

1978 No. 529

SOCIAL SECURITY

The Social Security (Widow's and Widower's Invalidity Pensions)

Made - - - - 4th April 1978
Laid before Parliament 12th April 1978
Coming into force 6th April 1979

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 15(5)(b) and 16(1)(b), (2)(a) and (5)(b) of the Social Security (Miscellaneous Provisions) Act 1975(a), as amended by section 4(4) of the latter Act, hereby makes the following regulations, regulation 3 and 4 of which only make provision consequential on the passing of the Social Security Pensions Act 1975 and accordingly, by virtue of section 61(1)(e) of that Act are not subject to the requirements of section 139(1) of the Social Security Act 1975(c) for prior reference to the National Insurance Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Widow's and Widower's Invalidity Pensions) Regulations 1978 and shall come into operation on 6th April 1979.

►(2) In these Regulations, unless the context otherwise requires, "the Contributions and Benefits Act" means the Social Security Contributions and Benefits Act 1992 and other expressions shall have the same meaning as in that Act.◀

Reg. 1(2) substituted by reg. 9(2) of S.I. 1995/829 as from 13.4.95.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(d) shall apply for the purposes of the interpretation of an Act of Parliament.

(The reference to the Interpretation Act 1889 is to be construed, under s.25(2) of the Interpretation Act 1978 (c.30), as a reference to the latter Act as it applies to Acts passed at the time of the reference.)

(a) 1975 c.60.
(b) 1977 c.5.
(c) 1975 c.14.
(d) 1889 c.63.

SOCIAL SECURITY (WIDOW'S AND WIDOWER'S INVALIDITY PENSIONS) REGULATIONS 1978

[Regulation 2 revoked by reg. 9(3) of S.I. 1995/829 as from 13.4.95.]

Reg. 2 is reproduced below as in force before its deletion (13.4.95) by reg. 9(3) of S.I. 1995/829.

Rate of invalidity pension for certain widows

2.—(1) For the purpose of calculating the rate of an invalidity pension under section 15 of the Pensions Act for a woman under pensionable age to whom that section applies by virtue of sub-section (1)(c)(ii) of that section, sub-section (3) of that section shall have effect with the modification prescribed in paragraph (2) below.

(2) In the said sub-section (3) for the words "whichever is the higher" there shall be substituted the words "whichever is the more favourable to her having regard to the effect of regulation 2A of the Social Security (Overlapping Benefits) Regulations 1975(a) as amended(b)."

Rate of Category A retirement pensions for certain widows and widowers

Reg. 3 substituted by reg. 9(4) of S.I. 1995/829 as from 13.4.95.

►3. Where the rate of a person's Category A retirement pension falls to be determined under sections 40(6)(b) or 41(5)(b) of the Contributions and Benefits Act(c) it shall be equal to the higher of—

- (a) the weekly rate of incapacity benefit applicable to him under the said sections 40 and 41 immediately before he attained pensionable age or where there was no such rate, the rate specified in section 41(4) of the Contributions and Benefits Act; or
- (b) the rate of Category A retirement pension to which he would have been entitled apart from those sections,

Whichever is the more favourable to him taking into account the effect of section 52 of the Contributions and Benefits Act.◀

Reg. 4 substituted by reg. 9(5) of S.I. 1995/829 as from 13.4.95.

►Prescribed Periods for the Purposes of Section 41 of the Contributions and Benefits Act

4. The prescribed period for the purposes of section 41(1)(b), (2)(a) and (3)(a) of the Contributions and Benefits Act shall be 13 weeks ("week" for this purpose meaning any period of 7 days) beginning with the day following the day on which the wife died.◀

4th April 1978

David Ennals
Secretary of State for Social Services

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for providing rates of invalidity pension and Category A retirement pension under sections 15 and 16 of the Social Security Pensions Act 1975 for certain classes of widows and widowers to whom those sections apply. They also prescribe periods in connection with entitlement to benefit under the said section 16.

Regulation 2, being made under the Social Security (Miscellaneous Provisions) Act 1977, is not required to be referred to the National Insurance Advisory Committee.

(a) S.I. 1975/554.

(b) S.I. 1978/524.

(c) Sections 40(6)(b) and 41(5)(b) were inserted by paragraphs 8 and 9 respectively of Schedule 1 to the Social Security (Incapacity for Work) Act 1994.