

STATUTORY INSTRUMENTS

1979 No. 642

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

Provisions relating to age addition for persons not in receipt of a retirement pension

17.—(1) For the purposes of section 40(2) of the Act (age addition for persons over the age of 80 who are not entitled to a retirement pension but are in receipt of certain other payments) the prescribed enactments and instruments shall be—

- (a) Chapter IV or V of Part II of the Act;
- (b) any scheme made under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975;
- (c) any Service Pensions Instrument;
- (d) any scheme made under the Personal Injuries (Emergency Provisions) Act 1939 or under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939;
- (e) any 1914-1918 War Injuries Scheme;
- (f) section 36 of the Act ([^{F1}severe disablement allowance]);
- (g) section 37 of the Act ([^{F2}carer's allowance]).

[^{F3}(ga) the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023;]

[^{F4}(h) sections 36 and 37 of the National Insurance Act 1965 as continued in force by the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978.]

(2) The following shall [^{F5}, subject to paragraph (3),] be additional conditions of entitlement to age addition under section 40(2) of the Act:—

- (a) that the person concerned is in receipt of a payment under an enactment or instrument specified in paragraph (1), by reference to which the amount of a retirement pension would, if it were otherwise payable to him, be extinguished by virtue of any regulations made under section 85(1)(a) of the Act (overlapping benefits); and
- (b) that had he made a claim for it, he would have been entitled to a retirement pension of any category by virtue of any provision of the Act or any regulations made under it.

[^{F6}(3) Paragraph (2) shall not apply to a person who is in receipt of a payment under the enactment specified in paragraph (1)(h).]

Textual Amendments

- F1** Words in reg. 17(1)(f) substituted (29.11.1984) by [The Social Security \(Severe Disablement Allowance\) Regulations 1984 \(S.I. 1984/1303\)](#), regs. 1, 11, [Sch. 2](#)
- F2** Words in reg. 17 substituted (1.4.2003) by [The Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), [Sch. 2](#) paras. 12
- F3** [Reg. 17\(1\)\(ga\)](#) inserted (19.11.2023) by [The Carer's Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023 \(Consequential Amendments\) Order 2023 \(S.I. 2023/1218\)](#), arts. 1(2), [4\(3\)](#)

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- F4** Reg. 17(1)(h) inserted (7.6.1993) by The Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1993 (S.I. 1993/1242), regs. 1, **2(2)**
- F5** Words in reg. 17(2) inserted (7.6.1993) by The Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1993 (S.I. 1993/1242), regs. 1, **2(3)**
- F6** Reg. 17(3) inserted (7.6.1993) by The Social Security (Widows Benefit and Retirement Pensions) Amendment Regulations 1993 (S.I. 1993/1242), regs. 1, **2(4)**

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