

1970 No. 1580

SOCIAL SECURITY

The National Insurance (Widows' Pensions and Miscellaneous Provisions) Regulations 1970

<i>Made</i> - - - -	23rd October 1970
<i>Laid before Parliament</i>	30th October 1970
<i>Coming into Operation</i>	2nd November 1970

The National Insurance Joint Authority, in exercise of the powers conferred by sections 34(3), 45, 50(1)(a) and 51 of the National Insurance Act 1965(a), and the Secretary of State for Social Services, in exercise of his powers under sections 10(1), 11(1), 14(1), 31(2), 48(2), 49(1), 52(1) and 102(1) of that Act, section 2(6) of the National Insurance Act 1966(b), and sections 1(1), 8(7) and 9(2)(a) of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970(c), in either case in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of all other powers enabling them in that behalf, and in consequence of the passing of the said Act of 1970, hereby make the following regulations, which, by virtue of section 8(5) of that Act, are exempt from the requirements of sections 107(1) (no regulations to be made wholly or partly by virtue of the provisions of section 102 of the said Act of 1965 unless a draft of the regulations has been approved by resolution of each House of Parliament) and 108 (reference to the National Insurance Advisory Committee) of the said Act of 1965:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Widows' Pensions and Miscellaneous Provisions) Regulations 1970 and shall come into operation on 2nd November 1970.

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

“the Act” means the National Insurance Act 1965;

“the 1970 Act” means the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970;

“the Married Women Regulations” means the National Insurance (Married Women) Regulations 1948(d), as amended(e);

“the Old Persons Regulations” means the National Insurance (Old Persons' Pensions) Regulations 1970(f);

“the Widow's Benefit and Retirement Pensions Regulations” means the National Insurance (Widow's Benefit and Retirement Pensions) Regulations 1948(g), as amended(h);

(a) 1965 c. 51.

(b) 1966 c. 6.

(c) 1970 c. 51.

(d) S.I. 1948/1470 (Rev. XVI, p. 123; 1948 I, p. 2795).

(e) The relevant amending instruments are S.I. 1956/2108, 1961/2498 (1956 I, p. 1681; 1961 III, p. 4567).

(f) S.I. 1970/1280 (1970 II, p. 4168).

(g) S.I. 1948/1261 (Rev. XVI, p. 207; 1948 I, p. 2704).

(h) The relevant amending instruments are S.I. 1953/979, 1956/1199, 1957/1949, 1961/557, 1962/12, 1964/297, 1965/40 (1953 I, p. 1368; 1956 I, p. 1625; 1957 I, p. 1620; 1961 I, p. 1228; 1962 I, p. 10; 1964 I, p. 508; 1965 I, p. 47).

“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 1948(a) ;

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

(3) References in these regulations to any enactment or regulations shall, except in so far as the context otherwise requires, be construed as including references to such enactment or regulations as amended or extended by or under any other enactment, order or regulations and as including references to any enactment or regulations thereby consolidated.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Relaxation of conditions of entitlement to widow’s pension

2.—(1) As from 5th April 1971, Schedule 11 to the Act (transitory provisions) shall be amended in accordance with the provisions of this regulation.

(2) In the said Schedule 11, 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 of this Schedule” 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) In the said Schedule 11, for paragraph 3 there shall be substituted the following paragraph :—

“3. Section 28(3A) of this Act shall not apply to a widow who satisfies the conditions specified in either section 28(3) of this Act, 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) In the said Schedule 11, for paragraph 4 there shall be substituted the following paragraph :—

“4. Section 18(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 18(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

(a) S.I. 1948/55 (Rev. XVI, p. 36: 1948 I, p. 2822).

(b) 1889 c. 63.

marriage as if the condition specified in section 28(2) of this Act were satisfied, so however that section 28(3A) of this Act 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 18(3) of the Act of 1946'."

Amendments to the National Insurance (Old Persons' Pensions) Regulations 1970

3.—(1) As from 5th April 1971, the Old Persons Regulations shall be amended in accordance with the provisions of this regulation.

