

1987 No. 1692

SOCIAL SECURITY

**The Social Security (Widow's Benefit) Transitional
Regulations 1987**

Made - - - - 25th September 1987
Laid before Parliament 1st October 1987
Coming into force- 11th April 1988

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 84(1) and 89(1) of the Social Security Act 1986(a) and of all other powers enabling him in that behalf, by this instrument, which contains only provisions consequential on section 36 of the Act of 1986 and which is made before the end of a period of 12 months from the commencement of that enactment, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Widow's Benefit) Transitional Regulations 1987 and shall come into force on 11th April 1988.

- (2) In these Regulations—
“the 1975 Act” means the Social Security Act 1975(b);
“the 1986 Act” means the Social Security Act 1986.

Widow's Allowance

2. In the case of a woman whose husband died before 11th April 1988, the provisions of the 1975 Act relating to widow's allowance shall continue to apply to her as though—

- (a) the following provisions of the 1986 Act had not been enacted, that is to say, section 36(1) and (2) and section 86 in so far as it relates to Schedule 10, paragraphs 63 and 66, and
- (b) the following provisions of the 1975 Act had not been repealed—
 - (i) in section 12(2), the words “and widow's allowance”;
 - (ii) in section 13(1), the entry relating to widow's allowance;
 - (iii) in section 25(3) the words “ and for which she is not entitled to widow's allowance”;
 - (iv) in section 26(3) the words “a widow's allowance of”;
 - (v) section 41(2)(e);
 - (vi) in Schedule 3, Part II, the words in paragraph 8(2)(a) “other than widow's allowance” and in paragraphs 9 and 10 the words “(other than widow's allowance)”;

(a) 1986 c.50; section 84(1) is cited because of the meaning ascribed to the word “regulations”.
(b) 1975 c.14.

Regs. 2–3

Word and reg. 2(c)
inserted by s.6(4) of
Social Security Act 1990
(c.27), as from 13.7.90.

(vii) in Schedule 4, Part I, paragraph 5, and in Part IV, paragraph 4;

▶and

- (c) any reference in section 165C of the 1975 Act to widow's payment included a reference to widow's allowance, together with any increase under section 41(2)(e) of that Act. ◀

Widow's Pension

3.—(1) Subject to paragraph (2) below, where

- (a) a widow's pension is payable to a woman for a period which includes the whole or part of the week ending 10th April 1988, or would have been so payable but for any of the following provisions of the 1975 Act, that is to say, the proviso to section 26(3) (widow's pension not payable after remarriage), section 82(5)(b) (benefit not payable while person is imprisoned) or section 85 (overlapping benefits) or the regulations made thereunder; and
- (b) the woman was under the age of 55 either at her husband's death or at the time she ceased to be entitled to a widowed mother's allowance,
- section 26 of the 1975 Act shall apply to her as though section 36(3) of the 1986 Act had not been enacted.

(2) Where on or after 11th April 1988 widow's pension ceases to be payable to a woman mentioned in paragraph (1) above because entitlement to a widowed mother's allowance arises in her case, that paragraph shall not thereafter apply to her.

Signed by authority of the Secretary of State for Social Services.

Michael Portillo
Parliamentary Under-Secretary of State,
Department of Health and Social Security

25th September 1987

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 89(1) of the Social Security Act 1986 ("the 1986 Act"). They are consequential upon the coming into force of section 36 of the 1986 Act. As they are made earlier than 12 months from the commencement of that provision, they are exempted by section 61(5)(b) of the 1986 Act from reference to the Social Security Advisory Committee and are made without being so referred.

Section 36 of the 1986 Act provides for the replacement of widow's allowance (a weekly benefit) with a widow's payment (a lump sum payment), and for widow's pension to be payable from a later age.

These Regulations contain savings for existing beneficiaries to both widow's allowance and widow's pension.