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**1980 No. 1168**

**SOCIAL SECURITY**

**The Social Security (Benefit) (Married Women and Widows  
Special Provisions) Amendment Regulations 1980**

*Laid before Parliament in draft*

*Made - - - - 6th August 1980*

*Coming into Operation 11th August 1980*

Whereas a draft of the following regulations was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in exercise of the powers conferred upon him by section 130(1) of the Social Security Act 1975(a) and of all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

*Citation, interpretation and commencement*

1. These regulations, which may be cited as the Social Security (Benefit) (Married Women and Widows Special Provisions) Amendment Regulations 1980, amend the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974(b) (hereinafter referred to as “the principal regulations”) and shall come into operation on 11th August 1980.

*Insertion into the principal regulations of regulations 3A and 3B*

2. After regulation 3 of the principal regulations there shall be inserted the following regulations:—

*“Modification of paragraphs 4(1) and 4A(1) of Schedule 1 to the Social Security Pensions Act 1975”*

3A.—(1) The provisions of paragraphs 4(1) and 4A(1) of Schedule 1 to the Social Security Pensions Act 1975(c) (increase of pension where a woman’s deceased husband had deferred retirement) shall, in the case of a woman who attains pensionable age on or after the date on which this

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(a) 1975 c. 14. See section 66(2) of the Social Security Pensions Act 1975 (c.60).

(b) S.I. 1974/2010, to which there are amendments not relevant to these regulations.

(c) 1975 c. 60; Schedule 1 was amended by the Social Security Act 1979 (c. 18), section 5 and Schedule 1, Part I, paragraphs 6 and 7 and Part II, paragraph 22, and section 21(4) and Schedule 3, paragraph 23.

regulation comes into operation, be modified in accordance with paragraph (2) of this regulation.

(2) For the purpose of an increase of a woman's Category A or Category B retirement pension, where a woman has had a husband and he has died before she attains pensionable age, and she was married to him when he died, paragraph 4(1)(a) or, as the case may be, paragraph 4A(1)(a) of the said Schedule 1 shall apply to her case as if there were inserted in each of the said paragraphs after the words "she was married to him when he died" the words "and since his death she has not remarried before attaining pensionable age".

*Modification of Part I of Schedule 6 to the Social Security Act 1975*

3B.—(1) The provisions of Part I of Schedule 6 to the Social Security Act 1975 (computation of weekly rate of earnings-related supplements and addition) shall be modified in accordance with paragraph (3) of this regulation where the weekly rate of earnings-related addition to a widow's allowance is to be ascertained in a case to which by virtue of paragraph (2) below this regulation applies.

(2) This regulation applies in a case where the relevant year is a year in which there were earnings paid to or for the benefit of the widow's late husband, as an employed earner who had not retired from regular employment, in respect of which he was not liable to pay primary Class 1 contributions by virtue of section 4 of the Social Security Pensions Act 1975 (exception in respect of earnings earned after attaining pensionable age) or of regulation 17A of the Social Security (Contributions) Regulations 1975(a) or of regulation 20 of the Social Security (Contributions) Regulations 1979(b) (exceptions in respect of earnings earned before but paid on or after attaining pensionable age).

(3) In a case to which this regulation applies the provisions of Part I of the said Schedule 6 shall have effect so that the late husband's reckonable weekly earnings shall be those earnings of his for that year, divided by 50, in respect of which he—

- (a) was liable to pay primary Class 1 contributions; or
- (b) would have been so liable but for the said section 4 or but for the said regulation 17A, as regards earnings paid prior to 6th July 1979, or but for the said regulation 20, as regards earnings paid on or after 6th July 1979, as the case may be."

*Revocation of the Social Security (Earnings-Related Addition to Widow's Allowance) (Special Provisions) Regulations 1979*

3. The Social Security (Earnings-Related Addition to Widow's Allowance) (Special Provisions) Regulations 1979(c) are hereby revoked.

*Patrick Jenkin,*

Secretary of State for Social Services.

6th August 1980.

(a) S.I. 1975/492; the relevant amending instrument is S.I. 1977/1755, revoked and replaced by S.I. 1979/591 with effect from 6th July 1979.

(b) S.I. 1979/591.

(c) S.I. 1979/1431.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations further amend the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974 by inserting in those Regulations two new regulations. The new regulation 3A modifies paragraphs 4(1) and 4A(1) of Schedule 1 to the Social Security Pensions Act 1975, as amended, (increase of retirement pension where a woman's deceased husband had deferred retirement) so as to ensure that a woman does not derive increases of pension from any deceased husband to whom she was married when he died if subsequently, before she reaches pensionable age, she remarries. The new regulation 3B modifies Part I of Schedule 6 to the Social Security Act 1975 in relation to the computation of the weekly rate of earnings-related addition to a widow's allowance to enable certain earnings of the widow's late husband while over pensionable age but not retired, to be included in his reckonable weekly earnings under Part I of the Schedule.

The Regulations also revoke the Social Security (Earnings-Related Addition to Widow's Allowance) (Special Provisions) Regulations 1979 which provided for modifications to Part I of Schedule 6 to the Social Security Act 1975 similar to those provided for by the new regulation 3B save as to the scope of their application to the late husband's earnings.

The Report of the National Insurance Advisory Committee dated 18th June 1980 on the draft of these Regulations referred to them is contained in Command Paper (Cmnd. 7970) published by Her Majesty's Stationery Office.

