1978 No. 108

SOCIAL SECURITY

The Social Security (Widow's and Widower's Invalidity Pensions) Regulations (Northern Ireland) 1978

Made . . . . . 18*th April* 1978
Coming into operation . . . . 6*th April* 1979

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 17(5)(*b*) and 18(1)(*b*), (2)(*a*) and (5)(*b*) of the Social Security Pensions (Northern Ireland) Order 1975(**a**) and by Article 13(6) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(**b**), 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 and Widower's Invalidity Pensions) Regulations (Northern Ireland) 1978 and shall come into operation on 6th April 1979.

(2) In these regulations "the Pensions Order" means the Social Security Pensions (Northern Ireland) Order 1975 and other expressions shall have the same meaning as in the Social Security (Northern Ireland) Act 1975(**c**).

Rate of invalidity pension for certain widows

2.—(1) For the purpose of calculating the rate of an invalidity pension under Article 17 of the Pensions Order for a woman under pensionable age to whom that Article applies by virtue of paragraph (1)(*c*)(ii) of that Article, paragraph (3) of the said Article 17 shall have effect with the modification prescribed in paragraph (2).

(2) In the said paragraph (3) for "whichever is the higher" there shall be substituted "whichever is the more favourable to her having regard to the effect of regulation 2A of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975(**d**)".

Rates of Category A retirement pensions for certain widows and widowers

3. Where the rate of a person's Category A retirement pension falls to be determined under Article 17(5)(*b*) or 18(5)(*b*) of the Pensions Order it shall be equal to whichever is the higher of—

(*a*) the weekly rate of invalidity pension applicable to him under the said Article 17 or 18 immediately before he attained pensionable age or where there was no such rate, the rate specified in Article 18(4) of the Pensions Order; or

(*b*) the rate of Category A retirement pension to which he would have been entitled apart from those Articles,

whichever is the more favourable to him having regard to the effect of Article 11 of the Pensions Order.

(a) S.I. 1975/1503 (N.I. 15) as amended by Article 5(4) of S.I. 1977/610 (N.I. 11)
(b) S.I. 1977/610 (N.I. 11)
(c) 1975 c. 15
(d) S.R. 1975 No. 94 (I, p. 561) as amended by regulation 3 of S.R. 1978 No. 107