(2) In regulations 3(1)(c) and 4(1)(a) of the said Regulations (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 of the said Regulations, after the word "regulation" there shall be inserted the words "(not being a pension to which paragraph (3) of this regulation applies)"; and after the said paragraph (2) there shall be inserted the following paragraph:—

"(3) A retirement pension payable by virtue of paragraph (1) of this regulation 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 of these regulations, 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) In paragraph (1) of regulation 7 of the said Regulations (rates of benefit for or in respect of persons over pensionable age on 5th July 1948), for the words "paragraph (3)" there shall be substituted the words "paragraphs (3) and (4)"; and after paragraph (3) of the said regulation 7, there shall be inserted the following paragraph:—

"(4) In the case of a widow who is entitled to a pension by virtue of regulation 3 or 4 of these regulations, 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 of these regulations, at the time when she ceased to be so entitled, paragraph (1) of this regulation shall be construed as if section 28(3A)(a) of the principal Act applied to that pension, and as if for the amount first and last mentioned in the said paragraph (1) there were substituted that amount reduced in accordance with the provisions of the said section 28(3A)."

Amendments to the National Insurance (Widow's Benefit and Retirement Pensions) Regulations 1948

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

(2) Regulation 3 of the said Regulations shall cease to have effect.

(3) For regulation 4 of the said Regulations 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

(a) See s. 2, National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (1970 c. 51).

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 34(1) (as amended by section 1(1)(e) of the National Insurance Act 1967(a)) of and paragraph 8(2) of Schedule 11 to the National Insurance Act 1965(b) (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 34(1)(b) of the said Act of 1965.”

(4) In paragraph (1) of regulation 7 of the said Regulations, for the words “the next succeeding paragraph” there shall be substituted the words “paragraph (2) or (3) of this regulation”.

(5) In paragraph (2) of the said regulation 7, 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) In the said regulation 7, after paragraph (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 28(3A)(c) of the National Insurance Act 1965, the pension shall 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 1970(d), as amended(e), 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 28(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 1948(f) had she not become entitled to a widow's pension or a retirement pension payable at a reduced rate by virtue either of section 28(3A) or of the combined effect of sections 28(3A) and 32(3A)(g) of the National Insurance Act 1965, the weekly rate of the widow's pension or retirement pension (as the case may

(a) 1967 c. 73.

(b) 1965 c. 51.

(c) See s. 2, National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (1970 c. 51).

(d) S.I. 1970/46 (1970 I, p. 243).

(e) The amending Regulations are not relevant to the subject matter of these Regulations

(f) S.I. 1948/55 (Rev. XVI, p. 36: 1948 I, p. 2822).

(g) See reg. 5(3) of the National Insurance (Widows' Pensions and Miscellaneous Provisions) Regulations 1970 (S.I. 1970/1580).

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 paragraph (1) of regulation 10 of the said Regulations, for the words "subsection (4) of section 20 of the Act or subsection (1) of section 5 of the Family Allowances and National Insurance Act 1961 (which subsections relate to increases" there shall be substituted the words "sections 31(1), as amended(a), and 34(1) of and paragraph 8(2) of Schedule 11 to the National Insurance Act 1965 (increases)".

(8) Paragraph (2) of the said regulation 10 shall cease to have effect.

(9) In regulation 11 of the said Regulations, 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 32(3A) of the Act.

(10) In regulation 12(1) of the said Regulations, for the words "subsection (4) of section 20 of the Act and subsection (2) of section 5 of the Family Allowances and National Insurance Act 1961" there shall be substituted the words "sections 31(1), as amended, and 34(2) of and paragraph 8(2) of Schedule 11 to the National Insurance Act 1965".

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), (3), (4) and (5) of this regulation.

(2) In section 31(1) of the Act, for the words "the said section 30" there shall be substituted the words "section 30 or 32(3A) of this Act".

(3) In section 32 of the Act, 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 and Miscellaneous Provisions) Regulations 1970 shall be entitled to a retirement pension as provided in the said regulation 5(6)."

(4) In subsection (4) of the said section 32, after the word "(1)" there shall be inserted the words "or (3A)".

(5) In section 34(2) of the Act, for the words "the said section 32" there shall be substituted the words "section 32(1) of this Act".

(6) As from 5th April 1971, and subject to the provisions of the Act, a woman who—

- (a) has retired from regular employment ;
- (b) has attained the age of 60 ;
- (c) was a widow immediately before attaining that age ; and
- (d) is entitled to a widow's pension,

shall be entitled to a retirement pension by virtue of her husband's insurance ; and the weekly rate of that pension to which she is at any time entitled shall be the weekly rate of widow's pension to which at that time she is entitled.

