1987 No. 404

SOCIAL SECURITY

The Social Security (Widow's Benefit and Retirement Pensions) (Amendment) Regulations (Northern Ireland) 1987

Made	*28th October 1987*
Coming into operation . .	*11th April 1988*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 29(5)(*b*) and 39(4) of, and Schedule 17 to, the Social Security (Northern Ireland) Act 1975(**a**), paragraph 3 of Schedule 1 to the Social Security Pensions (Northern Ireland) Order 1975(**b**), and Article 84(1) of the Social Security (Northern Ireland) Order 1986(**c**) 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) 1987 and shall come into operation on 11th April 1988.

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

(3) The Interpretation Act 1978(**e**) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) to (6) of this regulation.

(2) In regulation 5(1) for "section 120 of the Act" there shall be substituted "Article 64 of the Social Security (Northern Ireland) Order 1986".

(3) In regulation 7(*b*) "a widow's allowance or" shall be omitted.

(4) In regulation 11—

(*a*) in paragraph (1)(*c*) for "40" there shall be substituted "45";

(*b*) in paragraph (3)(*a*) for "50" there shall be substituted "55".

(a) 1975 c. 15; Schedule 17 is cited because of the power conferred in the meaning of the expression "child", as inserted by paragraph 37 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

(b) S.I. 1975/1503 (N.I. 15); paragraph 3 of Schedule 1 was substituted by Article 4(1)(*e*) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11))

(c) S.I. 1986/1888 (N.I. 18)

(d) S.R. 1979 No. 243, to which there are amendments not relevant to these regulations

(e) 1978 c. 30

(5) In regulation 13—

(*a*) in paragraph (1)(*a*) for "40" there shall be substituted "45";

(*b*) in paragraph (3) for "50" there shall be substituted "55".

(6) In regulation 16(1) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(*a*) any person under the age of 19 residing with the widow shall be deemed to be a child falling within section 25(2) of the Act if—

(i) the requirement of section 25(2)(*a*) is satisfied in his case and child benefit would have been payable in respect of him had he not been absent from Northern Ireland and had a claim for it been made in the manner prescribed under Article 8 of the Child Benefit (Northern Ireland) Order 1975(**a**), or

(ii) the requirements of section 25(2)(*b*) or (*c*) would have been satisfied, and child benefit would have been payable in respect of him continuously since the date of death of the late husband, had he not been absent from Northern Ireland and had a claim for child benefit been made in respect of him in the manner prescribed under the said Article 8; and".

Widowed Mother's Allowance in respect of deaths before 11th April 1988

3.—(1) Where a widowed mother's allowance is payable to a woman by virtue of regulation 16(1) of the principal regulations for a period which includes the whole or part of the week preceding 10th April 1988, or would have been so payable but for any of the provisions of the Social Security (Northern Ireland) Act 1975 mentioned in paragraph (2) below, the said regulation 16(1) shall apply to her as though regulation 2(6) above had not been made.

(2) The provisions of the Social Security (Northern Ireland) Act 1975 mentioned in paragraph (1) above are the proviso to section 25(3)(**b**) (benefit not payable where a widow and a man to whom she is not married live together as husband and wife), section 82(5)(*b*) (benefit not payable while the person is imprisoned or detained in legal custody) and section 85(**c**) (overlapping benefits).

Savings

4. In the case of a woman whose husband died before 11th April 1988, the following provisions of the principal regulations, that is to say—

(*a*) regulation 11(1) and (3); and

(*b*) regulation 13(1) and (3),

shall continue to apply as though paragraph (4) or, as the case may be, paragraph (5) of regulation 2 above had not been made.

(**a**) S.I. 1975/1504 (N.I. 16): Article 8 is amended by paragraph 61 of Schedule 9, and Schedule 10, to the Social Security (Northern Ireland) Order 1986

(**b**) Section 25(3) is amended by paragraph 10(*c*) of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975, Article 18(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 and Schedule 10 to the Social Security (Northern Ireland) Order 1986

(**c**) Section 85 was amended by paragraph 29 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 and Article 12(1) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))