for partial capacity benefit is consequent upon a period during which the claimant was in receipt of illness benefit.

Background

The Government decision of 20 September 2022 envisages that as a consequence of allowing people defer access to State pension (contributory) up to age 70, access should be extended to some contingency-based short-term payments under the Social Welfare Acts.

Head

Section 46A(1)(d) currently provides that a claimant for partial capacity benefit must be under pensionable age. Partial Capacity Benefit allows people to work part-time and receive a small

payment. The Head broadens this to include those aged 66 to 69 who have not already been awarded State pension (contributory); provided they were born on or after 1 January 1958 and meet the conditions for the award of partial capacity benefit in section 46A(1)(c)(i)(I) of the 2005 Act – which requires that on the day immediately before the day for which partial capacity benefit is claimed the claimant was in receipt of illness benefit for at least 26 weeks in a period of interruption of employment.

Commencement

This section comes into operation on 1 January 2024.

HEAD 16 – Amendment to section 46C (duration of partial capacity benefit)

X. (1) The Principal Act is amended in section 46C by the insertion of the following subsection after subsection (4):

“(5) Where a person was in receipt of partial capacity benefit immediately prior to attaining pensionable age, payment of that benefit shall cease upon him or her attaining pensionable age unless he or she—

- (a) was born on or after 1 January 1958,
- (b) was in receipt of partial capacity benefit by reason of having satisfied the requirement of section 46A(1)(c)(i)(I), and
- (c) has, in the prescribed manner and within the prescribed time, notified the Minister of his or her desire to continue receiving partial capacity benefit after attaining pensionable age for any remaining period in which he or she is entitled to receive it.”

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides that where partial capacity benefit is in payment to a claimant prior to their 66th birthday it shall cease as and from that date unless the person (born on or after 1 January 1958, and who claimed partial capacity benefit when they were in receipt of illness benefit) has elected for payment to continue.

Commencement

This section comes into operation on 1 January 2024.

HEAD 17 – Amendment to section 62 (entitlement to jobseeker’s benefit)

X. (1) The Principal Act is amended in section 62(1) by the substitution of the following for paragraph (a):

“(a) on the day for which the benefit is claimed he or she—

(i) is under pensionable age, or

(ii) being a person born on or after 1 January 1958, has attained pensionable age but has not attained the age of 70 years, and has never been awarded a State pension (contributory),”.

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides for the entitlement of persons over the age of 66 and under the age of 70 (other than such persons born before 1 January 1958), who have not been awarded a State pension (contributory), to receive jobseeker’s benefit subject to the same conditionality as if they were under pensionable age.

Background

The Government decision of 20 September 2022 envisages that as a consequence of allowing people defer access to State pension (contributory) up to age 70, access should be extended to contingency-based short-term payments under the Social Welfare Acts.

Head

Section 62(1)(a) currently provides that a claimant for jobseeker’s benefit must be under pensionable age on the day for which benefit is claimed. This will be amended to allow for claims by persons aged 66, 67, 68 or 69 who have not been awarded a State pension (contributory).

Commencement

This section comes into operation on 1 January 2024.

HEAD 18 – *Amendment to section 64 (conditions for receipt of jobseeker’s benefit)*

- X. (1) The Principal Act is amended in subsection (4) of section 64 by the substitution of “69” for “65”.

- (2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides for the entitlement of persons over the age of 66 and under the age of 70 (other than such persons born before 1 January 1958), who have not been awarded a State pension (contributory), to receive jobseeker’s benefit subject to the same conditionality as if they were under pensionable age.

Head

Section 64(4) currently provides for matters relating to the durations and social insurance contributions that must be met in order for a claimant under 65 to be entitled to jobseeker’s benefit. Now that it is proposed that people may be eligible to defer State pension (contributory) up to age 70, it is proposed to adjust the period within which s. 64(4) applies to age 69.

Commencement

This section comes into operation on 1 January 2024.

