

2001 No. 148

SOCIAL SECURITY

**The Social Security (Widow's Benefit and Retirement Pensions)
(Amendment) Regulations (Northern Ireland) 2001**

Made 2nd April 2001

Coming into operation 9th April 2001

The Department for Social Development, in exercise of the powers conferred by sections 121(5) and 171(1) to (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and section 1(1C) and 165(1) of the Social Security Administration (Northern Ireland) Act 1992(b) and now vested in it(c), 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 (Widow's Benefit and Retirement Pensions) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 9th April 2001.

(2) In these Regulations—

“the principal Regulations” means the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(d).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) After regulation 16 (provision in relation to entitlement to child benefit for the purposes of a widowed mother's allowance) there shall be inserted—

“Provision in relation to entitlement to child benefit for the purposes of a widowed parent's allowance

16ZA.—(1) For the purpose only of determining whether a man or a woman who has been widowed (“the surviving spouse”) satisfies the requirements of section 39A(2)(a)(e) of the Contributions and Benefits

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- (a) 1992 c. 7; section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
- (b) 1992 c. 8; section 1(1C) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999
- (c) See Article 8(b) of S.R. 1999 No. 481
- (d) S.R. 1979 No. 243; relevant amending regulations are S.R. 1997 No. 483 and S.R. 2001 No. 108
- (e) Section 39A is inserted by Article 52(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

Act (description of a child for the purposes of widowed parent's allowance)—

- (a) a person shall be treated for the purposes of section 39A(3)(b) or (c) of that Act as having been entitled to child benefit in respect of a child where that person would have been so entitled had—
 - (i) that child not been absent from Northern Ireland, and
 - (ii) a claim for child benefit been made in respect of the child in the manner prescribed under section 11 of the Administration Act (necessity of application for child benefit)(a); and
- (b) the surviving spouse shall be treated, for the purposes of section 39A(2)(a) of the Contributions and Benefits Act, as entitled to child benefit in respect of the child who, by virtue of subparagraph (a) falls within subsection (3) of that section.

(2) In determining whether a surviving spouse who has been more than once married and who was not residing with the deceased spouse immediately before his or her death is entitled to a widowed parent's allowance under section 39A of the Contributions and Benefits Act, the deceased spouse shall, for the purposes of subsection (3)(b) of that section, be treated as having been entitled to child benefit in respect of any child in respect of whom—

- (a) a previous spouse of that surviving spouse by a marriage which ended with that previous spouse's death was, immediately before his or her death, entitled or treated as entitled to child benefit; and
- (b) that surviving spouse was entitled or treated as entitled to child benefit immediately before the death of the deceased spouse.”.

(3) In regulation 16A(b) (disapplication of section 1(1A) of the Administration Act for the purposes of widowed mother's allowance), and in the heading, after “widowed mother's allowance” there shall be inserted “or widowed parent's allowance”.

Sealed with the Official Seal of the Department for Social Development on 2nd April 2001.

(L.S.)

John O'Neill
Senior Officer of the Department for
Social Development

(a) Section 11 was amended by Article 66 of the Welfare Reform and Pensions (Northern Ireland) Order 1999

(b) Regulation 16A was inserted by regulation 4(3) of S.R. 1997 No. 483

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are consequential on amendments made to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (“the Act”) by Article 52 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (“the Order”). Article 52(2) of the Order inserted section 39A into the Act.

The Regulations further amend the Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979 in relation to the introduction of widowed parent’s allowance. A new regulation 16ZA is inserted to provide for a person to be treated as entitled to child benefit in certain circumstances where eligibility to a widowed parent’s allowance is dependent on such entitlement (regulation 2(a)). They also disapply for the purposes of a claim for widowed parent’s allowance certain requirements in respect of the claimant’s national insurance number (regulation 2(b)).

These Regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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