

1976 No. 1736

SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments)
Regulations 1976**

<i>Made</i> - - -	19th October 1976
<i>Laid before Parliament</i>	27th October 1976
<i>Coming into Operation</i>	17th November 1976

PART I
GENERAL

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 13(4), 29(5)(b), 56(7), 66(1), 72(1), 74(1)(b), 79(1) to (3), 81(1) and (2), 82(4), 84(1) and 85 of and paragraph 1(d) of Schedule 9 to the Social Security Act 1975(a), and section 2 of, and paragraphs 3 and 9 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(b), and of all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee and the Industrial Injuries Advisory Council, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 1976 and shall come into operation on 17th November 1976.

(2) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

PART II
MISCELLANEOUS AMENDMENTS

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1974

2.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1974(c), as amended (d), shall be further amended in accordance with the following provisions of this regulation.

(2) After regulation 5 there shall be inserted the following regulation:—

“Category B retirement pension for certain widows by virtue of husband's contributions

5A. For the purposes of entitlement to a Category B retirement pension under section 29(5) of the Social Security Act 1975 a woman shall be treated as entitled to a widow's pension if she would have been so entitled but for any one or more of the following circumstances:—

- (a) her failure to make, or delay in making, a claim for that widow's pension;
- (b) her entitlement to widow's allowance or widowed mother's allowance;

(a) 1975 c. 14.

(b) 1975 c. 18.

(c) S.I. 1974/2059 (1974 III, p. 8028).

(d) The relevant amending instrument is S.I. 1975/566 (1975 I, p. 2082).

(c) the operation of section 82 (disqualification and suspension) or section 85 of that Act (overlapping benefits and hospital in-patients) or any regulations made under either of those sections, except for the operation of section 82(5)(a) of that Act (absence from Great Britain);

(d) the operation of any provision of that Act or any regulations made under that Act disqualifying her for the receipt of that widow's pension for any period, except for the operation of the said section 82(5)(a);

(e) her having attained the age of 65;

(f) her remarriage after 4th April 1971,

and for the purposes of section 29(7)(c) the weekly rate of widow's pension shall be the weekly rate to which she would have been entitled but for any one or more of the said circumstances."

(3) In regulation 16 (transitional provision relating to widow's pension for certain widows) in paragraph (1) for the words "widow's pension under the National Insurance Act 1965" there shall be substituted the words "widow's benefit under the National Insurance Act 1965".

Amendment of the Social Security (Overlapping Benefits) Regulations 1975

3.—(1) The Social Security (Overlapping Benefits) Regulations 1975 (a), as amended (b), shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) in the definition of "dependency benefit" in paragraph (1) for the words "children of man who died" there shall be substituted the words "children of person who died".

(3) In regulation 5 (adjustments of personal benefit under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits) after paragraph (3) there shall be added the following paragraph:—

"(4) Nothing in paragraph (1) and the Schedule to these regulations shall require the adjustment of graduated retirement benefit by reference to industrial death benefit or war pension death benefit in either case payable to a woman as the widow of the deceased."

(4) In regulation 8 (adjustment of dependency benefit where certain personal benefit is payable) in sub-paragraph (a) of paragraph (1) for the reference to "regulation 3(2)(a) (b) (c) or (e)" there shall be substituted a reference to "regulation 3(2)(a) (b) (c) (e) or (g)".

(5) In regulation 9 (dependency benefit under the Act not to be payable if a training allowance is payable) after the words "training allowance is payable to him" there shall be added the words "so however that this regulation shall not apply where such personal benefit has itself been adjusted by reference to any benefit under the Act".

(6) In regulation 14 (prevention of double adjustments) for the words from and including the words "by reference to a benefit" to the end of the regulation there shall be substituted the words "by reference to any other benefit, whether under the Act or otherwise, where the latter benefit has itself been adjusted by reference to the former benefit".

(7) In the Schedule (personal benefits which are required to be adjusted by reference to benefits not under Chapters I and II of Part II of the Act) in paragraph 4 of column 2 for the words "in so far as" there shall be substituted the word "if".

(a) S.I. 1975/554 (1975 I, p. 1918).

(b) The relevant amending instrument is S.I. 1975/1573 (1975 III, p. 5450).

Amendment of the Social Security (Credits) Regulations 1975

4.—(1) The Social Security (Credits) Regulations 1975 (a), as amended (b), shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 6 (starting credits for the purposes of a maternity grant) in sub-paragraph (a) after the words “under regulation 4” there shall be inserted the word “and”.

(3) In regulation 9 (credits for unemployment or incapacity for work) for sub-paragraph (b) of paragraph (4) there shall be substituted the following sub-paragraph:—

“(b) the employment in which he was engaged was employed earner’s employment which does not fall to be disregarded under sub-paragraph (a) of this paragraph, and—

- (i) he was engaged in that employment on 1 day only in that week, and
- (ii) his earnings from that employment on that day were less than the lower earnings limit then in force.”.

