STATUTORY INSTRUMENTS

1975 No. 458

SOCIAL SECURITY

The Social Security (Miscellaneous and Consequential Provisions) Regulations 1975

Made - - - -	19*th March* 1975
Laid before Parliament	26*th March* 1975
Coming into Operation	6*th April* 1975

The Secretary of State for Social Services, in exercise of powers conferred by paragraph 3(1) of Schedule 6 to the National Insurance Act 1969**(a)**, section 35(5) of, and paragraph 2(1)(*a*) of Schedule 10 and paragraph 2(1) of Schedule 26 to, the Social Security Act 1973**(b)**, and of all other powers enabling her in that behalf, hereby makes the following regulations without having referred them to the National Insurance Advisory Committee since they only contain provisions made in consequence of the Social Security Benefits Act 1975**(c)** or to which paragraph 16 of Schedule 12 to the said Act of 1973 applies:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Miscellaneous and Consequential Provisions) Regulations 1975 and shall come into operation on 6th April 1975.

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

"the Act" means the Social Security Act 1973;

"the Act of 1969" means the National Insurance Act 1969;

"the Act of 1975" means the Social Security Benefits Act 1975;

"benefit" means benefit under the Act or 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 (pre-1948 beneficiaries);

"regulations" means regulations made under the Act;

and other expressions have the same meanings as in the Act.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except insofar as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it with or without modification.

(a) 1969 c. 44. **(b)** 1973 c. 38. **(c)** 1975 c. 11

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

2. Where an award of benefit has been made before the day appointed or prescribed for the payment at a higher weekly rate, by virtue of the Act of 1975 or of regulations, of benefit corresponding to that to which the award relates, paragraphs 2 and 3 of Schedule 6 to the Act of 1969 as amended by section 8(7) of the Act of 1975 (effect of any such award) shall, unless the period to which the award relates has ended before that day or the award, in accordance with the provisions of sub-paragraph (2) of the said paragraph 3, provides for the payment of the benefit at the higher weekly rate as from that day, have effect subject to the condition that if a question arises as to—

(*a*) the weekly rate at which the benefit is payable by virtue of the Act of 1975 or of regulations; or

(*b*) whether the conditions for the receipt of the benefit at the higher weekly rate are satisfied,

the benefit shall be or continue to be payable at the weekly rate specified in the award until that question shall have been determined in accordance with the provisions of the Act.

Persons not ordinarily resident in Great Britain

3.—(1) Notwithstanding the provisions of these or any other regulations, but subject to the provisions of this regulation, a person who is not ordinarily resident in Great Britain immediately before 7th April 1975 (in this regulation referred to as "the said date") shall, unless and until that person becomes ordinarily resident in Great Britain, be disqualified for receiving—

(*a*) in the case of a woman who immediately before the said date is a married woman and had not retired from regular employment, any additional Category B retirement pension by virtue of her husband's contributions if the husband before the said date had retired from regular employment and was not ordinarily resident in Great Britain;

(*b*) in the case of a woman who immediately before the said date is a widow, any additional Category B retirement pension by virtue of her husband's contributions if her husband had died before the said date;

(*c*) in any other case, any additional retirement pension of any category (not being additional retirement pension to which either of the two foregoing sub-paragraphs applies) if that person had retired from regular employment, or had otherwise become entitled to a retirement pension, before the said date;

(*d*) any additional widow's benefit, or benefit under section 27(4) of the Act corresponding to a widow's pension or a widowed mother's allowance, if her husband had died or retired before the said date;

(*e*) any additional child's special allowance if her former husband had died before the said date.

1889 c. 63.

(2) Notwithstanding as aforesaid, if immediately before the said date a person is not ordinarily resident in Great Britain but that person has, or would, but for the absence of any child from Great Britain, have in his family immediately before the said date a child in relation to whom the conditions for guardian's allowance specified in section 22 of the Act are satisfied, that person and any other person who would otherwise be entitled to any additional guardian's allowance in respect of that child shall be disqualified for receiving any additional guardian's allowance in respect of that child unless and until the child becomes (or is) included in the family of a person who is ordinarily resident in Great Britain.

(3) The disqualifications for the receipt of additional benefit contained in this regulation shall not apply to a person for any period during which he is in Great Britain.

(4) For the purposes of this regulation references to additional benefit of any description are to be construed as references to additional benefit of that description by virtue (either directly or indirectly) of any provision of the Act of 1975 or of regulations.