HEAD 19 – *Amendment to section 67 (duration of payment of jobseeker’s benefit)*

X. (1) The Principal Act is amended in section 67:

- (a) in subsection (1) by the insertion after “over 65 years of age” of “and under pensionable age”;
- (b) by the insertion of the following subsection after subsection (10):

“(11) Where a person was in receipt of jobseeker’s benefit immediately prior to attaining pensionable age, payment of that benefit shall cease upon him or her attaining pensionable age unless he or she—

- (a) was born on or after 1 January 1958, and
- (b) has, in the prescribed manner and within the prescribed time, notified the Minister of his or her desire to continue receiving jobseeker’s benefit after attaining pensionable age for any remaining period in which he or she is entitled to receive it.”

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head—

- modifies the provision whereby the usual maximum period for which jobseeker’s benefit can be claimed (234 days/9 months in the case of a claimant with 260 or more contributions; 156 days/6 months in the case of a claimant with less than 260 contributions) is extended, in the case of a claimant aged 65, until his/or her 66th birthday;

- provides that where jobseeker's benefit is in payment to a claimant prior to their 66th birthday it shall cease as and from that date unless the person (born on or after 1 January 1958) has elected for payment to continue.

Head

Under sub-heads (1)(a) any payment of jobseeker's benefit to a person aged 65 which has been prolonged to age 66 under the provisions in section 66(1) of the 2005 Act will cease at age 66. However, a person who is still within the usual 9 month/6 month period of payment will continue to receive it for the remainder of the relevant period if they elect to do so under the new section. 66(11) provided for in sub-head (1)(b).

Commencement

This section comes into operation on 1 January 2024.

HEAD 20 - Amendment to section 68C (entitlement to jobseeker's benefit (self-employed))

X. (1) The Principal Act is amended in section 68C(1) by the substitution of the following for paragraph (a):

“(a) in the week for which the benefit is claimed he or she—

(i) is under pensionable age, or

(ii) being a person born on or after 1 January 1958, has attained pensionable age but has not attained the age of 70 years, and has never been awarded a State pension (contributory),”.

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides for the entitlement of persons over the age of 66 and under the age of 70 (other than such persons born before 1 January 1958), who have not been awarded State pension (contributory), to receive jobseeker's benefit (self-employed) subject to the same conditionality as if they were under pensionable age.

Background

The Government decision of 20 September 2022 envisages that as a consequence of allowing people defer access to State pension (contributory) up to age 70, access should be extended to contingency-based short-term payments under the Social Welfare Acts.

Head

Section 68C(1)(a) currently provides that a claimant for jobseeker's benefit (self-employed) must be under pensionable age in the week for which the benefit is claimed. This will be amended to allow for claims by persons aged 66, 67, 68 or 69 who have not been awarded State pension (contributory).

Commencement

This section comes into operation on 1 January 2024.

HEAD 21 - Amendment to section 68H (duration of jobseeker's benefit (self-employed))

X. (1) The Principal Act is amended—

- (a) in subsection (6) of section 68H by the insertion after “shall continue to be entitled to that benefit” of “until they reach pensionable age”.
- (b) by the insertion of the following subsections after subsection (6):

“(7) Where a person was in receipt of jobseeker's benefit (self-employed) immediately prior to attaining pensionable age, payment of that benefit shall cease upon him or her attaining pensionable age unless he or she—

- (a) was born on or after 1 January 1958, and
- (b) has, in the prescribed manner and within the prescribed time, notified the Minister of his or her desire to continue receiving jobseeker's benefit (self-employed) after attaining pensionable age for any remaining period in which he or she is entitled to receive it.”

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head—

- modifies the provision whereby the usual maximum period for which jobseeker's benefit (self-employed) can be claimed (39 weeks in the case of a claimant with 260 or more self-employment contributions; 26 weeks in the case of a claimant with less than 260 self-employment contributions) is extended, in the case of a claimant aged 65, until his/or her 66th birthday;

- provides that where jobseeker's benefit (self-employed) is in payment to a claimant prior to their 66th birthday it shall cease as and from that date unless the person (born on or after 1 January 1958) has elected for payment to continue.

