

1988 No. 435

SOCIAL SECURITY

**The Social Security Benefit (Persons Abroad)
Amendment Regulations 1988**

<i>Made</i> - - - -	<i>8th March 1988</i>
<i>Laid before Parliament</i>	<i>16th March 1988</i>
<i>Coming into force</i>	<i>11th April 1988</i>

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 82(5) and 131 of and Schedule 20 to the Social Security Act 1975(a), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(b), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefit (Persons Abroad) Amendment Regulations 1988 and shall come into force on 11th April 1988.

(2) In these Regulations “the principal regulations” means the Social Security Benefit (Persons Abroad) Regulations 1975(c).

Modification of the Social Security Act 1975 in relation to widow’s payment

2. After paragraph (2) of regulation 4 of the principal regulations there shall be inserted the following paragraph:

“(2A) In the case of a widow’s payment, paragraph (1) above shall apply only where—

- (a) the woman or her late husband was in Great Britain at the time of his death; or
- (b) Sub-paragraph (a) above does not apply but the woman returned to Great Britain within 4 weeks of her husband’s death; or
- (c) the contribution conditions for widowed mother’s allowance and widow’s pension set out in paragraph 5 of Schedule 3 to the Act or in regulation 6 of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979(d) are satisfied in relation to the woman.”

Amendment of regulation 5 of the principal regulations

3. In regulation 5(1) of the principal regulations, for the words “section 124 or section 126A of the Act (up-rating of benefits and increments in guaranteed minimum pensions) as the case may be”, there shall be substituted the words “section 63 of the Social Security Act 1986(e) (up-rating of benefits and increments in guaranteed minimum pensions)”.

(a) 1975 c.14; Schedule 20 is cited because of the meaning ascribed to the words “Prescribed” and “Regulations”.

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

(c) S.I. 1975/563; the relevant amending instrument is S.I. 1979/1432.

(d) S.I. 1979/642.

(e) 1986 c.50.

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

8th March 1988

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 11th April 1988, reflect changes made in the Social Security Act 1986.

Regulation 2 provides for the widow's payment to be paid to a widow where either the widow or her late husband were abroad at the date of his death, or in a limited number of cases, where they were both abroad at that time.

Regulation 3 is consequential upon the change made by the Social Security Act 1986 in relation to the up-rating of benefits.

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