

1979 No. 1428

SOCIAL SECURITY

**The Social Security (Maximum Additional Component)
Amendment Regulations 1979**

Laid before Parliament in draft

Made - - - - 9th November 1979

Coming into Operation 9th November 1979

Whereas a draft of the following regulations was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in exercise of the powers conferred upon him by section 9(3) of the Social Security Pensions Act 1975(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Maximum Additional Component) Amendment Regulations 1979 and shall come into operation on the day upon which they are made.

(2) In these regulations “the principal regulations” means the Social Security (Maximum Additional Component) Regulations 1978(b).

Substitution for regulation 2 of the principal regulations

2. For regulation 2 (prescribed maximum additional component) of the principal regulations there shall be substituted the following regulation:—

“Prescribed maximum additional component

2. For the purposes of section 9(3) of the Pensions Act (increase of additional component of Category A retirement pension for surviving spouses) the maximum additional component shall be the amount of additional component to which a person would have been entitled under section 6 of the Pensions Act if—

(a) he had reached pensionable age and retired on the day on which the surviving spouse would, but for section 27(6) of the Social Security Act 1975 (prevention of double entitlement)(c), have become entitled both:

(i) to a Category A retirement pension, and

(ii) to a Category B retirement pension under section 8 of the Pensions Act or to a Category B retirement pension under section 29 of the Social Security Act 1975 by virtue of the contributions of a husband who has died,

or would have become so entitled if he or she had retired; and

(a) 1975 c. 60.

(b) S.I. 1978/949.

(c) 1975 c. 14.

(b) in respect of each relevant year he had had an earnings factor which, before any increase under section 21 of the Pensions Act, is equal to 53 times that year's upper earnings limit."

Patrick Jenkin,
Secretary of State for Social Services.

9th November 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Social Security (Maximum Additional Component) Regulations 1978, by the substitution of new provisions for regulation 2 of those Regulations, so as to relate the calculation of the maximum additional component prescribed for the purposes of section 9(3) of the Social Security Pensions Act 1975 to the date on which a surviving spouse would (but for section 27(6) of the Social Security Act 1975) have become entitled both to a Category A and to a Category B retirement pension, or would have become so entitled if he or she had retired.

Being made under section 9(3) of the Social Security Pensions Act 1975, these Regulations, by virtue of section 61(1)(b) of that Act, do not have to be referred to the National Insurance Advisory Committee and they have not been so referred.

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