Amendment of the Social Security (Claims and Payments) Regulations 1975

5.—(1) The Social Security (Claims and Payments) Regulations 1975 (c), as amended (b), shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) for paragraph (4) there shall be substituted the following paragraph:—

“(4) For the purposes of the provisions of these regulations relating to the making of claims every increase of benefit mentioned in Schedule 1 to these regulations shall be treated as a separate benefit.”.

(3) In regulation 3 (claims not required in certain cases) in paragraph (a) the words “or benefit by virtue of section 39(4) corresponding to a widow’s pension or a widowed mother’s allowance” shall be omitted.

(4) In regulation 12 (forward allowance and disallowance of unemployment benefit) in paragraph (2) for the word “regulation” there shall be substituted the word “paragraph”.

(5) In regulation 14 (time and manner of payment of certain benefits), in sub-paragraph (g) of paragraph (1) for the words “disablement pension” there shall be substituted the words “disablement benefit”.

(6) In regulation 15 (time and manner of payment of certain pensions and allowances) for the words “disablement pension” wherever they occur there shall be substituted the words “disablement benefit”.

(7) In regulation 20 (extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time), in sub-paragraph (b) of paragraph (1), head (ii) shall be deleted and the following words substituted:—

“(ii) in any other case, on the date of the notice;

and, in any case, if more than one such notice is given or sent, on the date determined by reference to the first such notice;”.

(8) In Schedule 1 (prescribed times for claiming benefit):—

- (a) in sub-paragraph (ii) of paragraph 3 in column (2) for the word “thereof” there shall be substituted the word “therefor”;
- (b) in paragraph 8 in column (1) for the words “Death benefit” there shall be substituted the words “Industrial death benefit”.

(a) S.I. 1975/556 (1975 I, p. 1941).

(b) There is no amendment relevant to the subject matter of this regulation.

(c) S.I. 1975/560 (1975 I, p. 2014).

PART III

AMENDMENT RELATING TO INDUSTRIAL INJURIES BENEFIT ONLY

Amendment of the Social Security (Industrial Injuries) (Benefit) Regulations 1975

6.—(1) The Social Security (Industrial Injuries) (Benefit) Regulations 1975 (a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(2) for the words “parent or guardian of the person appointed by the Secretary of State” there shall be substituted the words “parent or guardian of the person or to a person appointed by the Secretary of State”.

(3) After regulation 8 for “Part III” there shall be substituted “Part IIIA”.

(4) In regulation 18 the words “any person who is such a relative by adoption and” shall be omitted.

(5) For the heading to regulation 25 and for regulation 25(1) there shall be substituted:—

“Increase of benefit for adult dependant and further conditions applicable

25.—(1) For the purposes of section 66(1)(c) (increase of benefit in respect of an adult relative of a beneficiary subject to such further conditions as may be prescribed) the relatives shall be the persons who bear such relationship to the beneficiary as is specified in Schedule 4 to these regulations and shall include any person who would be such a relative if some person born illegitimate had been born legitimate.”

(6) In regulation 27(2) for “section 63(1)(a)” there shall be substituted “section 66(1)(a)” and for “(but no other requirement of regulation 26(1))” there shall be substituted “(but no other requirement of regulation 26(1)(a))”.

(7) In proviso (ii) to regulation 39(1) for “Schedule 8” there shall be substituted “Schedule 9”.

(8) In paragraph 1 of Schedule 5 for “section 69” (in both places) there shall be substituted “section 72” and in paragraph 2 of that Schedule for “section 68” there shall be substituted “section 71”.

(9) In paragraph 2 of Schedule 6 for “section 69” there shall be substituted “section 72”.

(10) In the heading to Schedule 7 for “section 67” there shall be substituted “section 70” and in paragraph 3(b) of that Schedule for “section 70” there shall be substituted “section 73”.

David Ennals,

Secretary of State for Social Services.

19th October 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain miscellaneous amendments to regulations made, or having effect as made, under the Social Security Act 1975.

Part II of the Regulations makes minor and drafting amendments. It also amends the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1974 so that in certain circumstances a widow shall be treated as entitled to a widow's pension for the purposes of entitlement to a Category B retirement pension.

Part III of these Regulations contains minor and drafting amendments to the Social Security (Industrial Injuries) (Benefit) Regulations 1975 and omits the references to relatives by adoption in regulations 18 and 25(1) of those regulations, such relatives being included by virtue of the Children Act 1975 (1975 c.72).

The Report of the National Insurance Advisory Committee dated 2nd September 1976 on Parts I and II of the draft of the regulations which were referred to them is contained in House of Commons Paper No. 667 (Session 1975-6) published by Her Majesty's Stationery Office.

(a) S.I. 1975/559 (1975 I, p. 1979).

SI 1976/1736
ISBN 0-11-061736-3



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