
STATUTORY INSTRUMENTS

1979 No. 642

The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 and shall come into operation on 10th July 1979.

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

“the Act” means the Social Security Act 1975;

“the Pensions Act” means the Social Security Pensions Act 1975;

[^{F1}“bereavement allowance” means an allowance awarded in accordance with section 39B of the Social Security Contributions and Benefits Act 1992 [^{F2}(as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014);]]

[^{F3}“civil partner” in relation to any person who has been in a civil partnership more than once means the last civil partner;]

^{F4}
...

“husband”, “wife” or “spouse” in relation to any person who has been married more than once means the last husband, last wife or last spouse respectively;

“a period of at least 10 years” means a period of, or periods amounting in the aggregate to, at least 3,652 days;

^{F5}
...

^{F4}
...

[^{F6}“the determining authority” means, as the case may require, the Secretary of State, [^{F7}the First-tier Tribunal or the Upper Tribunal;]]

“section 9(2), 9(3) or 10(2) increase” means an increase under section 9(2), 9(3) or 10(2), respectively, of the Pensions Act of a person's Category A retirement pension attributable to his spouse's contributions;

“Service Pensions Instrument” means a provision and only a provision of any Royal Warrant, Order in Council or other instrument (not being a 1914-1918 War Injuries Scheme) under which a disablement pension (not including a pension calculated or determined by reference to length of service) may be paid out of public funds in respect of any disablement, wound, injury or disease due to service in the naval, military or air forces of the Crown or in any nursing service or other auxiliary service of any of the said forces or in the Home Guard or in any other organisation established under the control of the Defence Council or formerly established under the control of the Admiralty, the Army Council, or the Air Council;

[^{F8}“shared additional pension” means a shared additional pension under section 55A [^{F9}or 55AA] of the Social Security Contributions and Benefits Act 1992;]

“1914-1918 War Injuries Scheme” means any scheme made under the Injuries in War (Compensation) Act 1914 or under the Injuries in War Compensation Act 1914 (Session 2) or

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any Government scheme for compensation in respect of persons injured in any merchant ship or fishing vessel as the result of hostilities during the 1914-1918 war;

“unemployability supplement” has the extended meaning assigned to it in regulation 2 of the Social Security (Overlapping Benefits) Regulations 1979 and further includes benefit corresponding to an unemployability supplement by virtue of regulations under section 159(3)(a) of the Act;

[^{F10}“widowed mother’s allowance” means an allowance referred to in section 37 of the Social Security Contributions and Benefits Act 1992 (widowed mother’s allowance: deaths before 9 April 2001);]

[^{F11}“widowed parent’s allowance” means an allowance referred to in section 39A of the Social Security Contributions and Benefits Act 1992;]

“year” means tax year.

(3) For the purposes of these regulations a person who has obtained a decree absolute of presumption of death and dissolution of marriage under the Matrimonial Causes Act 1973 shall, notwithstanding that the spouse whose death has been presumed is dead, be treated as a person whose marriage has been terminated otherwise than by the death of his spouse unless the date of his death is established to the satisfaction of ^{F11}... the determining authority^{F11}...; and, in relation to a person who is so treated, the marriage in question shall be treated as having been terminated on the date of the decree absolute.

[^{F12}(3A) For the purposes of regulation 8 of these Regulations, where, before the coming into force of the Nullity of Marriages Act 1971 a decree of nullity was granted in relation to a person on the ground that the marriage was voidable, that person shall be treated as a person whose marriage has been terminated by divorce from the date on which that decree was made absolute.]

(4) For the purposes of regulations 11(1)(d), 12(3) and 13(2) a person shall be deemed to be, or to have been, entitled to a pension or benefit if he would have been so entitled had he made a claim for it.

Textual Amendments

- F1** Words in reg. 1(2) inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **7(2)**
- F2** Words in reg. 1(2) inserted (coming into force in accordance with arts. 1-3 of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **7(2)**
- F3** Words in reg. 1(2) inserted (5.12.2005) by [The Social Security \(Civil Partnership\) \(Consequential Amendments\) Regulations 2005 \(S.I. 2005/2878\)](#), regs. 1, **2(2)**
- F4** Words in reg. 1(2) omitted (6.4.2010) by virtue of [The Social Security \(State Pension and National Insurance Credits\) Regulations 2009 \(S.I. 2009/2206\)](#), regs. 1(3), **6(2)** (with reg. 6(3))
- F5** Words in reg. 1(2) omitted (6.4.2005) by virtue of [The Social Security \(Deferral of Retirement Pensions\) Regulations 2005 \(S.I. 2005/453\)](#), regs. 1(1), **4(2)**
- F6** Words in reg. 1(2) substituted (6.9.1999) by [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#), reg. 1, **Sch. 3 para. 1(a)**
- F7** Words in reg. 1(2) substituted (3.11.2008) by [The Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 8**
- F8** Words in reg. 1(2) inserted (6.7.2005) by [The Social Security \(Shared Additional Pension\) \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/1551\)](#), regs. 1(1)(a), **6(2)** (with reg. 10)
- F9** Words in reg. 1(2) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **5(2)**

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- F10** Words in reg. 1(2) inserted (6.12.2018) by The Social Security (Miscellaneous Amendments No. 4) Regulations 2017 (S.I. 2017/1015), regs. 1(3), **3(2)**
- F11** Words in reg. 1(3) omitted (6.9.1999) by virtue of The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422), reg. 1, **Sch. 3 para. 1(b)(i)(ii)**
- F12** Reg. 1(3A) inserted (10.2.1995) by The Social Security (Widows Benefit and Retirement Pensions) Amendment Regulations 1995 (S.I. 1995/74), regs. 1, **2**

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