(5) A widow who—

(*a*) is not ordinarily resident in Great Britain immediately before the said date and was entitled to widow's benefit immediately before attaining pensionable age, or who would, but for any provision of the Act disqualifying her for the receipt of such benefit, have been so entitled; and

(*b*) is or becomes entitled to a Category A retirement pension the right to which is determined by taking into account under section 24(3) of the Act her husband's contributions,

shall be disqualified for receiving any additional Category A retirement pension the right to which is so determined unless and until she becomes ordinarily resident in Great Britain, if—

(i) her husband died before the said date; or

(ii) before the said date he had retired from regular employment and was not ordinarily resident in Great Britain.

(6) The provisions of paragraph 3(1) of Part II of Schedule 6 to the Act of 1969 shall apply where, notwithstanding the foregoing provisions of this regulation, benefit of an amount higher than the amount awarded to a person has in fact been paid to him.

(7) The disqualification for the receipt of additional retirement pension contained in paragraph (1)(*c*) of this regulation shall not apply to a woman in relation to a Category B retirement pension by virtue of her husband's contributions if that husband had not retired from regular employment before the said date and either—

(i) he was her husband immediately before that date; or

(ii) she married him on or after that date.

(8) Notwithstanding the provisions of any regulations made before these regulations which provide for benefit to be payable at reduced rates to persons who do not satisfy the contribution conditions in full, or which provide alternative rights to benefit, a person who immediately before the said date is not ordinarily resident in Great Britain shall continue to receive benefit at the same rate as

previously, that is to say, the amount appropriate to that person when he left Great Britain, or when he became entitled to the benefit in question, if later.

Amendment of the Social Security (General Benefit) Regulations 1974

4. In regulation 4(2) of the Social Security (General Benefit) Regulations 1974**(a)** (earnings rule for female person having care of pensioner's child) for the reference to £13·00 there shall be substituted a reference to £20.

Transitory provisions for unemployment benefit, sickness benefit and maternity allowance payable at reduced rates

5. As respects 6th April 1975 in the case of maternity allowance (including increase thereof for adult dependant where payable) and as respects the period beginning with 6th April 1975 and ending immediately before 10th April 1975 in the case of unemployment benefit and sickness benefit (including increases thereof for adult dependant where payable) for the table in Schedule 2 to the Social Security (Short-Term Benefits) (Transitional) Regulations 1974**(b)** there shall be substituted the table in the Schedule to these regulations.

Signed by authority of the Secretary of State for Social Services,

Brian O'Malley,
Minister of State,
Department of Health and Social Security.

19th March 1975.

Regulation 5

THE SCHEDULE

REDUCED RATES OF BENEFIT AND OF INCREASE OF BENEFIT FOR ADULT DEPENDANT

1 Number of contributions paid or credited in the relevant contribution year or as the case may be relevant contribution period	2 Unemployment or sickness benefit at higher rate or maternity allowance	3 Unemployment or sickness benefit at lower rate	4 Increase for adult dependant
	£	£	£
48—49	8·25	5·96	5·10
46—47	7·91	5·78	4·92
43—45	7·56	5·43	4·68
40—42	6·94	5·08	4·34
37—39	6·28	4·57	4·02
34—36	5·64	4·09	3·59
30—33	4·97	3·63	3·13
26—29	4·30	3·03	2·65

(a) S.I. 1974/2079 (1974 III, p. 8113). **(b)** S.I. 1974/2192 (1974 III, p. 8604).

(2) Notwithstanding as aforesaid, if immediately before the said date a person is not ordinarily resident in Great Britain but that person has, or would, but for the absence of any child from Great Britain, have in his family immediately before the said date a child in relation to whom the conditions for guardian's allowance specified in section 22 of the Act are satisfied, that person and any other person who would otherwise be entitled to any additional guardian's allowance in respect of that child shall be disqualified for receiving any additional guardian's allowance in respect of that child unless and until the child becomes (or is) included in the family of a person who is ordinarily resident in Great Britain.

(3) The disqualifications for the receipt of additional benefit contained in this regulation shall not apply to a person for any period during which he is in Great Britain.

(4) For the purposes of this regulation references to additional benefit of any description are to be construed as references to additional benefit of that description by virtue (either directly or indirectly) of any provision of the Act of 1975 or of regulations.