(7) In paragraph (6) of this regulation, the expression "her husband's insurance" shall be construed, in the case of a woman who has been married

(a) See reg. 5(2) of the National Insurance (Widows' Pensions and Miscellaneous Provisions) Regulations 1970 (S.I. 1970/1580).

more than once, as meaning the insurance of the husband to whom she was last married before she attained the age of 60, and the expression "widow's pension", in such a case, shall be construed as meaning widow's pension by virtue of the insurance of that husband.

(8) For the purposes of paragraph (6) of this regulation, a woman shall be deemed to be entitled to a widow's pension if she would have been so entitled but for any one or more of the circumstances specified in paragraph (9) of this regulation, and the expression "the weekly rate of widow's pension to which at that time she is entitled" shall be construed as including the weekly rate of widow's pension to which at that time she would have been entitled but for any one or more of the circumstances specified in paragraph (9) of this regulation.

- (9) The circumstances referred to in paragraph (8) of this regulation are :—
- (a) the woman's failure to make a claim therefor ;
 - (b) her entitlement to widow's allowance or widowed mother's allowance ;
 - (c) the operation of section 49 or 50 of the Act or any regulations made under either of those sections, excluding any provisions for absence from Great Britain ;
 - (d) the operation of any provision of the Act or of any regulations made thereunder, disqualifying her for the receipt of that widow's pension for any period, excluding any provisions for absence from Great Britain ;
 - (e) her having attained the age of 65 ; and
 - (f) her having remarried after 4th April 1971.

Amendments to the National Insurance (Married Women) Regulations 1948

6.—(1) As from 5th April 1971, the Married Women Regulations and the National Insurance (Married Women) Amendment Regulations 1956(a) shall be amended in accordance with the provisions of this regulation.

(2) In paragraph (1) of regulation 8A of the Married Women Regulations (modifications, in relation to widows, of provisions with respect to unemployment and sickness benefit and retirement pensions), the words "but in the latter case without becoming entitled under the Act to a widow's pension or a retirement pension" shall cease to have effect.

(3) In paragraph (2) of the said regulation 8A, the words "For the purposes of this regulation" shall cease to have effect; for the words "she shall be deemed not to have ceased to be entitled as aforesaid unless and until" there shall be substituted the words "and thereafter"; and at the end of the said paragraph (2) there shall be added the words "paragraph (1) of this regulation shall apply to her both when she so ceases and when that personal benefit so falls to be reduced".

(4) In regulation 4(1)(b) of the National Insurance (Married Women) Amendment Regulations 1956 (transitory provisions), the words "but without becoming entitled under any other provisions of the Act to a widow's pension or a retirement pension" shall cease to have effect.

(5) In paragraphs (1) and (2) of regulation 8E of the Married Women Regulations (contribution credits for women in receipt of widow's benefit), for the words "(not being a widow's basic pension)" there shall be substituted the words "(not being a widow's basic pension or a widow's pension payable

(a) S.I. 1956/2108 (1956 I, p. 1681).

at a reduced weekly rate by virtue of section 28(3A)(a) of the National Insurance Act 1965(b) ”.

Amendments to the National Insurance (Contributions) Regulations 1969

7.—(1) As from 5th April 1971, the National Insurance (Contributions) Regulations 1969(c) shall be amended in accordance with the provisions of this regulation.

(2) In paragraph (2) of regulation 9 of the said Regulations (widows' entitlement and liability to pay contributions), after the word “ 1948 ” there shall be inserted the words “ or a widow's pension payable at a reduced rate by virtue of section 28(3A) of the Act ”.

(3) In the said regulation 9, after paragraph (4), there shall be inserted the following paragraphs:—

“ (4A) A woman shall not be liable to pay a contribution as an insured person for any week for the whole or any part of which a widow's pension is payable to her as the widow of her husband at a reduced rate by virtue of section 28(3A)(a) of the Act, if it is a week to which a certificate of exception (not being a certificate which has been issued to the same woman in order to satisfy the requirements of paragraph (3) of this regulation, and not being a certificate to which paragraph (5)(c)(ii) of this regulation applies) issued by the Secretary of State pursuant to this regulation relates.

