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STATUTORY INSTRUMENTS

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**1990 No. 2642**

**SOCIAL SECURITY**

**The Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1990**

*Made* - - - - 27th December 1990  
*Laid before Parliament* 8th January 1991  
*Coming into force* - - 29th January 1991

The Secretary of State for Social Security, in exercise of powers conferred by sections 33 and 166(2) and (3) of, and Schedule 20 to, the Social Security Act 1975<sup>(1)</sup> 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 shall not be referred to it<sup>(2)</sup> hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1990 and shall come into force on 29th January 1991.

**Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979**

2.—(1) Regulation 6 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979<sup>(3)</sup> (benefit at reduced rates for those who do not satisfy the contribution conditions in full) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraphs (1), (2) and (3) there shall be substituted the following paragraphs—

“(1) Subject to paragraph (2) of this regulation, where the second contribution condition specified in paragraph 5(3) of Schedule 3 to the Act is not satisfied a person shall be entitled to—

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(1) 1975 c. 14. Schedule 20 is cited for the meaning it ascribes to “Regulations”. Section 33 has been amended as follows: paragraphs (a), (b) and (c) of sub-section (1) were repealed by section 42 of the Social Security Act 1986 (c. 50); sub-section (3) was amended by paragraph 46 of Schedule 4 to the Social Security Pensions Act 1975 (c. 60) and paragraph 3 of Schedule 6 to the Social Security Act 1990 (c. 27); and sub-section (4) was amended by section 19(5) of the Social Security Pensions Act 1975 and section 18(1) of the Social Security Act 1986. Section 166(3) was amended by paragraph 10(1) of Schedule 8 to the Social Security Act 1989 (c. 24).

(2) See section 61(1)(b) and (10) of the Social Security Act 1986. The definition of “regulations” was added to section 61(10) of that Act by paragraphs 12(4) of Schedule 8 to the Social Security Act 1989 (c. 24).

(3) S.I. 1979/642; regulation 6 was amended by section 18(1) of the Social Security Act 1986 (c. 50).

- (a) widowed mother's allowance;
- (b) widow's pension;
- (c) Category A retirement pension; or
- (d) Category B retirement pension, provided the percentage of the number of qualifying years in the working life of that person calculated in accordance with paragraph (3B) of this regulation is 25 per cent. or more.

(2) Where a person to whom paragraph (1) alone would otherwise apply is not entitled to benefit under that paragraph because the percentage of the number of qualifying years in his working life, calculated in accordance with paragraph (3B) of this regulation, is less than 25 per cent. but there are one or more surpluses in that person's earnings factors for the relevant years, that person shall be entitled to—

- (a) widowed mother's allowance;
- (b) widow's pension;
- (c) Category A retirement pension; or
- (d) Category B retirement pension consisting only of the additional pension in that benefit.

(3) Where a person is entitled to benefit under paragraph (1) of this regulation, the benefit payable shall be—

- (a) the basic pension in that benefit at a reduced rate calculated in accordance with paragraph (3B) of this regulation as a percentage of the higher of the sums specified in section 6(1)(a) of the Pensions Act; and
- (b) any additional pension arising from one or more surpluses in the pensioner's earnings factors for the relevant years; and
- (c) any increase of benefit to which he may be entitled under sections 41, 45, 45A, or 46 of the Act—
  - (i) in respect of an adult dependant calculated in accordance with paragraph (3B) of this regulation as a percentage of the appropriate increase specified in Part IV of Schedule 4 to the Act; and
  - (ii) in the case of a child dependant, by the appropriate increase specified in Part IV of Schedule 4 to the Act.

(3A) Where a person is entitled to benefit under paragraph (2) of this regulation, the benefit payable shall be only the additional pension in that benefit.

(3B) Subject to paragraph (4) of this regulation, the percentage referred to in paragraphs (1), (2), (3)(a) and (3)(c)(i) of this regulation shall be ascertained by taking the number of qualifying years in the working life of the contributor concerned, expressing that number as a percentage of the requisite number of years specified for that working life in paragraph 5(4) of Schedule 3 to the Act and rounding up that percentage to the next whole number.”.

(3) In paragraph (4) for the words “paragraph (3)” there shall be substituted the words “paragraph (3B)”.

(4) In paragraph (5)—

- (a) in sub-paragraph (a)(i) for the word “sum” there shall be substituted the words “higher of the sums”; and
- (b) in sub-paragraph (b) for the words “specified in section 23(1)(b) of the Pensions Act” there shall be substituted the words “which are the additional pensions in the rates of long-term benefits.”.

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

27th December 1990

*Nicholas Scott*  
Minister of State,  
Department of Social Security

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend regulation 6 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979. That regulation makes provision for those who do not satisfy the second contribution condition in full to be paid benefit at a reduced rate in certain circumstances.

These Regulations provide that a person may be entitled to a widowed mother's allowance, widow's pension, Category A retirement pension or a Category B retirement pension although the second contribution condition necessary for the benefit is not satisfied provided the percentage of the number of qualifying years in that person's working life exceeds 25 per cent. of the total requirement specified in the Social Security Act 1975. Benefit comprising basic pension and, where appropriate, additional pension is then payable together with any dependency increase to which the beneficiary may (subject to section 8 of the Social Security (Miscellaneous Provisions) Act 1977 (c. 5)) be entitled. The amount of additional pension and child dependency increase is payable in full. The amount of basic pension and any adult dependency increase is calculated by reference to the number of qualifying years in a person's working life.

A person who has no entitlement to basic pension under these Regulations may still be entitled to an additional pension in a widowed mother's allowance, widow's pension, Category A retirement pension or a Category B retirement pension provided there are one or more surpluses in that person's earnings factors for the relevant years.

Minor amendments of a drafting nature are also made.