**1976 No. 321**

**SOCIAL SECURITY**

# The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1976

*Made* . . . . . 1*st November* 1976

*Coming into operation* . . . 17*th November* 1976

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 13(4), 29(5)(*b*), 79(1), (2) and (3), 81(1) and (2) and 85 of the Social Security (Northern Ireland) Act 1975(**a**), paragraphs 3 and 9 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(**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 (Miscellaneous Amendments) Regulations (Northern Ireland) 1976 and shall come into operation on 17th November 1976.

(2) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

*Amendment of the Social Security (Widow's Benefit and Retirement Pensions) (Northern Ireland) Regulations* 1975

**2.**—(1) The Social Security (Widow's Benefit and Retirement Pensions) (Northern Ireland) Regulations 1975(**c**), as amended(**d**), shall be further amended in accordance with the following provisions of this regulation.

(2) After regulation 5 there shall be inserted the following regulation:

"*Category B retirement pension for certain widows by virtue of husband's contributions*

**5A.** For the purposes of entitlement to a Category B retirement pension under section 29(5) of the Social Security (Northern Ireland) Act 1975 a woman shall be treated as entitled to a widow's pension if she would have been so entitled but for any one or more of the following circumstances—

(*a*) her failure to make, or delay in making, a claim for that widow's pension;

(*b*) her entitlement to widow's allowance or widowed mother's allowance;

(*c*) the operation of section 82 (disqualification and suspension) or section 85 (overlapping benefits and hospital in-patients) of that Act or any regulations made under either of those sections, except for the operation of section 82(5)(*a*) of that Act (absence from Northern Ireland);

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(a) 1975 c. 15
(b) 1975 c. 18
(c) S.R. 1975 No. 12 (I, p. 47)
(d) There is no amendment relevant to the subject matter of this regulation

(*d*) the operation of any provision of that Act or any regulations made under that Act disqualifying her for the receipt of that widow's pension for any period, except for the operation of the said section 82(5)(*a*);

(*e*) her having attained the age of 65;

(*f*) her re-marriage after 4th April 1971,

and for the purposes of section 29(7)(*c*) of that Act the weekly rate of widow's pension shall be the weekly rate to which she would have been entitled but for any one or more of the said circumstances.".

(3) In regulation 16 (transitional provisions relating to widow's pension for certain widows) in paragraph (1) for "widow's pension under the former principal Act" there shall be substituted "widow's benefit under the former principal Act".

*Amendment of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975*

**3.**—(1) The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975(e), as amended(f), shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) in the definition of "dependency benefit" in paragraph (1) for "children of a man who died" there shall be substituted "children of a person who died".

(3) In regulation 5 (adjustments of personal benefit under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits) after paragraph (3) there shall be added the following paragraph:

"(4) Nothing in paragraph (1) and the Schedule to these regulations shall require the adjustment of graduated retirement benefit by reference to industrial death benefit or war pension death benefit in either case payable to a woman as the widow of the deceased.".

(4) In regulation 8 (adjustment of dependency benefit where certain personal benefit is payable) in sub-paragraph (*a*) of paragraph (1) for the reference to "regulation 3(2)(*a*), (*b*), (*c*) or (*e*)" there shall be substituted a reference to "regulation 3(2)(*a*), (*b*), (*c*), (*e*) or (*g*)".

(5) In regulation 9 (dependency benefit under the Act not to be payable if a training allowance is payable) after "training allowance is payable to him" there shall be added ", so however that this regulation shall not apply where such personal benefit has itself been adjusted by reference to any benefit under the Act".

(6) In regulation 14 (prevention of double adjustments) for "by reference to a benefit" to the end of the regulation there shall be substituted "by reference to any other benefit, whether under the Act or otherwise, where the latter benefit has itself been adjusted by reference to the former benefit.".

(7) In the Schedule (personal benefits which are required to be adjusted by reference to benefits not under Chapters I and II of Part II of the Act) in paragraph 4 of column 2 for "in so far as" there shall be substituted "if".

(e) S.R. 1975 No. 94 (I, p. 561)
(f) The relevant amending regulations are S.R. 1975 No. 280 (II, p. 1352)