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STATUTORY INSTRUMENTS

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**1981 No. 1627**

**SOCIAL SECURITY**

**The Social Security (Widow'S Benefit, Retirement Pensions and Other Benefits) (Transitional) Amendment Regulations 1981**

<i>Made</i>	- - - -	<i>12th November 1981</i>
<i>Laid before Parliament</i>		<i>20th November 1981</i>
<i>Coming into Operation</i>		<i>14th December 1981</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 63 of the Social Security Pensions Act 1975 and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it<sup>(1)</sup>, hereby makes the following regulations:—

**Citation and commencement**

1. These regulations, which may be cited as the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Amendment Regulations 1981, amend the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979 (hereinafter referred to as “the principal regulations”) and shall come into operation on 14th December 1981.

**Amendment of regulation 7 of the principal regulations**

2. In regulation 7(10)(a) of the principal regulations for the word “during” there shall be substituted the words “in respect of”.

**Insertion into the principal regulations of regulation 12A**

3. After regulation 12 of the principal regulations there shall be inserted the following regulation:

**“Provision relating to increase of a woman's Category A or B retirement pension on termination of marriage**

**12A.** In the case of a woman—

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(1) See section 10(2)(b) of the Social Security Act 1980 (c. 30).

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- (a) who before 6th April 1979 was or, if both she and her husband had retired immediately before that date, would have been entitled under section 29(10)(a) of the Act<sup>(2)</sup> (increase of a woman's Category B retirement pension where her husband deferred his retirement) to an increase of the weekly rate of her Category B retirement pension, and
- (b) whose marriage has terminated on or after 6th April 1979,

the weekly rate of her Category B retirement pension or, where by virtue of section 9 or section 20 of the Pensions Act she has become entitled to a Category A retirement pension, the weekly rate of her Category A retirement pension shall be increased, with effect from the date on which this regulation comes into operation or of the said termination or, in the case of a Category A retirement pension, her retirement, whichever is the latest, by the amount by which her Category B retirement pension was, or would have been, increased under the said section 29(10)(a) together with any increase of that amount by virtue of section 124 of the Act (increase of rates of benefit).”.

12th November 1981

*Norman Fowler*  
Secretary of State for Social Services

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(2) Section 29(10) of the Social Security Act 1975 (c. 14) was repealed from 6th April 1979 by section 65(3) of, and Schedule 5 to, the Social Security Pensions Act 1975 (c. 60).

## EXPLANATORY NOTE

These Regulations amend the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979 (“the principal regulations”).

Regulation 7(10) of the principal regulations modifies the second contribution condition (number of years of contributions) for a Category A retirement pension where a person whose former spouse was insured under the National Insurance Act 1965 (c.51) may have the contributions of that spouse treated as his own. Regulation 2 of these Regulations amends that provision to ensure that contributions paid by or credited to the former spouse after the end of the period of his working life, but in respect of that period, may be taken into account.

Regulation 3 of these Regulations inserts a new regulation 12A in the principal regulations. The new Regulation provides that where, on termination of marriage on or after 6th April 1979, a woman receives a retirement pension on her husband's or her own contributions, increments earned before that date while her marriage subsisted and her husband was deferring his retirement are added to her pension. The new regulation also ensures that the increments are up-rated under the provisions of section 124 of the Social Security Act 1975.