

1975 No. 566

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments and Transitional Provisions) Regulations 1975

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| <i>Made</i> - - - - | 3rd April 1975 |
| <i>Laid before Parliament</i> | 4th April 1975 |
| <i>Coming into Operation</i> | 6th April 1975 |

The Secretary of State for Social Services, in exercise of powers conferred by sections 28(4), 30(3), 39(4)(a) and 142 of the Social Security Act 1975(a) and section 2 of, and paragraphs 3, 5 and 9 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(b) and of all other powers enabling her in that behalf, without having referred any proposals on the matter to the National Insurance Advisory Committee since it appears to her that by reason of urgency it is inexpedient to do so, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Miscellaneous Amendments and Transitional Provisions) Regulations 1975, and shall come into operation on 6th April 1975.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Amendment of the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974

2. Regulation 12 of the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974(d) shall be amended as follows:—

(a) in paragraph (5),—

- (i) for "section 32(1)" there shall be substituted "section 31(1)", and
- (ii) the words "or a contributory old age pension" and "or Category B retirement pension payable by virtue of regulation 14" shall be omitted;

(b) after paragraph (5) there shall be added the following paragraph—

"(6) Where a former beneficiary to whom this regulation relates is a woman who has attained the age of 60 but has not yet attained the age of 65, any Category B retirement pension payable to her by virtue of regulation 14 for any day on or after the appointed day but before the day on which she attains the age of 65 or retires before attaining that age shall be disregarded for the purpose of any regulations made under section 24(4)(b) of the Act providing for days to be treated as days of increment under that section."

(a) 1975 c. 14.

(b) 1975 c. 18.

(c) 1889 c. 63.

(d) S.I. 1974/1757 (1974 III, p. 6264).

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

3. The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1974(a) shall be amended as follows:—

- (a) in regulation 3, the following sub-paragraph shall be added at the end—
 “(c) where the person who made the election was a man whose wife is entitled to a Category B retirement pension by virtue of his contributions and he subsequently retires for the purposes of the Act from regular employment and claims a retirement pension, his claim may be treated as including a claim by the wife for a Category B retirement pension by virtue of his contributions.”
- (b) in regulation 4(2), there shall be added at the end—
 “‘received any of the following benefits’ does not include any benefits which were received but the whole of which were repaid”;
- (c) in regulation 8(1), the word “she” shall be omitted where it first appears and inserted at the beginning of each of the sub-paragraphs (a), (b) and (c);
- (d) in regulation 16(1), for “5th January 1957” there shall be substituted “7th January 1957”.

Amendment of the Social Security (Short-Term Benefits) (Transitional) Regulations 1974

4. Regulation 14(5)(b) of the Social Security (Short-Term Benefits) (Transitional) Regulations 1974(b) shall be amended by omitting the words “or credited”.

Temporary joint arrangements with Northern Ireland

5.—(1) The provisions of this regulation shall apply for the purpose of giving effect to joint arrangements made by the Secretary of State, with the consent of the Treasury, and the Department of Health and Social Services for Northern Ireland for co-ordinating the operation of the Social Security Act 1975 and the Social Security (Northern Ireland) Act 1975(c) with a view to providing a single system of social security for the United Kingdom pending the making of fuller arrangements to that end.

(2) The arrangements contained in the memorandum of reciprocal arrangements set out in the First Schedule to the National Insurance (Northern Ireland Reciprocal Arrangements) Regulations 1948(d) shall have effect for the purposes of the provisions of the Social Security Act 1975 (except those relating to industrial injuries) as they have effect immediately before the 6th April 1975 for the purposes of the National Insurance Act 1965(e); and the provisions of the said Act of 1975 and of any instruments made under or having effect for the purposes of that Act shall accordingly have effect subject to modifications corresponding to those to which the provisions of the said Act of 1965 and the instruments made or deemed to be made (f) or having effect for the purposes of that Act of 1965 are immediately before that date subject by virtue of the said regulations.

Transitional provisions relating to certain persons who are or have been outside Great Britain

6.—(1) Where the right of any person to any benefit under the Social Security Act 1975 falls by virtue of any regulations made under section 100(1) of, and

- (a) S.I. 1974/2059 (1974 III, p. 8028). (b) S.I. 1974/2192 (1974 III, p. 8604).
 (c) 1975 c. 15. (d) S.I. 1948/211 (Rev. XVI, p. 367: 1948 I, p. 2905).
 (e) 1965 c. 51. (f) See National Insurance Act 1965, section 117(1).

Schedule 26 to, the Social Security Act 1973(a) or section 2(1) of, and Schedule 3 to, the Social Security (Consequential Provisions) Act 1975 to be determined by reference to any provision of the National Insurance Acts 1965 to 1974, or of any regulation made under those Acts, that right shall be determined by reference to that provision as modified in relation to him by any Order in Council made or deemed to be made (b) under section 105 of the National Insurance Act 1965 (reciprocity with countries outside the United Kingdom).

(2) Where but for the repeal of the National Insurance Acts 1965 to 1974 the right of any person who was not insured under the said Act of 1965, being a person who attained the age of 16 before 6th April 1975, to any benefit under those Acts would have fallen to be determined by reference to a provision of those Acts or any regulation made under them as modified by such an Order in Council, his right to benefit under the Social Security Act 1975 shall be determined as if he were a person who was insured under the said Act of 1965.

(3) In relation to any person specified in paragraph 3 or 5 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975 the provisions of the Social Security Act 1975 shall, with a view to securing continuity between that Act and the National Insurance Act 1965, have effect subject to modifications corresponding to those to which the said Act of 1965 would have been subject in his case by virtue of any Order in Council made or deemed to be made under section 105 of the said Act of 1965 had that Act continued in force.

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

Brian O'Malley,
Minister of State,
Department of Health and Social Security.

3rd April 1975.

(a) 1973 c. 38.

(b) See National Insurance Act 1965, section 117(1).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain provisions relating to the transition from the National Insurance Act 1965 to the Social Security Act 1975 when the latter Act comes into force on 6th April 1975.

Regulations 2 to 4 contain provisions which continue, for the purposes of the 1975 Act, rules applying under the 1965 Act in cases where a person's retirement is deferred and make other minor and drafting amendments to regulations under the Social Security Act 1973.

Regulations 5 and 6 continue, for the purposes of the 1975 Act, the effect of joint arrangements made with Northern Ireland and reciprocal arrangements made with other countries.

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