Head

Under sub-head (1)(a) any payment of jobseeker's benefit to a person aged 65 which has been prolonged to age 66 under the statutory provisions in section 68H(6) of the 2005 Act will cease at age 66. However, a person who is still within the usual 9 month/6 month period of payment will continue to receive it for the remainder of the relevant period if they elect to do so under the new s. 68H(7) contemplated in sub-head (1)(b).

Commencement

This section comes into operation on 1 January 2024.

HEAD 22 - Amendment to section 238B (entitlement to back to work family dividend)

X. (1) The Principal Act is amended in subsection (1) of section 238B:

- (a) by the deletion of “who has not attained pensionable age”;
- (b) by the redesignation of paragraphs (a), (b) and (c) as paragraphs (b), (c) and (d) respectively;
- (c) by the insertion before paragraph (b), as redesignated by paragraph (b) of this Head, of the following paragraph—

“(a) he or she—

- (i) is under pensionable age, or
- (i) being a person born on or after 1 January 1958, has attained pensionable age but has not attained the age of 70 years, and has never been awarded a State pension (contributory),”

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides for the entitlement of persons over the age of 66 and under the age of 70 (other than such persons born before 1 January 1958), who have not been awarded State pension (contributory) to receive back to work family dividend subject to the same conditionality as if they were under pensionable age.

Background

The Government decision of 20 September 2022 envisages that as a consequence of allowing people defer access to State pension (contributory) up to age 70, access should be extended to contingency-based short-term payments under the Social Welfare Acts.

Head

Section 238B(1) currently provides that a claimant for back to work family dividend must have not attained pensionable age. This will be amended to allow for claims by persons aged 66, 67, 68 or 69 who have not been awarded State pension (contributory).

Commencement

This section comes into operation on 1 January 2024.

HEAD 23 - Amendment to section 238C (duration of back to work family dividend)

X. (1) The Principal Act is amended in section 238C by the insertion after subsection (3) of the following subsection:

“(4) Where a person was in receipt of back to work family dividend immediately prior to attaining pensionable age, payment of that dividend shall cease upon him or her attaining pensionable age unless he or she—

(a) was born on or after 1 January 1958, and

(b) has, in the prescribed manner and within the prescribed time, notified the Minister of his or her desire to continue back to work family dividend after attaining pensionable age for any remaining period in which he or she is entitled to receive it.”

(2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides that where back to work family dividend is in payment to a claimant prior to their 66th birthday it shall cease as and from that date unless the person (born on or after 1 January 1958) has elected for payment to continue.

Background

The Government decision of 20 September 2022 envisages that as a consequence of allowing people defer access to State pension (contributory) up to age 70, access should be extended to contingency-based short-term payments under the Social Welfare Acts.

Where a person is in receipt of Back to Work Family Dividend it can be paid for up to two years but payment ceases when the recipient reaches pensionable age (i.e., age 66). The purpose of this amendment is to provide for a situation whereby a recipient turns 66 before the two years has passed so that they can continue to receive the payment for the full two years, provided they remain at work and are not in receipt of a State pension (contributory).

Section 238E(1) of the Social Welfare (Consolidation) Act 2005 (as amended) provides that the Minister may make regulations in relation to the back to work family dividend.

Commencement

This section comes into operation on 1 January 2024.

HEAD 24 - Amendment to section 238D (rate of dividend)

X. (1) The Principal Act is amended in section 238D as follows:

- (a) by the substitution in subsection (1)(a) of “section 238B(1)(c)” for “section 238B(1)(b)”;
 - (b) by the substitution in subsection (2) of “section 238B(1)(c)” for “section 238B(1)(b)”;
 - (c) by the substitution in subsection (3)(b) of “section 238B(1)(c)” for “section 238B(1)(b)”.
- (2) This section comes into operation on 1 January 2024.

Notes

Purpose of Head

This Head provides for the amendment of certain references within s. 238D consequent upon the redesignation (by Head 26(1)(b) above) of paragraphs currently designated as (a), (b) and (c) which will be becoming paragraphs (b), (c) and (d) respectively.

Commencement

This section comes into operation on 1 January 2024.

