

1987 No. 387

SOCIAL SECURITY

The Social Security (Widow's Benefit) (Transitional) Regulations (Northern Ireland) 1987

Made 1st October 1987

Coming into operation 11th April 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 84(1) of the Social Security (Northern Ireland) Order 1986(a) 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) (Transitional) Regulations (Northern Ireland) 1987 and shall come into operation on 11th April 1988.

(2) In these regulations—

“the Act” means the Social Security (Northern Ireland) Act 1975(b);

“the Order” means the Social Security (Northern Ireland) Order 1986.

Widow's allowance

2. In the case of a woman whose husband died before 11th April 1988, the provisions of the Act relating to widow's allowance shall continue to apply to her as though—

- (a) the following provisions of the Order had not been enacted, that is to say, Article 37(1) and (2) and Article 83 in so far as it relates to paragraphs 39 and 42 of Schedule 9; and
- (b) the following provisions of the Act had not been repealed—
 - (i) in section 12(2) the words “and widow's allowance”,
 - (ii) in section 13(1) the entry relating to widow's allowance,
 - (iii) in section 25(3)(c) the words “and for which she is not entitled to widow's allowance”,
 - (iv) in section 26(3) the words “a widow's allowance or”,
 - (v) section 41(2)(e),
 - (vi) in Part II of Schedule 3, in paragraph 8(2)(a) the words “other than widow's allowance” and in paragraphs 9 and 10 the words “(other than widow's allowance)”, and

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

(b) 1975 c. 15

(c) Section 25 is amended by paragraph 10 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

(vii) in Schedule 4, paragraph 5 of Part I and paragraph 4 of Part IV.

Widow's pension

3.—(1) Subject to paragraph (2), where—

(a) a widow's pension is payable to a woman for a period which includes the whole or part of the week ending 10th April 1988, or would have been so payable but for any of the following provisions of the Act, that is to say, the proviso to section 26(3) (widow's pension not payable after remarriage), section 82(5)(b) (benefit not payable while the person is imprisoned or detained in legal custody) or section 85 (overlapping benefits) or the regulations made thereunder; and

(b) the woman was under the age of 55 either at her husband's death or at the time she ceased to be entitled to a widowed mother's allowance, section 26 of the Act shall apply to her as though Article 37(3) of the Order had not been enacted.

(2) Where on or after 11th April 1988 a widow's pension ceases to be payable to a woman mentioned in paragraph (1) because entitlement to a widowed mother's allowance arises in her case, that paragraph shall not thereafter apply to her.

Sealed with the Official Seal of the Department of Health and Social Services on 1st October 1987.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made under Article 84(1) of the Social Security (Northern Ireland) Order 1986 ("the Order"). They correspond to provisions contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

The regulations are consequential upon the coming into operation of Article 37 of the Order, which provides for the replacement of widow's allowance (a weekly benefit) with a widow's payment (a lump sum payment), and for widow's pension to be payable from a later age. They contain savings for existing beneficiaries to both widow's allowance and widow's pension.