

1987 No. 1854

SOCIAL SECURITY

The Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1987

Made - - - - - 26th October 1987

Laid before Parliament 27th October 1987

Coming into force 11th April 1988

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 29(5)(b), 39(4), 166(2) and 168(1) of, and Schedule 20 to, the Social Security Act 1975(a), section 12 of, and paragraph 3 of Schedule 1 to, the Social Security Pensions Act 1975(b) and section 89(1) of the Social Security Act 1986(c) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(d), 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 1987 and shall come into force on 11th April 1988.

(2) In these Regulations, "the principal Regulations" means the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(e).

Amendment of Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 5(1) for the words "section 124 of the Act" there shall be substituted the words "section 63 of the Social Security Act 1986"(f).

(3) In regulation 7(b) the words "a widow's allowance or" shall be omitted.

(4) In regulation 11—

(a) in paragraph (1)(c) for the reference to "40" there shall be substituted a reference to "45";

(b) in paragraph (3)(a) for the reference to "50" there shall be substituted a reference to "55".

(a) 1975 c.14; Schedule 20 is cited both because of the meaning ascribed to the words "prescribed" and "Regulations" and because of the power conferred in the meaning of the expression 'child', as inserted by the Child Benefit Act 1975 (c.61) section 21(1), Schedule 4, paragraph 3.

(b) 1975 c.60.

(c) 1986 c.50.

(d) See section 10(2)(b) of the Social Security Act 1980 (c.30).

(e) S.I. 1979/642, to which there are amendments not relevant to these Regulations.

(f) 1986 c.50.

(5) In regulation 13—

- (a) in paragraph (1)(a) for the reference to “40” there shall be substituted a reference to “45”;
- (b) in paragraph (3) for the reference to “50” there shall be substituted a reference to “55”.

(6) In regulation 16 for sub-paragraph (a) of paragraph (1) there shall be substituted the following sub-paragraph—

- “(a) any person under the age of 19 residing with the widow shall be deemed to be a child falling within section 25(2) of the Act if—
 - (i) the requirements of section 25(2)(a) are satisfied in his case and child benefit would have been payable in respect of him had he not been absent from Great Britain and had a claim for it been made in the manner prescribed under section 6 of the Child Benefit Act 1975 (a), or
 - (ii) the requirements of section 25(2)(b) or (c) would have been satisfied, and child benefit would have been payable in respect of him continuously since the date of death of the late husband, had he not been absent from Great Britain and had a claim for child benefit been made in respect of him in the manner prescribed under section 6 of the Child Benefit Act 1975; and”.

Widowed Mother’s Allowance in respect of deaths before 11th April 1988

3.—(1) Where a widowed mother’s allowance is payable to a woman by virtue of regulation 16(1) of the principal Regulations for a period which includes the whole or part of the week preceding 10th April 1988, or would have been so payable but for any of the provisions of the 1975 Act mentioned in paragraph (2) below, regulation 16(1) shall apply to her as though regulation 2(6) above had not been made.

(2) The provisions of the 1975 Act mentioned in paragraph (1) above are the proviso to section 25(3) (benefit not payable where a widow and a man to whom she is not married live together as husband and wife), section 82(5)(b) (benefit not payable while person is imprisoned) and section 85 (overlapping benefits).

Savings

4. In the case of a woman whose husband died before 11th April 1988, the following provisions of the principal Regulations, that is to say—

- (a) regulation 11(1) and (3), and
- (b) regulation 13(1) and (3),

shall continue to apply as though paragraph (4) or, as the case may be, paragraph (5) of regulation 2 above had not been made.

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

26th October 1987

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

(a) 1975 c.61.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 ("the principal Regulations"). Minor amendments are made to regulations 5(1) and 7(6) of the principal Regulations (regulation 2(2) and (3)). The age over which a widow is entitled to a Category C retirement pension and a benefit corresponding to a widow's pension is amended from 40 to 45 and the age under which a widow receives such a benefit at a reduced rate is amended from 50 to 55 (regulation 2(4) and (5)). Regulation 16 of the principal Regulations is modified so that widows with children under 19 who are not receiving full-time education are no longer entitled to widowed mother's allowance (regulation 2(5)).

Regulation 3 contains different provisions for those women entitled to widowed mother's allowance by virtue of regulation 16 of the principal Regulations where the date of death of the husband was before 11th April 1988.

Regulation 4 contains savings for existing beneficiaries of both Category C retirement pensions and benefit corresponding to widow's pension.