HEAD 25 – Amendment of certain Chapter and Part headings

X. (1) The Principal Act is amended as follows:

- (a) Before section 40, by the substitution of the following for the Chapter heading:

“Chapter 8
Illness Benefit”.

- (b) Before section 62, by the substitution of the following for the Chapter heading:

“Chapter 12
Jobseeker’s Benefit”.

- (c) Before section 108, by the substitution of the following for the Chapter heading:

“Chapter 15
State Pension (Contributory)”.

- (d) Before section 114, by the substitution of the following for the Chapter heading:

“Chapter 16
State Pension (Transition)”.

- (e) Before section 123, by the substitution of the following for the Chapter heading:

“Chapter 18
Widow’s (Contributory) Pension, Widower’s (Contributory) Pension or
Surviving Civil Partner’s (Contributory) Pension”.

- (f) Before section 130, by the substitution of the following for the Chapter heading:

“Chapter 19
Guardian’s Payment (Contributory)”.

- (g) Before section 137, by the substitution of the following for the Chapter heading:

“Chapter 21

Widowed Parent or Surviving Civil Partner Parent Grant”.

- (h) Before section 140, by the substitution of the following for the Chapter heading:

“Chapter 2
Jobseeker’s Allowance”.

- (i) Before section 152, by the substitution of the following for the Chapter heading:

“Chapter 4
State Pension (Non-Contributory)”.

- (j) Before section 162, by the substitution of the following for the Chapter heading:

“Chapter 6
Widow’s (Non-Contributory) Pension, Widower’s (Non-Contributory) Pension, Surviving Civil Partner’s (Non-Contributory) Pension and Guardian’s Payment (Non-Contributory)”.

- (k) Before section 224, by the substitution of the following for the Part heading:

“PART 5
Carer’s Support Grant”.

- (l) In the shoulder note to section 225, by the substitution of “carer’s support grant” for “respite care grant”.

- (m) Before section 227, by the substitution of the following for the Part heading:

“PART 7
Working Family Payment”.

(2) This section comes into operation on enactment.

Notes

Purpose of Head

This Head is technical in nature and seeks—

- (a) to update the names of the headings to Chapters 8, 12, 15, 16, 19 of Part 2 and Chapters 2 and 4 of Part 3 in the Social Welfare Consolidation Act 2005 to align them with the names that the underlying varieties of benefit or assistance dealt with therein have had since 2006 (and which are already the names used within the individual sections contained in those chapters);
- (b) to update the name of the headings to Chapters 18 and 21 of Part 2 and Chapter 6 of Part 3 to align them with the name that the underlying varieties of benefit have had since 1 January 2011, when existing benefits for widows and widowers were extended to surviving civil partners;
- (c) to update the name of the heading to Part 5 to reflect that Family Income Supplement was renamed as Working Family Payment on 1 January 2018;
- (d) to update the name of the heading to Part 7, and the shoulder note to s. 225, to reflect that Respite Care Grant was renamed as Carer's Support Grant on 1 January 2018.

Head

Under Section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006 the names of various long-standing social welfare schemes were altered as follows:

<u>Old Name</u>	<u>New Name</u>
Disability Benefit	Illness Benefit
Old Age (Contributory) Pension	State Pension (Contributory)
Orphan's (Contributory) Allowance	Guardian's Payment (Contributory)
Orphan's (Non-Contributory) Pension	Guardian's Payment (Non-Contributory)
Retirement Pension	State Pension (Transition)
Unemployment Assistance	Jobseeker's Allowance
Unemployment Benefit	Jobseeker's Benefit
Unemployability Supplement	Incapacity Supplement

The change was effected by listing 333 separate statutory provisions in the Schedule, showing each instance in which a new name was to be substituted for an old name. However, no provisions were included in the Schedule to change the references to the old names in the relevant chapter headings.

