

1990 No. 621

SOCIAL SECURITY

**The Social Security Benefit (Persons Abroad) Amendment
(No. 2) Regulations 1990**

<i>Made</i> - - - -	<i>15th March 1990</i>
<i>Laid before Parliament</i>	<i>16th March 1990</i>
<i>Coming into force</i>	<i>6th April 1990</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 131 and 166(7) of and Schedule 20 to the Social Security Act 1975(a) and of all other powers enabling him in that behalf, and after reference to the Social Security Advisory Committee(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Benefit (Persons Abroad) Amendment (No. 2) Regulations 1990 and shall come into force on the 6th April 1990.

Rate of guaranteed minimum pension for the purposes of section 29 of the Pensions Act

2.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(c) shall be amended in accordance with this regulation.

(2) In regulation 1(2) (interpretation) after the definition of “the former Widow’s Benefit and Retirement Pensions Regulations” there shall be inserted the following definition:

““ guaranteed minimum pension ” has the meaning given to it in section 26(2) of the Social Security Pensions Act 1975(d) as construed in accordance with section 9 of the Social Security Act 1986(e);”.

(3) In regulation 5(2) (application of disqualification in respect of up-rating of benefit) after the words “In this regulation” there shall be added the words “and in regulation 5A”.

(a) 1975 c.14; Schedule 20 is cited because of the meaning ascribed to the words “Prescribed” and “Regulations”.
(b) See section 10 of the Social Security Act 1980 (c.30).
(c) S.I. 1975/563.
(d) 1975 c.60; section 26(2) has been amended by paragraph 12(b) of Schedule 10 to the Social Security Act 1986 (c.50).
(e) 1986 c.50.

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

“ Rate of guaranteed minimum pension for the purposes of section 29 of the Pensions Act 5A. Where a person is absent from Great Britain and disqualified for receiving additional Category A or Category B retirement pension, additional widowed mother’s allowance or additional widow’s pension then—

- (a) the rate of guaranteed minimum pension shall for the purposes only of section 29(1) of the Pensions Act(a) be determined in his case as if any Order under section 37A of the Pensions Act(b) which came into force while he was disqualified had instead come into force on the first day on which he ceased to be disqualified, and
- (b) so long as the person is disqualified, section 37A(7) shall apply to him as if the reference to section 29(1) were omitted.”

Signed by authority of the Secretary of State for Social Security

Gillian Shephard
Parliamentary Under-Secretary of State,
Department of Social Security

15th March 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 29(1) of the Social Security Pensions Act 1975 where a person is entitled both to certain long term social security benefits and to a guaranteed minimum pension, then the social security benefit may, in some circumstances, be reduced by the current rate of guaranteed minimum pension these Regulations provide that while a person who is absent from Great Britain is disqualified for receiving uprating increases in the social security benefit then for the purpose of the deduction under section 29(1) of the Social Security Pensions Act 1975, the rate of guaranteed minimum pension is to be determined as if it had not been uprated during the period of the disqualification.

(a) Section 29(1) was amended by the Social Security Act 1986, Section 18(1) and Schedule 10, paragraph 14(a).
(b) Section 37A was inserted by Section 9(7) of the Social Security Act 1986.

50p net

ISBN 0 11 003621 2

Printed in the United Kingdom by HMSO

880/WO667 C35 3/90 3195764