**1970. No. 295** **[C]**

# NATIONAL INSURANCE

## Widows' Pensions and Miscellaneous Provisions

REGULATIONS, DATED 20TH NOVEMBER 1970, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1970.

The National Insurance Joint Authority, in exercise of powers conferred by sections 33(3), 44, 49(1)(*a*) and 50 of the National Insurance Act (Northern Ireland) 1966(**a**) and the Ministry of Health and Social Services, in exercise of powers conferred by sections 10(1), 11(1), 13(1), 30(2), 47(2), 48(1), 51(1) and 96(1) of that Act, section 2(6) of the National Insurance (No. 2) Act (Northern Ireland) 1966(**b**) and sections 1(1), 8(5) and 9(2)(*a*) of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970(**c**), in each case in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations, being regulations subject to negative resolution in accordance with section 101(3) as extended by section 101(4) of the National Insurance Act (Northern Ireland) 1966:

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the National Insurance (Widows' Pensions and Miscellaneous Provisions) Regulations (Northern Ireland) 1970 and shall come into operation on 23rd November 1970.

(2) In these regulations—

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

"the Act of 1970" means the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970;

"the Married Women Regulations" means the National Insurance (Married Women) Regulations (Northern Ireland) 1962(**d**);

"the Old Persons Regulations" means the National Insurance (Old Persons' Pensions) Regulations (Northern Ireland) 1970(**e**);

"the Widow's Benefit and Retirement Pensions Regulations" means the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1948(**f**);

"contributory old age pension" and "widow's basic pension" have the same meanings respectively as in the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland) 1948(**g**).

---

(a) 1966. c. 6 (N.I.).
(b) 1966. c. 16 (N.I.).
(c) 1970. c. 28 (N.I.).
(d) S.R. & O. (N.I.) 1962, No. 64.
(e) S.R. & O. (N.I.) 1970, No. 281.
(f) S.R. & O. (N.I.) 1948, No. 246.
(g) S.R. & O. (N.I.) 1948, No. 39.

*Relaxation of conditions of entitlement to widow's pension*

**2.**—(1) As from 5th April 1971, Schedule 9 to the Act (transitory provisions) shall be amended in accordance with the provisions of paragraphs (2) to (4).

(2) In paragraph 2(1) for the words "neither the conditions", "those", "are" and "referring to the conditions", there shall respectively be substituted the words "neither the condition", "that", "is" and "referring to the condition"; paragraphs 2(2)(*b*)(ii) and 2(3)(*b*)(iii) (under which it is a condition of entitlement to widow's benefit for certain widows that three years have elapsed since the relevant marriage) shall cease to have effect; in paragraph 2(3)(*b*)(i) the words "subject to paragraph 3" shall cease to have effect and for the word "fifty" there shall be substituted the word "forty"; in paragraph 2(4)(*b*) for the words "(3)(*b*)(i), (ii) and (iii)" there shall be substituted the words "(3)(*b*)(i) and (ii)"; and paragraph 2(5) shall cease to have effect.

(3) For paragraph 3 there shall be substituted the following paragraph:

"3. Section 27(3A) shall not apply to a widow who satisfies the conditions specified in either section 27(3), or paragraph 2(2), (3) or (4) of this Schedule, and whose husband or, if she has been married more than once, whose last husband died before 4th February 1957."

(4) For paragraph 4 there shall be substituted the following paragraph:

"4. Section 17(3) of the Act of 1946 (by virtue of which a widow who would otherwise have ceased to be entitled to widow's benefit at a time when incapable of self-support by reason of infirmity may be granted a widow's pension), so far as it applies to a widow so ceasing before 7th January 1957, shall be specially saved; and where a widow entitled to a widow's pension by virtue of the said section 17(3) ceases to be so entitled at a time when she is over the age of forty, she shall for any subsequent period have the same right, if any, to a widow's pension in respect of that marriage as if the condition specified in section 27(2) were satisfied, so however that section 27(3A) shall apply to that pension as if in that section for the words 'her husband died or, as the case may be, when she ceased to be entitled to a widowed mother's allowance' there were substituted the words 'she ceased to be entitled to a widow's pension which was payable by virtue of section 17(3) of the Act of 1946'."

*Amendments to the Old Persons' Regulations*

**3.**—(1) As from 5th April 1971, the Old Persons Regulations shall be amended in accordance with the provisions of paragraphs (2) to (4).

(2) In regulations 3(1)(*c*) and 4(1)(*a*) (provision of pensions for certain widows of persons over pensionable age on 5th July 1948), for the word "50" there shall be substituted the word "40".

(3) In paragraph (2) of regulation 3, after the words "paragraph (1)" there shall be inserted the words "(not being a pension to which paragraph (3) applies)"; and after the said paragraph (2) there shall be inserted the following paragraph:

"(3) A retirement pension payable by virtue of paragraph (1) to a widow who was under the age of 50 either at the time when her husband died or, if she was entitled to a widowed mother's allowance by virtue of regulation 5, at the time when she ceased to be so entitled, shall commence on 5th April 1971 or the date on which the requirements of sub paragraphs (*a*) to (*c*) and either (*d*) or (*e*) of that paragraph are satisfied in relation to the beneficiary, whichever is the later, and shall be payable for life."

(4) At the beginning of paragraph (1) of regulation 7, before the words "The weekly rate", there shall be added the words "Subject to paragraph (3),"; and after paragraph (2) of the said regulation there shall be inserted the following paragraph:

"(3) In the case of a widow who is entitled to a pension by virtue of regulation 3 or 4, and who was under the age of 50 either at the time when her husband died or, if she was entitled to a widowed mother's allowance by virtue of regulation 5, at the time when she ceased to be so entitled, paragraph (1) shall be construed as if section 27(3A) of the principal Act applied to that pension, and as if for the amount first and last mentioned in paragraph (1) there were substituted that amount reduced in accordance with the provisions of the said section 27(3A)."