It is important to note that these continuing references to “old scheme names” have given rise to no substantive or prejudicial consequences for anyone. The chapter headings are merely ‘signposts’ within the Act which, by virtue of section 18(g) of the Interpretation Act are intended only *“to indicate the subject, contents or effect of the ... Chapter”* but are *“[not to] be taken to be part of the enactment or be construed or judicially noticed in relation to the construction or interpretation of the enactment”*. Nonetheless it is thought desirable to update them because, left unamended, they stand effectively as out-of-date signposts which serve more to confuse the user of the legislation, than to assist him/her. That is the objective of sub-heads (1)(a), (b), (c), (d), (f) and (h)

In like manner the names of part and chapter headings were not updated—

- when widow’s/widower’s pensions and widowed parent grant were extended to surviving civil partners by sections 17 to 19 of the Social Welfare and Pensions Act 2010;
- when respite care grant was renamed as carer’s support grant by s. 5 and sch. 2 of the Social Welfare and Pensions Act 2015;
- when family income supplement was renamed as working family payment by s. 8 and sch. 1 of the Social Welfare Act 2017.

Again, the relevant sub-heads seek merely to ‘update what is displayed on the signposts.’ The relevant sections within each of those chapters or parts already contain the appropriate references to surviving civil partner’s pensions or parent grants, carer’s support grant or working family payment, as the case may be. Sub-Heads (1)(e), (1)(g) and (1)(j) seek to do so as regards the pensions and grants for widows, widowers and surviving civil partners; sub-heads (1)(k) and (1)(l) as regards carer’s support grant; and sub-head (1)(m) as regards working family payment.

Commencement

This section comes into operation on 1 January 2024.

HEAD 26 – *Updating of out-of-date references to certain statutory schemes*

X. (1) The Principal Act is amended is amended as follows:

- (a) In subsection (3) of section 113B by the substitution of “State pension (transition)” for “retirement pension” in both places where it occurs.
- (b) In subsection (3)(b) of section 119 by the substitution of “illness benefit” for “disability benefit”.
- (c) In section 300(10)—
 - (i) by the substitution of “whether State pension (contributory)” for “whether old age (contributory) pension”.
 - (ii) by the substitution of “receive a State pension (contributory)” for “receive an old age (contributory) pension”.

(2) This section comes into operation on enactment.

Notes

Purpose of Head

This Head is technical in nature and seeks to correct three instances in which “old scheme names”—as explained in the notes to Head 25 above—still occur in statutory provisions, owing to—

(a) a mistaken reference to “s. 113B(2)” rather than “s. 113B(3)”; and,

(b) the inadvertent omission of references to “s. 119(3)(b)” and “s. 300(10)”

from a Schedule (containing 333 other statutory references) to the Social Welfare Law Reform and Pensions Act 2006.

Head

Under Section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006 the names of various long-standing social welfare schemes were altered as follows:

<u>Old Name</u>	<u>New Name</u>
Disability Benefit	Illness Benefit
Old Age (Contributory) Pension	State Pension (Contributory)
Orphan's (Contributory) Allowance	Guardian's Payment (Contributory)
Orphan's (Non-Contributory) Pension	Guardian's Payment (Non-Contributory)
Retirement Pension	State Pension (Transition)
Unemployment Assistance	Jobseeker's Allowance
Unemployment Benefit	Jobseeker's Benefit
Unemployability Supplement	Incapacity Supplement

The change was effected by listing 333 separate statutory provisions in the Schedule, showing each instance in which a new name was to be substituted for an old name. Through a drafting oversight a reference to s. 113B(2) was included in Item No. 4 of Schedule 1, when the correct reference ought to have been to s. 113B(3). Likewise references to s. 300(10) were inadvertently omitted from Item Nos. 1 and 2, and a reference to s. 119(3)(b) from Item No. 15.

The correction of these errors is the object of sub-heads (1), (2) and (3) above.

It is important to note that these continuing references to "old scheme names" have not given rise to any substantive or prejudicial consequences for anyone. Along with s. 4(1) and the 333 statutory references contained in Sch, 1, ss. 4(2), 4(3) and 4(6) were saver provisions which have the effect of ensuring that any outstanding references in any Act (which must include the Social Welfare Consolidation Act 2005) to disability benefit, old age (contributory) benefit or retirement pension are to be read as references to illness benefit, state pension (contributory) and state pension (transition) respectively. Accordingly, these proposed changes give rise to no substantive change in the law. However, they are thought desirable in order to improve the overall coherence and intelligibility of the Social Welfare Consolidation Act 2005.

