1975 No. 93

SOCIAL SECURITY

The Social Security (Benefit) (Married Women and Widows) (Amendments and Transitional Provisions) Regulations (Northern Ireland) 1975

Made . . . . . *4th April* 1975

Coming into operation . . . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by paragraphs 3 and 9 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(a), and by sections 13(4) and 125 of the Social Security (Northern Ireland) Act 1975(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Social Security (Benefit) (Married Women and Widows) (Amendments and Transitional Provisions) Regulations (Northern Ireland) 1975 and shall come into operation on 6th April 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"the former Contributions Regulations" means the National Insurance (Contributions) Regulations (Northern Ireland) 1962(c), as amended;

"the former Married Women Regulations" means the National Insurance (Married Women) Regulations (Northern Ireland) 1973(d);

"the former principal Act" means the National Insurance Act (Northern Ireland) 1966(e);

"the Maternity Allowance Transitional Regulations" means the Social Security (Maternity Allowance) (Transitional) (Northern Ireland) Regulations 1974(f);

"the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1973(g);

"personal benefit", "Personal Injuries Scheme", "Service Pensions Instrument" and "1914-1918 War Injuries Scheme" have the same meanings as in the Overlapping Benefits Regulations;

"the Short-Term Benefits Transitional Regulations" means the Social Security (Short-Term Benefits) (Transitional) (Northern Ireland) Regulations 1975(h);

"the Special Provisions Regulations" means the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(i);

(a) 1975 c. 18
(b) 1975 c. 15
(c) S.R. & O. (N.I.) 1962 No. 65 (p. 247)
(d) S.R. & O. (N.I.) 1973 No. 146 (I, p. 823)
(e) 1966 c. 6 (N.I.)
(f) S.R. 1974 No. 34
(g) S.R. & O. (N.I.) 1973 No. 10 (I, p. 27)
(h) S.R. 1975 No. 44
(i) S.R. 1975 No. 19

"transitional period" means—

(*a*) in the case of a maternity allowance the period beginning with 23rd June 1975 and ending with 19th March 1977;

(*b*) in the case of a period of interruption of employment commencing on or before 1st January 1977 the period beginning with 6th April 1975 and ending with 28th May 1977; and

(*c*) in any other case the period beginning with 6th April 1975 and ending with 1st January 1977;

"week" in relation to a period before 6th April 1975 means a contribution week within the meaning of the former principal Act as extended by regulation 93 of the Social Security (Contributions) (Northern Ireland) Regulations 1974(j),

and other expressions have the same meanings as in the Act.

(2) 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 or which may re-enact or replace it with or without modification.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(k) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

Transitional provisions for women whose marriages have been terminated

3.—(1) This regulation applies, for the purposes of a claim for unemployment benefit, sickness benefit or a maternity allowance in respect of a period of interruption of employment beginning during or, in the case of a maternity allowance, where the expected week of confinement falls within, the transitional period, to a woman who was insured under the former principal Act and whose marriage has been terminated by the death of her husband or otherwise.

(2) A woman to whom this regulation applies shall be credited with contributions for the weeks specified in paragraph (6) below if she satisfies the conditions specified in paragraph (3) or, as the case may be, paragraph (4) below.

(3) The condition for the crediting of contributions for the purposes of a claim for unemployment benefit is that the woman shall—

(*a*) in any one tax year (not being a year before that in which the marriage took place and being either the last year before that in which the marriage terminated or any subsequent year), have paid Class 1 contributions under the Act and the earnings factor derived from those contributions is not less than that year's lower earnings limit multiplied by 25; or

(*b*) (if the marriage terminated before 6th October 1975) at any time in respect of weeks beginning not earlier than the 26th week next before that in which the marriage terminated, have paid 26 contributions as an employed person under the former principal Act.

(4) The condition for the crediting of contributions for the purposes of a claim for sickness benefit or a maternity allowance is that the woman shall—

(j) S.R. 1974 No. 234 (k) 1889 c. 63

(*a*) in any one tax year (not being a year before that in which the marriage took place and being either the last year before that in which the marriage terminated or any subsequent year), have paid contributions under the Act of Class 1 or Class 2 or both of those classes and the earnings factor derived from those contributions is not less than that year's lower earnings limit multiplied by 25; or

(*b*) (if the marriage terminated before 6th October 1975) at any time in respect of weeks beginning not earlier than the 26th week next before that in which the marriage terminated, have paid 26 contributions under the former principal Act each of which was either a contribution as an employed person or a contribution as a self-employed person.

(5) References in paragraphs (3)(*b*) and (4)(*b*) above to contributions under the former principal Act include references to contributions which by virtue of regulations 5 and 14(4)(*a*) of the Short-Term Benefits Transitional Regulations a person is, for the purposes specified in the latter regulations, deemed to have paid.

(6) The weeks for which contributions shall be credited by virtue of this regulation are the weeks during the whole of which the marriage subsisted in the contribution year (as specified in regulation 4 of, and Schedule 1 to, the Short-Term Benefits Transitional Regulations) or, in the case of a maternity allowance, in the relevant 52 or 53 week period (as specified in column 2 of regulation 2 of the Maternity Allowance Transitional Regulations).

Transitional provisions for widows

4.—(1) Subject to the following provisions of this regulation, for the purposes of a claim for unemployment benefit, sickness benefit or a maternity allowance in respect of a period of interruption of employment beginning during or, in the case of a maternity allowance, where the expected week of confinement falls within, the transitional period, where, otherwise than by reason of remarriage or cohabitation with a man as his wife, a woman who was insured under the former principal Act ceases to be entitled either to a widow's allowance or to a widowed mother's allowance—

(*a*) she shall be deemed to have satisfied, as respects the 26 contributions under the former principal Act required to have been paid, the contribution conditions for unemployment benefit, sickness benefit and a maternity allowance;

(*b*) there shall, for the purpose of her satisfying, as respects the 50 contributions under the former principal Act required to have been paid or credited in a contribution year, the contribution conditions for unemployment and sickness benefit, be credited to her a contribution under the former principal Act as an employed person for each week which began in the period commencing with the beginning of the last complete contribution year before the beginning of the benefit year which includes the day on which she ceases to be entitled as aforesaid and ending with that day;

(*c*) there shall, for the purpose of her satisfying the contribution conditions for a maternity allowance, be credited to her a contribution under the former principal Act as an employed person for each week of the relevant 52 or 53 weeks (as specified in column 2 of regulation 2 of the Maternity Allowance Transitional Regulations) which falls before the week in which she ceases to be entitled as aforesaid;