
STATUTORY INSTRUMENTS

1978 No. 393

The Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978

Continuation in force of sections 36, 37 and 118(1) of the 1965 Act

3.—(1) The provisions of this regulation shall have effect for the purpose of securing continuity between the Act and the 1965 Act in the case of persons who had, immediately before 6th April 1975, rights or prospective rights to or expectations of graduated retirement benefit under sections 36 and 37 of the 1965 Act, by preserving those rights and temporarily retaining the effect of those sections for transitional purposes.

(2) Paragraph (3) below shall have effect so that notwithstanding their repeal by the Social Security Act 1973 those sections shall, for the purpose aforesaid, continue in force subject to the making in them of the modifications required—

- (a) to bring them into conformity with the provisions of the Act and the Pensions Act and to enable them to have effect as if contained in the scheme of social security benefits established by those Acts;
- (b) to replace section 36(4) of the 1965 Act (increase of graduated retirement benefit in cases of deferred retirement) with provisions corresponding to those of paragraphs 1 to 3 of Schedule 1 to the Pensions Act; and
- (c) to extend section 37 of the 1965 Act (increase of woman's retirement pension by reference to her late husband's graduated retirement benefit) to men and their late wives.

(3) On and after 6th April 1979 those sections shall continue in force in the modified form in which they are set out in Schedule 1 to these regulations, but not so as to save the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations 1961, so far as deemed to have been made under those sections⁽¹⁾, from being invalidated by the repeal; and section 118(1) of the 1965 Act (short title) shall also continue in force.

⁽¹⁾ See National Insurance Act 1965 (c. 51) s. 117(1).