HEAD 27 – Amendment to section 300 (decisions by deciding officers)

X. (1) Section 300 of the Principal Act is amended by the insertion after subsection (4) of the following subsections —

“(4A) A reference in subsection (2)(a) to a question arising in relation to a claim for benefit includes also a reference to a question whether, in the case of such benefits as may be prescribed, benefit would be payable as and from such future date or dates (“the prospective date”) as the Minister may prescribe, in the event that during the period between the date of the claim for benefit and the prospective date (“the prospective period”) the claimant satisfies such conditions as may be specified, which the claimant asserts that he or she reasonably believes that he or she will in fact have satisfied by the prospective date (“the contingent conditions”).

(4B) The conditions which the Minister may specify for the purpose of subsection (4A) include—

(a) matters relating to the claimant’s likely employment status during the prospective period;

(b) matters relating to such additional—

(i) employment contributions,

(ii) self-employment contributions,

(iii) voluntary contributions,

(iv) optional contributions, or

(v) contributions under section 30B

as the claimant reasonably expects will be paid by or in respect of him or her, during the prospective period;

- (c) matters relating to such contributions as the claimant reasonably expects are likely to be credited to him or her (pursuant to regulations made under section 33) during the prospective period;
 - (d) matters relating to the making (or refraining from making) of any other claims for benefits during the prospective period;
 - (e) matters relating to the continued receipt during the prospective period of any benefits of which the claimant was already in receipt immediately prior to the commencement of that period;
 - (f) such other matters as may be relevant to the determination, at the end of the prospective period, of the claimant's entitlement to receive the benefit for which he or she has applied, or the amount of such benefit, or the basis on which it is to be calculated.
- (4C) Where a question of the type outlined in subsection (4A) has been determined in the claimant's favour then, at the expiry of the prospective period, the question whether benefit is or is not payable to the claimant—
- (a) shall be deemed to have been answered affirmatively by a deciding officer if, but only if, the Minister is satisfied on the available evidence (and without the need for any further submission of information by the claimant) that the contingent conditions had, in fact, become satisfied during the prospective period;
 - (b) shall in any other case be considered anew by a deciding officer (including on the basis of such additional information as may have been furnished by the claimant during or after the prospective period, whether on his or her own initiative, or in response to any request for any such additional information)."

(2) This section comes into operation on enactment.

Notes

Purpose of Head

This Head seeks to facilitate the contingent determination of claims where it can reasonably be assumed that a claimant is likely, during the period from when their claim is determined on a contingent basis to a date shortly thereafter, to continue to satisfy such conditions as will ultimately determine whether on that future date they are definitely entitled to receive the relevant benefits. The impetus for the development of this Head is the expected need to be able to pre-emptively determine (on such a contingent basis) applications for State pension (contributory) in the environment post 1 January 2024 when customers will have a significant degree of flexibility as to the date between their 66th and 70th birthdays from which they wish to start drawing down their pension.

Head

The new provisions are intended for inclusion in section 300 of the 2005 Act, which deals with decisions by Deciding Officers under the 2005 Act. Under section 300(2)(a) that section applies *inter alia* to any question “in relation to a claim for a benefit”. Subsection (4C) seeks to allow for a determination under subsection (4A) in relation to future contributions when determining eligibility for State pension (contributory) where a person’s circumstances are unlikely to change during the short period between date of claim and award of the payment e.g. the claimant will remain in employment or caring to a certain date during that period. The head will allow for such a determination to be converted, by operation of law, into an actual determination in the claimant’s favour where, without the need for any further submission of information by the claimant, the Minister is content that the relevant outstanding requirement has in fact been satisfied. In cases where any uncertainty remains, the matter will be examined afresh – and, if necessary, further information sought from the claimant.

Commencement

It is envisaged that this section should come into operation on enactment.