
STATUTORY INSTRUMENTS

1995 No. 829

The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995

PART II

MISCELLANEOUS CONSEQUENTIAL AMENDMENTS

Amendment of the Widow's and Widower's Invalidity Pensions Regulations

9.—(1) The Widow's and Widower's Invalidity Pensions Regulations shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (2) of regulation 1 (citation, commencement and interpretation) there shall be substituted the following paragraph—

“(2) In these Regulations, unless the context otherwise requires, “the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992 and other expressions shall have the same meaning as in that Act.”.

(3) Regulation 2 is hereby revoked.

(4) For regulation 3 (rates of Category A retirement pension for certain widows and widowers) there shall be substituted the following regulation—

“(3) Where the rate of a person's Category A retirement pension falls to be determined under sections 40(6)(b) or 41(5)(b) of the Contributions and Benefits Act⁽¹⁾ it shall be equal to the higher of—

- (a) the weekly rate of incapacity benefit applicable to him under the said sections 40 and 41 immediately before he attained pensionable age or where there was no such rate, the rate specified in section 41(4) of the Contributions and Benefits Act; or
- (b) the rate of Category A retirement pension to which he would have been entitled apart from those sections,

whichever is more favourable to him taking into account the effect of section 52 of the Contributions and Benefits Act.”.

(5) For regulation 4 (prescribed periods for the purposes of section 16 of the pensions Act) there shall be substituted the following regulation—

“Prescribed Periods for the Purposes of Section 41 of the Contributions and Benefits Act.

(4) The prescribed period for the purposes of section 41(1)(b), (2)(a) and (3)(a) of the Contributions and Benefits Act shall be 13 weeks (“week” for this purpose meaning any period of 7 days) beginning with the day following the day on which the wife died.”.

(1) Sections 40(6)(b) and 41(5)(b) were inserted by paragraphs 8 and 9 respectively of Schedule 1 to the Social Security (Incapacity for Work) Act 1994.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
