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## STATUTORY INSTRUMENTS

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### 1979 No. 643

## The Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979

### Interpretation

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

[<sup>F1</sup>“the 1992 Act” means the Social Security Contributions and Benefits Act 1992;]

“the Act” means the Social Security Act 1975;

“the former principal Act” means the National Insurance Act 1965;

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

“contribution week” means a period of 7 days beginning with midnight between Sunday and Monday;

“the Contributory Pensions Acts” means the Widows', Orphans' and Old Age Contributory Pensions Acts 1936 to 1941;

“pre-1975 beneficiary” means—

(a) a person to or in respect of whom benefit under the former principal Act (including such benefit, pension or allowance as is mentioned in paragraph 17(2)(b) of Schedule 11 to that Act is, or but for a disqualification or forfeiture would be, payable immediately before 6th April 1975; and

(b) a person who immediately before that date had a prospective right to, or expectation of, such benefit;

“pre-1975 contribution” means a contribution of any class paid under the former principal Act in respect of a week before the contributor concerned attained pensionable age and also means —

(a) in relation to widowed mother's allowance, widow's pension, child's special allowance and a Category B retirement pension to which a woman is entitled by virtue of section 29(5) of the Act, a contribution paid under the Contributory Pensions Acts by a pre-1948 contributor in respect of a period between the date of the contributor's last entry into insurance under those Acts and 5th July 1948 and paid for purposes which included widows' and orphans' pensions purposes; and

(b) in relation to a Category A retirement pension or a Category B retirement pension, other than such a pension as is referred to in the preceding sub-paragraph, a contribution paid under the Contributory Pensions Acts by a pre-1948 contributory in respect of a period between the date of his last entry into insurance under those Acts and 5th July 1948 and paid for purposes which included old age pensions purposes;

“pre-1975 contributor” means a person who was insured under the former principal Act;

“pre-1948 contributor” means a person who, within the prescribed time referred to in paragraph 17(1)(a) of Schedule 11 to the former principal Act, was, or was deemed to be, or was treated as insured under the Contributory Pensions Acts;

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“reckonable year” for the purposes of the contribution conditions for any benefit means a tax year before 6th April 1978 in which the contributor concerned paid or was credited with contributions of a relevant class and the earnings factor derived from those contributions amounted to not less than that year's lower earnings limit multiplied by 50;

“year” means tax year.

(2) Any reference in these regulations to a pre-1975 beneficiary who is entitled to benefit under the former principal Act shall include a person who but for any disqualification or forfeiture would be entitled to such benefit; and where, on or after 6th April 1975, a person is, by virtue of these regulations, entitled to benefit under the Act or the Pensions Act, such entitlement shall be subject to any disqualification or forfeiture and subject to any reduction in the rate of benefit payable to which that person's entitlement to benefit under the former principal Act would have been subject if that Act had continued on or after 6th April 1975.

(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 the Secretary of State, a Commissioner, [F<sup>2</sup> or an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998], whichever is appropriate; 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.

#### Textual Amendments

- F1** Words in reg. 2(1) inserted (6.4.2010) by [The Social Security \(State Pension and National Insurance Credits\) Regulations 2009 \(S.I. 2009/2206\)](#), regs. 1(3), **17**
- F2** Words in reg. 2(3) substituted (6.9.1999) by [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#), art. 3(1), **Sch. 4 para. 1**

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