
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 148

The Social Security (Widow's Benefit and Retirement Pensions) (Amendment) Regulations (Northern Ireland) 2001

Amendment of the principal Regulations

- 2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) and (3).
(2) After regulation 16 (provision in relation to entitlement to child benefit for the purposes of a widowed mother's allowance) there shall be inserted—

“Provision in relation to entitlement to child benefit for the purposes of a widowed parent's allowance

16ZA.—(1) For the purpose only of determining whether a man or a woman who has been widowed (“the surviving spouse”) satisfies the requirements of section 39A(2)(a)(1) of the Contributions and Benefits Act (description of a child for the purposes of widowed parent's allowance)—

- (a) a person shall be treated for the purposes of section 39A(3)(b) or (c) of that Act as having been entitled to child benefit in respect of a child where that person would have been so entitled had—
 - (i) that child not been absent from Northern Ireland, and
 - (ii) a claim for child benefit been made in respect of the child in the manner prescribed under section 11 of the Administration Act (necessity of application for child benefit)(2); and
- (b) the surviving spouse shall be treated, for the purposes of section 39A(2)(a) of the Contributions and Benefits Act, as entitled to child benefit in respect of the child who, by virtue of sub-paragraph (a) falls within subsection (3) of that section.

(2) In determining whether a surviving spouse who has been more than once married and who was not residing with the deceased spouse immediately before his or her death is entitled to a widowed parent's allowance under section 39A of the Contributions and Benefits Act, the deceased spouse shall, for the purposes of subsection (3)(b) of that section, be treated as having been entitled to child benefit in respect of any child in respect of whom—

- (a) a previous spouse of that surviving spouse by a marriage which ended with that previous spouse's death was, immediately before his or her death, entitled or treated as entitled to child benefit; and
- (b) that surviving spouse was entitled or treated as entitled to child benefit immediately before the death of the deceased spouse.”

(1) Section 39A is inserted by Article 52(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11))
(2) Section 11 was amended by Article 66 of the Welfare Reform and Pensions (Northern Ireland) Order 1999

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) In regulation 16A(3) (disapplication of section 1(1A) of the Administration Act for the purposes of widowed mother's allowance), and in the heading, after "widowed mother's allowance" there shall be inserted "or widowed parent's allowance".