

## 1980 No. 271

## SOCIAL SECURITY

**The Social Security (Benefit) (Married Women and Widows  
Special Provisions) (Amendment) Regulations  
(Northern Ireland) 1980**

*Made* . . . . . 7th August 1980

*Coming into operation* . . . . . 11th August 1980

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 125(1) of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Social Security (Benefit) (Married Women and Widows Special Provisions) (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 11th August 1980.

(2) In these regulations “the principal regulations” means the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(b).

*Insertion into the principal regulations of regulations 3A and 3B*

2. After regulation 3 of the principal regulations there shall be inserted the following regulations:

*“Modification of paragraphs 4(1) and 4A(1) of Schedule 1 to the Social Security Pensions (Northern Ireland) Order 1975*

3A.—(1) The provisions of paragraphs 4(1) and 4A(1) of Schedule 1 to the Social Security Pensions (Northern Ireland) Order 1975(c) (increase of pension where a woman’s deceased husband had deferred retirement) shall, in the case of a woman who attains pensionable age on or after the date on which this regulation comes into operation, be modified in accordance with paragraph (2) of this regulation.

(2) For the purpose of an increase of a woman’s Category A or Category B retirement pension, where a woman has had a husband and he has died before she attains pensionable age, and she was married to him when he died, paragraph 4(1)(a) or, as the case may be, paragraph 4A(1)(a) of the said Schedule 1 shall apply to her case as if there were inserted in each of the said paragraphs after the words ‘she was married to him when he died’ the words ‘and since his death she has not remarried before attaining pensionable age’.

---

(a) 1975 c. 15 See Article 2(3) of S.I. 1975/1503 (N.I. 15)

(b) S.R. 1975 No. 19 (I, p. 98); to which there are amendments not relevant to the subject matter of these regulations

(c) S.I. 1975/1503 (N.I. 15); Sch. 1 was amended by S.I. 1979/396 (N.I. 5), Article 6 and Sch. 1 Part I para. 7 and Part II para. 22, and Article 16 and Sch. 3 para. 22

*Modification of Part I of Schedule 6 to the Social Security (Northern Ireland) Act 1975*

**3B.**—(1) The provisions of Part I of Schedule 6 to the Social Security (Northern Ireland) Act 1975 (computation of weekly rate of earnings-related supplements and addition) shall be modified in accordance with paragraph (3) of this regulation where the weekly rate of earnings-related addition to a widow's allowance is to be ascertained in a case to which by virtue of paragraph (2) below this regulation applies.

(2) This regulation applies in a case where the relevant year is a year in which there were earnings paid to or for the benefit of the widow's late husband, as an employed earner who had not retired from regular employment, in respect of which he was not liable to pay primary Class 1 contributions by virtue of Article 6 of the Social Security Pensions (Northern Ireland) Order 1975 (exception in respect of earnings earned after attaining pensionable age) or of regulation 17A of the Social Security (Contributions) Regulations (Northern Ireland) 1975(d) or of regulation 20 of the Social Security (Contributions) Regulations (Northern Ireland) 1979(e) (exceptions in respect of earnings earned before but paid on or after attaining pensionable age).

(3) In a case to which this regulation applies the provisions of Part I of the said Schedule 6 shall have effect so that the late husband's reckonable weekly earnings shall be those earnings of his for that year, divided by 50, in respect of which he—

- (a) was liable to pay primary Class 1 contributions; or
- (b) would have been so liable but for the said Article 6 or but for the said regulation 17A, as regards earnings paid prior to 6th August 1979, or but for the said regulation 20, as regards earnings paid on or after 6th August 1979, as the case may be."

*Revocation*

**3.** The Social Security (Earnings-Related Addition to Widow's Allowance) (Special Provisions) Regulations (Northern Ireland) 1979(f) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 7th August 1980.

(L.S.)

*T. S. Martin*

Assistant Secretary

---

(d) S.R. 1975 No. 319 (II, p. 1492); the relevant amending regulation is S.R. 1977 No. 318 (II, p. 1748).  
Revoked and replaced by S.R. 1979 No. 186 (II, p. 833) with effect from 6th August 1979

(e) S.R. 1979 No. 186 (II, p. 833)

(f) S.R. 1979 No. 394 (II, p. 1711)

## EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations further amend the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975 by inserting in those regulations two new regulations. The new regulation 3A modifies paragraphs 4(1) and 4A(1) of Schedule 1 to the Social Security Pensions (Northern Ireland) Order 1975, as amended, (increase of retirement pension where a woman's deceased husband had deferred retirement) so as to ensure that a woman does not derive increases of pension from any deceased husband to whom she was married when he died if subsequently, before she reaches pensionable age, she remarries. The new regulation 3B modifies Part I of Schedule 6 to the Social Security (Northern Ireland) Act 1975 in relation to the computation of the weekly rate of earnings-related addition to a widow's allowance to enable certain earnings of the widow's late husband while over pensionable age but not retired to be included in his reckonable weekly earnings under Part I of the Schedule.

The regulations also revoke the Social Security (Earnings-Related Addition to Widow's Allowance) (Special Provisions) Regulations (Northern Ireland) 1979 which provided for modifications to Part I of Schedule 6 to the Social Security (Northern Ireland) Act 1975 similar to those provided for by the new regulation 3B save as to the scope of their application to the late husband's earnings.