1990 No. 452

SOCIAL SECURITY

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

Made . . . . . 28th December 1990

Coming into operation . . 29th January 1991

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 33 of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

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

(2) In these regulations "the principal regulations" means the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**b**).

Amendment of regulation 6 of the principal regulations

2.—(1) Regulation 6 of the principal regulations (benefit at reduced rates for those who do not satisfy the contribution conditions in full) shall be amended in accordance with paragraphs (2) to (4).

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

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

(*a*) widowed mother's allowance; or

(*b*) widow's pension; or

(*c*) Category A retirement pension; or

(*d*) Category B retirement pension,

(**a**) 1975 c. 15; section 33 was amended by Article 21(5) of, and paragraph 28 of Schedule 5 to, the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)), Article 19(1) of, and Schedule 10 to, the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and paragraph 1(1) of Schedule 6 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15))

(**b**) S.R. 1979 No. 243; relevant amending provision is Article 19(1) of the Social Security (Northern Ireland) Order 1986

(**c**) Paragraph 5(3)(*b*) was substituted by paragraph 2(6) of Schedule 8 to the Social Security (Northern Ireland) Order 1986

provided the percentage of the number of qualifying years in the working life of that person calculated in accordance with paragraph (3B) is 25 per cent. or more.

(2) Where a person to whom paragraph (1) 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), 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; or

(*b*) widow's pension; or

(*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) the benefit payable shall be—

(*a*) the basic pension in that benefit at a reduced rate calculated in accordance with paragraph (3B) as a percentage of the higher of the sums specified in Article 8(1)(*a*) of the Pensions Order(**a**); 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(**b**)—

(i) in respect of an adult dependant calculated in accordance with paragraph (3B) 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(**c**).

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

(**a**) Article 8(1)(*a*) was amended by Article 4(2) of S.R. 1990 No. 70

(**b**) Section 41 was amended by paragraph 14 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)), Schedule 4 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), paragraph 2 of Schedule 3 to, and Schedule 6 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)), Schedule 10 to the Social Security (Northern Ireland) Order 1986, Schedule 9 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)) and Article 11 of S.R. 1990 No. 70. Section 45 was amended by paragraph 18 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975, Article 15(1) of, and Schedule 6 to, the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), paragraph 4(*a*) of Schedule 4 to, and Schedule 5 to, the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)). Section 45A was inserted by Article 6 of the Health and Social Security (Northern Ireland) Order 1984 and amended by Article 15(2) of the Social Security (Northern Ireland) Order 1985, paragraph 5(*a*) of Schedule 4 to, and Schedule 5 to, the Social Security (Northern Ireland) Order 1988. Section 46 was amended by paragraph 19 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975, paragraph 4(*b*) of Schedule 1 to the Social Security (Northern Ireland) Order 1980, Article 15(3) of the Social Security (Northern Ireland) Order 1985 and Schedule 5 to the Social Security (Northern Ireland) Order 1988

(**c**) *See* Schedule 1 to S.R. 1990 No. 70