

**2023 No. 1237**

**SOCIAL SECURITY**

**The Social Security (Widow's Benefit and Retirement Pensions)  
(Amendment) Regulations 2023**

<i>Made</i> - - - -	<i>20th November 2023</i>
<i>Laid before Parliament</i>	<i>21st November 2023</i>
<i>Coming into force</i> - -	<i>31st December 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 78(3) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(b), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Social Security (Widow's Benefit and Retirement Pensions) (Amendment) Regulations 2023 and come into force on 31st December 2023.

(2) These Regulations extend to England and Wales and Scotland.

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

2. In regulation 10 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 (conditions for entitlement to a Category D retirement pension)(c)—

(a) the existing text becomes paragraph (1);

(b) after that paragraph insert—

“(2) Paragraph (1)(b) does not apply where, on the day or date determined in accordance with that paragraph, the person is ordinarily resident in an EEA state or Switzerland and one of the following provisions applies to that person—

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(a) 1992 c. 4. See section 122(1) of this Act for the definition of “prescribe”. Section 78(3) is amended by paragraph 84 of Schedule 12 to the Pensions Act 2014 (c. 19). Section 175(1) and (4) is amended by paragraph 29(1), (2) and (4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(b) 1992 c. 5.

(c) S.I. 1979/642, amended by S.I. 1984/1704.

- (a) the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland, signed on 1st February 2019(a);
- (b) the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Citizens' Rights following the Withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement, signed on 25th February 2019(b);
- (c) the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, signed on 24th January 2020(c);
- (d) the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom's membership of the European Union, signed on 28th January 2020(d);
- (e) the Protocol on Social Security Coordination to the Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community, of the other part, signed on 30th December 2020(e);
- (f) the Convention on Social Security Coordination between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation, signed on 9th September 2021(f);
- (g) the Convention on Social Security Coordination between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed on 30th June 2023(g).”.

Signed by authority of the Secretary of State for Work and Pensions

*Paul Maynard*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

20th November 2023

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- (a) See [https://assets.publishing.service.gov.uk/media/60211619d3bf7f70bb9b0170/TS\\_6.2021\\_UK\\_Ireland\\_Convention\\_on\\_Social\\_Security.pdf](https://assets.publishing.service.gov.uk/media/60211619d3bf7f70bb9b0170/TS_6.2021_UK_Ireland_Convention_on_Social_Security.pdf) . A hard copy of this and all other documents referred to in these Regulations may be obtained from the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.
  - (b) See [https://assets.publishing.service.gov.uk/media/5c77e524ed915d29df8f9f59/CS\\_Swiss\\_5.2019\\_Citizens.pdf](https://assets.publishing.service.gov.uk/media/5c77e524ed915d29df8f9f59/CS_Swiss_5.2019_Citizens.pdf).
  - (c) See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862063/TS3202\\_1.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862063/TS3202_1.PDF).
  - (d) See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/861908/MS\\_1.2020\\_Agreement\\_on\\_arrangements\\_between\\_Iceland\\_Liechtenstein\\_Norway\\_and\\_UK\\_following\\_withdrawal\\_of\\_UK\\_from\\_EU\\_EEA\\_agreement\\_and\\_other\\_agreements\\_applicable\\_UK\\_and\\_EEA\\_EFTA\\_States.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/861908/MS_1.2020_Agreement_on_arrangements_between_Iceland_Liechtenstein_Norway_and_UK_following_withdrawal_of_UK_from_EU_EEA_agreement_and_other_agreements_applicable_UK_and_EEA_EFTA_States.pdf).
  - (e) See page 2275 of 2555 in [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/982648/TS\\_8.2021\\_UK\\_EU\\_EAEC\\_Trade\\_and\\_Cooperation\\_Agreement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982648/TS_8.2021_UK_EU_EAEC_Trade_and_Cooperation_Agreement.pdf).
  - (f) See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1021441/CS\\_Swiss\\_4.2021\\_UK\\_Swiss\\_Social\\_Security\\_Coordination.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1021441/CS_Swiss_4.2021_UK_Swiss_Social_Security_Coordination.pdf).
  - (g) See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1168199/MS\\_7.2023\\_UK\\_EEA\\_EFTA\\_Social\\_Security\\_Convention.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168199/MS_7.2023_UK_EEA_EFTA_Social_Security_Convention.pdf).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend regulation 10 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 (S.I. 1979/642), which sets out the conditions that a person must meet to be entitled to a Category D retirement pension. One of those conditions is a condition of residence in Great Britain on the person's 80th birthday or the date of claim, if later.

Regulation 10 is amended so that the condition of residence on that date does not apply if the person is resident in an EEA State or Switzerland, and one of the provisions listed in new paragraph (2) applies to them. Those provisions prevent a person being refused entitlement to a benefit solely on the basis that they are not resident in Great Britain.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

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