1979 No. 1431

SOCIAL SECURITY

The Social Security (Earnings-Related Addition to Widow's Allowance) (Special Provisions) Regulations 1979

Laid before Parliament in draft

Made - - - - *9th November* 1979

Coming into Operation *6th January* 1980

Whereas a draft of the following regulations was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in exercise of the powers conferred upon him by section 130 of the Social Security Act 1975(**a**) and all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Earnings-Related Addition to Widow's Allowance) (Special Provisions) Regulations 1979 and shall come into operation on 6th January 1980

(2) In these regulations "the Act" means the Social Security Act 1975 and other expressions have the same meaning as in the Act.

Modification of Part I of Schedule 6 to the Act in certain cases

2.—(1) The provisions of Part I of Schedule 6 to the Act (computation of weekly rate) in respect of their application to the weekly rate of earnings-related addition to widow's allowance shall, in a case to which by virtue of paragraph (2) below this regulation applies, be subject to the modifications set out in paragraph (3) below.

(2) This regulation applies in a case where the relevant year for the purposes of the said provisions is a year during which there were earnings paid to or for the benefit of the widow's late husband in respect of which he was not liable to pay primary Class 1 contributions by virtue of section 4 of the Social Security Pensions Act 1975(**b**) (persons over pensionable age).

(3) In a case to which this regulation applies the said provisions shall have effect so that the late husband's reckonable weekly earnings shall be his earnings for that year in respect of which he was liable to pay primary Class 1

(**a**) 1975 c. 14. (**b**) 1975 c. 60.

contributions or would have been liable to pay such contributions but for the said section 4, divided by 50.

Patrick Jenkin,
Secretary of State for Social Services.

9th November 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations modify Part I of Schedule 6 to the Social Security Act 1975 in cases where the late husband had attained pensionable age and during the whole or part of the relevant year would have had liability for Class 1 contributions but for section 4(1) of the Social Security Pensions Act 1975. The earnings-related addition will be calculated in these cases by reference to the late husband's earnings and not to an earnings factor which is based on Class 1 contributions.

The report of the National Insurance Advisory Committee dated 2nd May 1979 on the draft of these Regulations referred to them is contained in Command Paper (Cmnd. 7699) published by Her Majesty's Stationery Office.

SI 1979/1431
ISBN 0-11-091431-7