(4B) Where a certificate has been issued pursuant to paragraph (4A) of this regulation to a woman to whom both a widow's pension and any of the specified benefits referred to in paragraph (3) of this regulation was payable as a widow, and the said widow's pension has ceased to be payable to her as a result of any subsequent increase in the weekly rate of any of the said specified benefits, the fact that the said widow's pension has ceased to be payable to her for that reason shall be disregarded for the purpose of the application to her of the provisions of the said paragraph (4A).”

Amendments to the National Insurance (Earnings-related Benefit) Regulations 1966

8. As from 5th April 1971, in regulation 6 of the National Insurance (Earnings-related Benefit) Regulations 1966(d), for the words “ regulation 6 (widows) of the Contributions Regulations ” there shall be substituted the words “ regulation 9 (widows) of the National Insurance (Contributions) Regulations 1969(c), as amended(e) ” ; for the words “ paragraph (3) of that regulation ” there shall be substituted the words “ paragraph (3) or (4A) of that regulation ” ; and for the words “ paragraph (2) or paragraph (3) ” there shall be substituted the words “ paragraph (2), (3) or (4A) ”.

Persons resident abroad

9.—(1) Subject to the provisions of this regulation, the weekly rate of a widow's pension to which a woman who is not ordinarily resident in Great

(a) See s. 2, National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (1970 c. 51).

(b) 1965 c. 51.

(c) S.I. 1969/1696 (1969 III, p. 5323).

(d) S.I. 1966/959 (1966 II, p. 2306).

(e) The relevant amending instrument is the National Insurance (Widows' Pensions and Miscellaneous Provisions) Regulations 1970 (S.I. 1970/1580).

Britain becomes entitled on or after 5th April 1971 by virtue of these regulations or section 2 or 3 of the 1970 Act shall be the rate referred to in section 28(1) of the Act, or the reduced rate referred to in regulation 7(2) of the Widow's Benefit and Retirement Pensions Regulations, as the case may be, as it applied to persons ordinarily resident in Great Britain at whichever is the latest of the following dates:—

- (a) the date when she was last ordinarily resident in Great Britain ;
- (b) in a case where the husband had retired from regular employment and was not ordinarily resident in Great Britain at the time of his death—
 - (i) the date when he so retired ; and
 - (ii) the date when he was last so resident ; and
- (c) in any other case, the date when he died,

reduced, in the case of such a widow as is mentioned in section 28(3A) of the Act, in accordance with that section.

(2) Subject to the provisions of this regulation, the weekly rate of a retirement pension payable under section 32 of the Act to which a woman who is not ordinarily resident in Great Britain becomes entitled on 5th April 1971 by virtue of regulation 4(3) of these regulations (whereby regulation 4(1) of the Widow's Benefit and Retirement Pensions Regulations ceases to have effect) shall be the appropriate rate referred to in the said section 32 as it applied at whichever is the latest of the following dates:—

- (a) the date when she was last ordinarily resident in Great Britain ;
- (b) in a case where the husband was not ordinarily resident in Great Britain on, and had retired from regular employment before, the earliest date on which she would have been entitled to a retirement pension under the said section 32 had the said regulation 4(1) never been effective—
 - (i) the date when he so retired ; and
 - (ii) the date when he was last so resident ; and
- (c) in any other case, the earliest date on which she would have been entitled to a retirement pension under the said section 32 had the said regulation 4(1) never been effective,

and, in a case to which section 45 of the Act (partial satisfaction of contribution conditions) applies, this paragraph shall have effect as if for the references to section 32 of the Act there were substituted references to regulation 7(2) of the Widow's Benefit and Retirement Pensions Regulations.

(3) The foregoing paragraphs of this regulation shall not apply to a woman for any period during which she is in Great Britain, and shall cease to apply to her if and when she becomes ordinarily resident in Great Britain.

(4) In the case of a widow to whom this regulation applies and who was entitled to a widow's basic pension immediately before she became entitled to a widow's pension or to a retirement pension, 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 appropriate provision of this regulation, or the rate of the widow's basic pension to which she was then entitled, whichever is the greater.

(5) Where a woman has been married more than once, references in this regulation to her husband shall refer only to her present husband if she is still married, and to her last husband if she is no longer married.

