
STATUTORY INSTRUMENTS

2000 No. 1483

**The Social Security (Benefits for Widows and Widowers)
(Consequential Amendments) Regulations 2000**

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979

7.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(1) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (definitions) at the appropriate places in the alphabetical order, insert—

““bereavement allowance” means an allowance awarded in accordance with section 39B of the Social Security Contributions and Benefits Act 1992;

“widowed parent's allowance” means an allowance referred to in section 39A of the Social Security Contributions and Benefits Act 1992;”.

(3) In regulation 6 (benefit at reduced rates for those who do not satisfy the contribution conditions in full)(2) in—

(a) paragraph (1) after sub-paragraph (a), insert—

“(aa) widowed parent's allowance;

(ab) bereavement allowance;”;

(b) paragraph (2) after sub-paragraph (a), insert—

“(aa) widowed parent's allowance;”;

(c) paragraph (4)(b) after “widow's pension”, insert “, bereavement allowance, widowed parent's allowance”.

(4) After regulation 7 (Category B retirement pension for certain widows by virtue of husband's contributions)(3), add—

“Category B retirement pension for surviving spouses by virtue of deceased spouse's contributions

7A.—(1) For the purposes of entitlement of any person (“the pensioner”) to a Category B retirement pension under section 48BB of the Social Security Contributions and Benefits Act 1992 (Category B retirement pension: entitlement by reference to benefit under section 39A or 39B)(4) (“the 1992 Act”), the pensioner shall be treated as being entitled to a widowed parent's allowance or a bereavement allowance as the case may be, if he would have been so entitled but for any one or more of the circumstances specified in paragraph (2) below.

(2) The circumstances referred to in paragraph (1) above are—

(a) the pensioner's failure to make, or his delay in making, a claim for that widowed parent's allowance or bereavement allowance;

(1) S. I. 1979/642; the relevant amending instruments are S.I. 1987/1854 and 1990/2642.

(2) Regulation 6 was amended by regulation 2 of S.I. 1990/2642.

(3) Regulation 7 was amended by regulation 2(3) of S.I. 1987/1854.

(4) Section 48BB was inserted by section 56 of the Welfare Reform and Pensions Act 1999.

- (b) the operation of section 113 of the 1992 Act (disqualification and suspension)⁽⁵⁾ or section 73 of the Social Security Administration Act 1992 (overlapping benefits)⁽⁶⁾ or any regulations made under either of those sections, except for the operation of section 113(1)(a) of the 1992 Act (absence from Great Britain);
 - (c) the operation of any provision of the 1992 Act or any regulations made under the 1992 Act, disqualifying the pensioner from receipt of that widowed parent's allowance or bereavement allowance for any period except for the operation of the said section 113(1)(a);
 - (d) the pensioner's having attained pensionable age;
 - (e) the pensioner's having remarried.
- (3) Where this regulation applies the weekly rate of a Category B pension shall—
- (a) in the case of a pensioner treated as being entitled to widowed parent's allowance immediately before attaining pensionable age in consequence of the death of his or her spouse, be that specified in section 48BB(2) of the 1992 Act;
 - (b) in the case of a pensioner treated as being entitled to—
 - (i) widowed parent's allowance at any time when over the age of 45 but not immediately before attaining pensionable age, or
 - (ii) bereavement allowance at any time prior to obtaining pensionable age,be that specified in section 48BB(5) and (6) of the 1992 Act as the case may be.”
- (5) In regulation 8(1) (which specifies who is entitled to a Category A retirement pension by virtue of the substitution of a former spouse's contribution record) for sub-paragraph (b), substitute—
- “(b) any man or woman widowed on or after attaining pensionable age, his or her former spouse, as the case may be, being under pensionable age when she or he died; and”.

⁽⁵⁾ Section 113 was amended by paragraph 66 of Schedule 7 to the Social Security Act 1998.

⁽⁶⁾ Section 73 was amended by paragraph 49(2) of Schedule 2 to the Jobseekers Act 1995.