(5) A widow who—

(*a*) is not ordinarily resident in Great Britain immediately before the said date and was entitled to widow's benefit immediately before attaining pensionable age, or who would, but for any provision of the Act disqualifying her for the receipt of such benefit, have been so entitled; and

(*b*) is or becomes entitled to a Category A retirement pension the right to which is determined by taking into account under section 24(3) of the Act her husband's contributions,

shall be disqualified for receiving any additional Category A retirement pension the right to which is so determined unless and until she becomes ordinarily resident in Great Britain, if—

(i) her husband died before the said date; or

(ii) before the said date he had retired from regular employment and was not ordinarily resident in Great Britain.

(6) The provisions of paragraph 3(1) of Part II of Schedule 6 to the Act of 1969 shall apply where, notwithstanding the foregoing provisions of this regulation, benefit of an amount higher than the amount awarded to a person has in fact been paid to him.

(7) The disqualification for the receipt of additional retirement pension contained in paragraph (1)(*c*) of this regulation shall not apply to a woman in relation to a Category B retirement pension by virtue of her husband's contributions if that husband had not retired from regular employment before the said date and either—

(i) he was her husband immediately before that date; or

(ii) she married him on or after that date.

(8) Notwithstanding the provisions of any regulations made before these regulations which provide for benefit to be payable at reduced rates to persons who do not satisfy the contribution conditions in full, or which provide alternative rights to benefit, a person who immediately before the said date is not ordinarily resident in Great Britain shall continue to receive benefit at the same rate as

previously, that is to say, the amount appropriate to that person when he left Great Britain, or when he became entitled to the benefit in question, if later.

Amendment of the Social Security (General Benefit) Regulations 1974

4. In regulation 4(2) of the Social Security (General Benefit) Regulations 1974**(a)** (earnings rule for female person having care of pensioner's child) for the reference to £13·00 there shall be substituted a reference to £20.

Transitory provisions for unemployment benefit, sickness benefit and maternity allowance payable at reduced rates

5. As respects 6th April 1975 in the case of maternity allowance (including increase thereof for adult dependant where payable) and as respects the period beginning with 6th April 1975 and ending immediately before 10th April 1975 in the case of unemployment benefit and sickness benefit (including increases thereof for adult dependant where payable) for the table in Schedule 2 to the Social Security (Short-Term Benefits) (Transitional) Regulations 1974**(b)** there shall be substituted the table in the Schedule to these regulations.

Signed by authority of the Secretary of State for Social Services,

Brian O'Malley,
Minister of State,
Department of Health and Social Security.

19th March 1975.

Regulation 5

THE SCHEDULE

REDUCED RATES OF BENEFIT AND OF INCREASE OF BENEFIT FOR ADULT DEPENDANT

1 Number of contributions paid or credited in the relevant contribution year or as the case may be relevant contribution period	2 Unemployment or sickness benefit at higher rate or maternity allowance	3 Unemployment or sickness benefit at lower rate	4 Increase for adult dependant
	£	£	£
48—49	8·25	5·96	5·10
46—47	7·91	5·78	4·92
43—45	7·56	5·43	4·68
40—42	6·94	5·08	4·34
37—39	6·28	4·57	4·02
34—36	5·64	4·09	3·59
30—33	4·97	3·63	3·13
26—29	4·30	3·03	2·65

(a) S.I. 1974/2079 (1974 III, p. 8113). **(b)** S.I. 1974/2192 (1974 III, p. 8604).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain matters in consequence of the increased rates of benefit provided for in the Social Security Benefits Act 1975 and also further transitional provisions relating to reduced rates of certain short-term benefits under the Social Security Act 1973.

Regulation 1 relates to the citation, commencement and interpretation of the Regulations; regulation 2 specifies the circumstances in which the amount of benefit, awarded before the date from which higher rates become payable, is not automatically to be increased; regulation 3 relates to the position of certain persons who are absent from and not ordinarily resident in Great Britain when the weekly rates of certain benefits are increased; regulation 4 relaxes the earnings rule in regulation 4(2) of the Social Security (General Benefit) Regulations 1974 in respect of the earnings of a female person caring for a child or children of a pensioner and residing with him, on the same basis as that rule is relaxed in the case of wives of retirement and invalidity pensioners who are residing with their husbands; and regulation 5 contains transitional provisions relating to unemployment benefit, sickness benefit and maternity allowance payable at reduced weekly rates because the contribution conditions for those benefits are not fully satisfied.

SI 1975/458
ISBN 0-11-050458-5