(6) In this regulation the word "entitled" shall be construed as meaning "entitled, whether or not subject to making a claim therefor".

Claims and payments

10.—(1) Benefit attributable to section 2 or 3 of the 1970 Act or to regulation 5 of these regulations shall not be paid without a claim being made for it unless the beneficiary is entitled to receive widow's allowance, widowed mother's allowance, widow's basic pension or contributory old age pension.

(2) In a case of a widow who is entitled to a widow's pension or a retirement pension under the Act, being a pension which is payable at a reduced rate by virtue either of section 28(3A) or of the combined effect of sections 28(3A) and 32(3A) of the Act, weekly sums on account of the pension under the Act shall, notwithstanding the provisions of regulation 10(4) and (7) of the National Insurance (Claims and Payments) Regulations 1948(a), as amended(b), be payable on such days of the week as the Secretary of State may decide.

Overlapping benefits (transitory provision)

11. In the case of a woman under 60 who is entitled to a widow's pension payable at a reduced rate by virtue of section 28(3A) of the Act and who, immediately before 5th April 1971, was entitled to a widow's basic pension payable to her by virtue of the insurance of her husband who died before 5th July 1951, paragraph 1 of Column 1 and paragraph 3 of Column 2 of the Schedule to the National Insurance (Overlapping Benefits) Regulations 1948(c), as amended(d), shall both be treated as if they read "Widow's benefit payable under the Act".

Signed by authority of the Secretary of State for Social Services.

Paul Dean,

Parliamentary Under-Secretary of State,
Department of Health and Social Security.

20th October 1970.

Given under the official seal of the National Insurance Joint Authority.

(L.S.)

D. G. Kelly,

Secretary,
National Insurance Joint Authority.

20th October 1970.

David Howell,

Bernard Weatherill,

Two of the Lords Commissioners
of Her Majesty's Treasury.

23rd October 1970.

(a) S.I. 1948/1041 (Rev. XVI, p. 313; 1948 I, p. 2709).

(b) The relevant amending instruments are S.I. 1957/1357, 1966/1010, 1967/1125 (1957 I, p. 1518; 1966 II, p. 2407; 1969 II, p. 3285).

(c) S.I. 1948/2711 (Rev. XVI, p. 196; 1948 I, p. 2657).

(d) The amending Regulations are not relevant to the subject matter of these Regulations

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, being made within six months of, and in consequence of, the passing of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970, have not been laid before Parliament in draft or referred to the National Insurance Advisory Committee.

Regulations 2 and 3 of these regulations relax some of the conditions of entitlement to a widow's pension which are contained in Schedule 11 to the National Insurance Act 1965 and the National Insurance (Old Persons' Pensions) Regulations 1970 respectively. These relaxations are to the advantage of a woman who was widowed, or ceased to be entitled to widowed mother's allowance, either when she was between the ages of 40 and 50, or when it was less than three years after her marriage and she was over 40. Regulation 4 sets out the method of calculation which is to be applied when a widow's pension falls to be reduced because of partial satisfaction of contribution conditions and again reduced because of the age at which the widow became entitled to benefit, and makes provisions consequential upon the removal, by section 3 of the Act of 1970, of certain conditions of entitlement to retirement pension, which formerly applied to a woman who married when over 60. Regulation 5 provides that when a woman who is entitled to a widow's pension reaches the age of 60, she shall thereupon be entitled to a retirement pension by virtue of her husband's insurance payable at the same rate as the widow's pension. Regulation 6 removes the restrictions on the application to widow beneficiaries of the provisions for deeming certain contribution conditions for benefit to be satisfied. It also provides that a woman who is receiving widow's benefit at a reduced rate because of the age at which she became entitled shall not have contributions credited to her as a widow pensioner. Regulation 7 provides that such a woman may be excepted from liability to pay contributions, and, by virtue of Regulation 8, a woman who is so excepted may in some cases qualify for earnings-related supplement. Regulation 9 provides for the rate of certain benefits payable to a woman who is overseas to be related to the rate current when (depending on the circumstances) she or her husband was last ordinarily resident in Great Britain, or her husband retired or died. Regulation 10 provides that in certain cases benefit shall not be paid without a claim, and contains a provision about payment dates. Regulation 11 contains provisions, of a transitory nature only, relating to overlapping benefits.

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