



Social Security Act 1989

1989 CHAPTER 24

Benefits under the principal Act

6 Benefits for women widowed before 11th April 1988.

- (1) F1
- (2) F2
- (3) The ^{M1}Social Security Benefit (Dependency) Amendment Regulations 1989 shall have effect, and be taken always to have had effect, with the insertion after regulation 3 (which made amendments concerning widowed mother's allowance to regulation 4B of the ^{M2}Social Security Benefit (Dependency) Regulations 1977) of the following—

“3A The first amendment made by regulation 3 above shall not have effect in relation to a widow whose late husband died before 11th April 1988.”

- (4) 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.

- (5) Where, apart from section 165A of the principal Act (making of claim a condition of entitlement), a widow falling within subsection (1) above would be entitled to a widow's pension for any period beginning on or after 11th April 1988, then, notwithstanding anything in that section, she shall be entitled to that pension for that

Changes to legislation: Social Security Act 1989, Section 6 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

period if she has made a claim for it before the end of the period of twelve months beginning with the passing of this Act.

- (6) Where a widow's late husband died on or after 7th October 1987 and before 11th April 1988 and, apart from section 165A of the principal Act, she would have become entitled to a widow's allowance on his death, then if either—

- (a) she was over the age of 40 but under the age of 55 at the time of his death, or
- (b) she would, apart from that section, have been entitled to a widowed mother's allowance on the cessation of her entitlement to the widow's allowance,

she shall, notwithstanding anything in that section, be entitled to the widow's allowance (and, accordingly, in a case falling within paragraph (b) above, to the widowed mother's allowance) if she has made a claim, or is treated as having made a claim, for it before the end of the period of twelve months beginning with the passing of this Act.

- (7) Where in consequence of any of the amending provisions 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 [F³section 25 of the Social Security Administration Act 1992].

- (8) 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,

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.

- (9) [F⁴Section 28 of the Social Security Administration Act 1992](appeals from reviews) shall apply in relation to a review under this section as it applies in relation to a review [F⁴Section 25 of that Act].

- (10) In this section—

“adjudicating authority” means—

- (a) an adjudication officer;
- (b) a social security appeal tribunal;
- (c) a Commissioner; and

“the amending provisions” are—

- (a) section 36(3) of the 1986 Act; and
- (b) regulation 2(6) of the ^{M3}Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1987 (deemed entitlement to child allowance for purposes of widowed mother's allowance etc).

- (11) The amendment by this section of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending those provisions.

Changes to legislation: Social Security Act 1989, Section 6 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (12) Nothing in this section shall be taken to prejudice section 16 or 17 of the ^{M4}Interpretation Act 1978 (effect of repeals, substitutions etc).

Textual Amendments

- F1** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)
- F2** S. 6(2) repealed (13.7.1990) by [Social Security Act 1990 \(c. 27\)](#), [Sch. 7](#)
- F3** Words in s. 6(7) substituted (1. 7. 1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2 para. 105\(1\)](#)
- F4** Words in s. 6(9) substituted (1. 7. 1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2 para. 105\(2\)](#)
-

Marginal Citations

- M1** [S.I. 1989/523](#).
M2 [S.I. 1977/343](#).
M3 [S.I. 1987/1854](#).
M4 [1978 c. 30](#).

Changes to legislation:

Social Security Act 1989, Section 6 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 5 para. 5E and cross-heading inserted by [2023 c. 20 Sch. para. 7](#)