

1989 No. 893

**SOCIAL SECURITY**

**The Social Security Miscellaneous Provisions  
Regulations 1989**

*Made* - - - - - *23rd May 1989*

*Coming into force* *28th May 1989*

Whereas a draft of the following Regulations was laid before Parliament in accordance with the provisions of section 167(1)(a) of the Social Security Act 1975(a) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 13(4), 30(3), 130(1), 162 and 166(2) and (3) of the Social Security Act 1975(b), section 2(1) of and paragraphs 3, 7 and 9 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(c) and section 24(1)(a) of the Social Security Pensions Act 1975(d) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(e), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Miscellaneous Provisions Regulations 1989 and shall come into force on 28th May 1989.

(2) In these Regulations—

“the 1975 Act” means the Social Security Act 1975;

“day of unemployment”, “day of incapacity for work” and “period of interruption of employment” shall be construed in accordance with section 17 of the 1975 Act;

“Married Women and Widows Special Provisions Regulations” means the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974(f).

**Amendment of the Married Women and Widows’ Special Provisions Regulations**

2.—(1) The Married Women and Widows’ Special Provisions Regulations shall be amended in accordance with the following provisions of this regulation.

(2) Subject to regulation 6 of these Regulations, regulation 2 (special credits where a woman’s marriage has been terminated) shall be omitted.

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(a) 1975 c.14. Section 167(1)(a) was amended by the Social Security Pensions Act 1975 (c.60), Schedule 5 and the Social Security Act 1986 (c.50), section 62(3) and Schedule 10, paragraph 65.

(b) 1975 c.14. See section 168(1) and Schedule 20 for the meaning of “regulations”. Section 13(4) was amended by the Social Security Act 1986 (c.50), Schedule 8, paragraph 2.

(c) 1975 c.18. See Schedule 3, paragraph 1 for the meaning of “prescribed”. Schedule 3 was amended by the Social Security Pensions Act 1975 (c.60), section 65(3) and Schedule 5.

(d) 1975 c.60. Section 24(1)(a) was amended by the Social Security Act 1986 (c.50), Schedule 10, paragraph 92.

(e) See section 10(2)(b) of the Social Security Act 1980 (c.30) and section 61(1)(b) of the Social Security Act 1986.

(f) S.I. 1974/2010; the relevant amending instruments S.I. 1979 345 and 1980 1168

(3) In regulation 3 (modifications, in relation to widows, of provisions with respect to unemployment and sickness benefit, maternity allowance and Category A retirement pension)–

(a) in paragraph (5)(a), the words after “contributions or both” to the end shall be omitted and there shall be substituted the words–

“and the earnings factor derived from–

(i) earnings paid in a year upon which primary Class 1 contributions have been paid or treated as paid in respect of that year, or

(ii) earnings with which she has been credited in respect of that year, or

(iii) Class 2 contributions,

is not less than that year’s lower earnings limit multiplied by 25; and”;

(b) subject to regulation 6 of these Regulations, paragraph 3(10) shall be omitted.

(4) Regulations 3B(a), 5, 8 and 10 shall be omitted.

#### **Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978**

3. In the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(b), for regulation 2 there shall be substituted the following regulation–

##### **“Application of provisions of sections 63 and 64 of the Social Security Act 1986**

2. The provisions of sections 63 and 64 of the Social Security Act 1986(c) (annual up-rating of benefits and effect of alteration of rates of benefit) shall apply to the amount of graduated retirement benefit payable for each unit of graduated contributions and to increases of such benefit under the provisions of Schedule 2 to these Regulations.”.

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

4. In regulation 2(3) of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979(d) (election to be treated as not having retired), for the words “on the date it was posted” there shall be substituted the words “on the date on which it was received in an office of the Department of Social Security.”.

#### **Savings**

5. For the purposes of determining whether the contribution condition referred to in regulation 3(5)(a) of the Married Women and Widows Special Provisions Regulations is satisfied in any case, that regulation shall continue to have effect in relation to any year beginning before 6th April 1988 as though regulation 2(3) of these Regulations had not been made.

#### **Transitional provisions for special credits where a woman’s marriage has been terminated**

6. Where before 28th May 1989 a woman would have been able to satisfy the second contribution condition for unemployment benefit or sickness benefit only by virtue of regulations 2 or 3(10) of the Married Women and Widows Special Provisions Regulations, those Regulations shall continue to apply to her as if paragraphs (2) and (3)(b) of regulation 2 of these Regulations had not been enacted–

(a) where after 27th May 1989 she has a day of unemployment and that day falls within a period of interruption of employment which began before 28th May 1989, until either the day immediately following that period of interruption of employment or 1st October 1989, whichever is the earlier; or

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(a) Regulation 3B was inserted by S.I. 1980/1168.

(b) S.I. 1978/393; regulation 2(1) was amended and regulation 2(2) revoked by S.I. 1981/330.

(c) 1986 c.50.

(d) S.I. 1979/642.

- (b) where after 27th May 1989 she has a day of incapacity for work and that day falls within a period of interruption of employment which began before 28th May 1989, until—
- (i) where the period of interruption of employment ends before 2nd October 1989, the day immediately following the last day of that period, or
  - (ii) where that period of interruption of employment continues after 1st October 1989—
    - (a) the day on which entitlement to invalidity pension begins, or
    - (b) the first day after 1st October 1989, not being a day referred to in section 17(1)(e) of the 1975 Act, which is not a day of incapacity for work,
- whichever is the earlier; or
- (c) where after 27th May 1989 she has a day of incapacity for work and that day falls within—
- (i) a period of interruption of employment, and
  - (ii) a period of 57 days immediately following the end of a period of entitlement to statutory sick pay which contained at least one day of incapacity for work which fell before 28th May 1989,
- until, where the period of interruption of employment—
- (a) ends before 2nd October 1989, the day immediately following the last day of that period, or
  - (b) continues after 1st October 1989,
    - (i) the day on which entitlement to invalidity pension begins, or
    - (ii) the first day after 1st October 1989, not being a day referred to in section 17(1)(e) of the 1975 Act, which is not a day of incapacity for work,
- whichever is the earlier.

Signed by authority of the Secretary of State for Social Security.

23rd May 1989

*Skelmersdale*  
Parliamentary Under-Secretary of State,  
Department of Social Security

## EXPLANATORY NOTE

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

These Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament, amend the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974, the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 and the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979.

The amendments are consequential upon—

- (1) the coming into force of section 75 of and Schedule 8 to the Social Security Act 1986 which relate to earnings factors (regulation 2(3)); and
- (2) the coming into force of sections 63 and 64 of the Social Security Act 1986 which relate to the changes in the rate of benefit and the repeal in Schedule 10 to that Act of sections 124 to 126A of the Social Security Act 1975 (regulation 3).

In addition regulations 2, 3(10), 3B, 5, 8 and 10 of the Social Security (Benefit) (Married Women and Widows' Special Provisions) Regulations 1974 are revoked (regulations 2(2), (3)(b) and (4)). Regulation 2(3) of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 has been amended by changing the date on which notices of de-retirement are deemed to have been given from the date the notice was posted to the date it was received in an office of the Department of Social Security (regulation 4).

The Regulations contain savings relating to unemployment benefit, sickness benefit and maternity allowance (regulation 5) and provide for transitional arrangements for women who were given credits in order that they might claim unemployment benefit and sickness benefit (regulation 6).

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