



# National Insurance Act 1965

## 1965 CHAPTER 51

### PART II

#### BENEFIT

##### *Widow's benefit*

#### **26 Widow's allowance**

- (1) Subject to the provisions of this Act, a widow shall be entitled to widow's allowance at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if—
  - (a) the husband satisfied the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act; and
  - (b) at the husband's death either he was not entitled to a retirement pension or she was under pensionable age.
- (2) The period for which widow's allowance is payable to a widow shall be the thirteen weeks next following the husband's death:

Provided that the allowance shall not be payable for any period after the widow's death or remarriage or for any period during which she is cohabiting with a man as his wife.

- (3) In this section the expression " the husband ", in relation to a woman who has been married more than once, refers only to her last husband.

#### **27 Widowed mother's allowance**

- (1) Subject to the provisions of this Act, a widow shall be entitled to a widowed mother's allowance at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if the husband satisfied the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act and either—
  - (a) the widow has a family which satisfies the condition specified in subsection (2) of this section; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) subject to such exceptions and conditions as may be prescribed, the widow has residing with her a person who is under the age of nineteen years and is, has been, or would, but for the fact that at the husband's death that person had attained the upper limit of the compulsory school age or was not in Great Britain, be or have been, a child falling within paragraph (a), (b) or (c) of the said subsection (2); or
  - (c) the widow is pregnant by the husband.
- (2) The condition referred to in subsection (1)(a) of this section is that the widow's family includes a child with respect to whom one of the conditions specified in section 42(1) of this Act is for the time being satisfied and who either—
- (a) at the husband's death was, or could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as, a child of his family; or
  - (b) is a son or daughter of theirs ; or
  - (c) subject to such exceptions and conditions as may be prescribed, having at the death of a previous husband of the widow by a marriage which ended with that husband's death been a child of that husband's family, was at the death of the last husband a child of the widow's family.
- (3) The period for which a widowed mother's allowance is payable to a widow shall be any period during which she satisfies the requirements of subsection (1)(a), (b) or (c) of this section and for which she is not entitled to a widow's allowance:
- Provided that the allowance shall not be payable for any period after the widow's remarriage or for any period during which she is cohabiting with a man as his wife.
- (4) In this section, the expression " the husband ", in relation to a woman who has been married more than once, refers only to her last husband.

## **28 Widow's pension**

- (1) Subject to the provisions of this Act and in particular to paragraphs 2, 3 and 4 of Schedule 11 thereto, a widow shall be entitled to a widow's pension at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if the husband satisfied the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act and there are also satisfied either—
- (a) the conditions specified in subsection (2) of this section; or
  - (b) the conditions specified in subsection (3) thereof.
- (2) The conditions referred to in subsection (1)(a) of this section are that at the husband's death—
- (a) he and the widow had been married for not less than three years; and
  - (b) she was over the age of fifty but under the age of sixty-five.
- (3) The conditions referred to in subsection (1)(b) of this section are that the widow ceases, or has since 20th December 1964 ceased, to be entitled to a widowed mother's allowance at a time when—
- (a) she is or was over the age of fifty but under the age of sixty-five; and
  - (b) three years have or had elapsed since the date of the marriage in respect of which the allowance is or was payable.

- (4) The period for which widow's pension is payable to a widow shall be any period during which she is under the age of sixty-five and for which she is not entitled to a widow's allowance or widowed mother's allowance:

Provided that the pension shall not be payable for any period after the widow's remarriage or for any period during which she is cohabiting with a man as his wife.

- (5) Where a widow has been married more than once—
- (a) references in this section to the husband shall refer only to her last husband ;  
and
  - (b) regulations may relax, for the purpose of her right to a widow's pension in respect of her last marriage, the condition contained in subsection (2)(a) or (3)(b) of this section.