



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART I

#### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

##### *Widowhood benefits*

### **3 Late claims for widowhood benefit where death is difficult to establish**

- (1) This section applies where a woman's husband has died or may be presumed to have died and the circumstances are such that—
- (a) more than 12 months have elapsed since the date of death (whether he died, or is presumed to have died, before or after the coming into force of this section);
  - (b) either—
    - (i) the husband's body has not been discovered or identified or, if it has been discovered and identified, the woman does not know that fact; or
    - (ii) less than 12 months have elapsed since she first knew of the discovery and identification of the body; and
  - (c) no claim for any of the widowhood benefits, that is to say—
    - (i) widow's benefit,
    - (ii) an invalidity pension under section 15 of the Pensions Act, or
    - (iii) a Category A retirement pension by virtue of subsection (5) of that section,was made or treated as made in respect of the death by the woman before 13th July 1990 (the coming into force of section 6 of the Social Security Act 1990, which inserted in the 1975 Act section 165C, the provision of that Act corresponding to this section).
- (2) Where this section applies, notwithstanding that any time prescribed for making a claim for a widowhood benefit in respect of the death has elapsed, then—
- (a) in any case falling within paragraph (b)(i) of subsection (1) above where it has been determined—

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*Status: This is the original version (as it was originally enacted).*

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- (i) under subsection (1)(b) of section 20 below on a claim made by the woman; or
- (ii) under subsection (4) of that section on the submission of a question by her,

that the husband has died or is presumed to have died; or

- (b) in any case falling within paragraph (b)(ii) of subsection (1) above where the identification was made not more than 12 months before the woman first knew of the discovery and identification of the body,

such a claim may be made or treated as made at any time before the expiration of the period of 12 months beginning with the date on which that determination was made or, as the case may be, the date on which she first knew of the discovery and identification.

- (3) If, in a case where a claim for a widowhood benefit is made or treated as made by virtue of this section, the claimant would, apart from subsection (2) of section 1 above, be entitled to—
  - (a) a widow's payment in respect of the husband's death more than 12 months before the date on which the claim is made or treated as made; or
  - (b) any other widowhood benefit in respect of his death for a period more than 12 months before that date,

then, notwithstanding anything in that section, she shall be entitled to that payment or, as the case may be, to that other benefit (together with any increase under section 80(5) of the Contributions and Benefits Act).

#### **4 Treatment of payments of benefit to certain widows**

In any case where—

- (a) a claim for a widow's pension or a widowed mother's allowance is made, or treated as made, before 13th July 1990 (the date of the passing of the Social Security Act 1990); and
- (b) the Secretary of State has made a payment to or for the claimant on the ground that if the claim had been received immediately after the passing of that Act she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,

the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.