

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

Benefits for women widowed before 11th April 1988

- 27 (1) The Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1987 shall have effect, and be taken always to have had effect, with the substitution for regulations 3 and 4 (transitional provisions about widowed mother's allowance where the husband died before 11th April 1988, which were retrospectively amended by section 6(2) of the 1989 Act, and savings) of the following—
- “3 Regulation 16(1) of the principal Regulations shall apply to a widow whose late husband died before 11th April 1988 as if regulation 2(6) above had not been made.”
- (2) 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 the passing of this Act, 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 its passing 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.
- (3) Where, in consequence of regulation 2(6) of the Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1987 (deemed entitlement to child allowance for purposes of widowed mother's allowance etc), an adjudicating authority has decided before the passing of this Act that a widow whose husband died before 11th April 1988 either—
- (a) is not entitled to a benefit under section 25 or 26 of the principal Act, or
 - (b) is entitled to such a benefit at a particular rate,
- an adjudication officer may review that decision, notwithstanding anything in section 104 of the principal Act.
- (4) In any case where—
- (a) it is determined on such a review that the widow in question was entitled to a benefit under section 25 or 26 of the principal Act, or was entitled to such a benefit at a higher rate, and
 - (b) the application for the review was made before the end of the period of twelve months beginning with the passing of this Act,

Status: This is the original version (as it was originally enacted).

the decision on the review may take effect on 11th April 1988 or any later date, notwithstanding any provision of any Act or instrument restricting the payment of any benefit or increase of benefit to which a person would otherwise be entitled by reason of a review in respect of any period before the review.

- (5) Subsection (4) of section 104 of the principal Act (appeals from reviews) shall apply in relation to a review under this paragraph as it applies in relation to a review under that section.
- (6) In this paragraph “adjudicating authority” means—
 - (a) an adjudication officer;
 - (b) a social security appeal tribunal;
 - (c) a Commissioner, as defined in Schedule 20 to the principal Act.
- (7) The amendment by sub-paragraph (1) above of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending those provisions.
- (8) Nothing in this paragraph shall be taken to prejudice section 16 or 17 of the Interpretation Act 1978 (effect of repeals, substitutions etc).