*Amendments to the Widow's Benefit and Retirement Pensions Regulations*

**4.**—(1) As from 5th April 1971, the Widow's Benefit and Retirement Pensions Regulations shall be amended in accordance with the provisions of paragraphs (2) to (10).

(2) Regulation 3(**h**) shall cease to have effect.

(3) For regulation 4(**i**) there shall be substituted the following regulation, so however that any contributions already paid which fall to be taken into account by virtue of paragraph (3) or (4) of the said regulation 4 shall be taken into account, for the purpose and to the extent mentioned in the said paragraphs (3) and (4), notwithstanding the revocation of those paragraphs:

*"Special conditions in relation to retirement pensions by virtue of the husband's insurance in the case of women marrying after pensionable age*

**4.** In the application of section 33(1) of, and paragraph 8(2) of Schedule 9 to, the National Insurance Act (Northern Ireland) 1966(**j**) (increase in rate of retirement pension for contributions paid after pensionable age) to a retirement pension payable to a woman by virtue of the insurance of a husband whom she married after attaining pensionable age, contributions paid by the husband for any contribution weeks terminating before the date of the marriage, and contributions paid by him for any contribution weeks terminating both before 5th April 1971 and also before the earliest date on which she would have been entitled to a retirement pension, if she and the husband had both then retired from regular employment, shall not be taken into account except for the purposes of section 33(1)(*b*) of the said Act of 1966."

(4) In regulation 7(1)(**k**), for the words "the next succeeding paragraph" there shall be substituted the words "paragraph (2) or (3) of this regulation".

(5) In regulation 7(2)(**k**), after the words "widow's benefit" there shall be inserted the words "(in a case to which paragraph (3) of this regulation does not apply)".

(6) After regulation 7(2) there shall be inserted the following paragraphs:

"(3) In any case in which paragraph (1) of this regulation applies to the widow's pension of such a widow as is mentioned in section 27(3A) of the National Insurance Act (Northern Ireland) 1966, the pension shall

(**h**) See Sch. to S.R. & O. (N.I.) 1953, No. 108.
(**i**) See Sch. 4 to S.R. & O. (N.I.) 1962, No. 27.
(**j**) 1966. c. 6 (N.I.).
(**k**) See Sch. to S.R. & O. (N.I.) 1957, No. 241.

be payable, subject to the provisions of the following paragraph and of regulation 2(1) of the Family Allowances, National Insurance, Industrial Injuries and Miscellaneous Provisions (Decimalisation of the Currency) Regulations (Northern Ireland) 1970(**l**) at the rate specified in column (3) of the Schedule to these regulations which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Schedule subject to a further reduction in accordance with the provisions of the said section 27(3A).

(4) In the case of a woman to whom the foregoing paragraph applies and who would have been entitled to a widow's basic pension or contributory old age pension (these expressions having the same respective meanings in this paragraph as in the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland) 1948(**m**)) had she not become entitled to a widow's pension or a retirement pension payable at a reduced rate by virtue either of section 27(3A) or of the combined effect of sections 27(3A) and 31(3A)(**n**) of the National Insurance Act (Northern Ireland) 1966, the weekly rate of the widow's pension or retirement pension (as the case may be) shall be the rate ascertained in accordance with the foregoing paragraph, or the rate of the widow's basic pension or contributory old age pension (as the case may be) to which she would have been entitled, whichever is the greater."

(7) In regulation 10(1)(**o**), for the words "sub-section (4) of section 19 of the Act or sub-section (1) of section 5 of the Family Allowances and National Insurance and Assistance Act (Northern Ireland) 1962 (which sub-sections relate to increases" there shall be substituted the words "sections 30(1) and 33(1) of, and paragraph 8(2) of Schedule 9 to, the National Insurance Act (Northern Ireland) 1966 (increases".

(8) Regulation 10(2)(**p**) shall cease to have effect.

(9) In regulation 11(**p**), references to retirement pension by virtue of a husband's insurance shall not be construed as including references to a retirement pension payable by virtue of section 31(3A) of the Act.

(10) In regulation 12(1)(**q**), for the words "sub-section (4) of section 19 of the Act and sub-section (2) of section 5 of the Family Allowances and National Insurance and Assistance Act (Northern Ireland) 1962" there shall be substituted the words "sections 30(1) and 33(2) of, and paragraph 8(2) of Schedule 9 to, the National Insurance Act (Northern Ireland) 1966".

*Retirement pensions for certain widows by virtue of husband's insurance.*

**5.**—(1) As from 5th April 1971, the Act shall be amended in accordance with the provisions of paragraphs (2) to (5).

(2) In section 30(1), for the words "section 29" there shall be substituted the words "section 29 or 31(3A)".

(3) In section 31, after subsection (3) there shall be inserted the following subsection:

"(3A) Subject to the provisions of this Act, a woman who satisfies the requirements of regulation 5(6) of the National Insurance (Widows' Pensions

(**l**) S.R. & O. (N.I.) 1970, No. 15.
(**m**) S.R. & O. (N.I.) 1948, No. 39.
(**n**) See reg. 5(3) of S.R. & O. (N.I.) 1970, No. 295.
(**o**) See Sch. 5 to S.R. & O. (N.I.) 1962, No. 27.
(**p**) See reg. 2 of S.R. & O. (N.I.) 1957, No. 160.
(**q**) See Sch. 6 to S.R. & O. (N.I.) 1962, No. 27.