1975 No. 19

SOCIAL SECURITY

The Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975

Made . . . . . *5th February* 1975

Coming into operation . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by sections 9(7), 37 and 42 of, and paragraph 14 of Schedule 22 and paragraphs 2 and 4 of Schedule 26 to the Social Security Act 1973(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) 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 Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(b);

"appropriate weekly rate" means, in relation to any benefit, the weekly rate of personal benefit by way of benefit of that description which is appropriate in the case of the person in relation to whom the provision containing that expression is to be applied;

"the Department" means the Department of Health and Social Services for Northern Ireland;

"the determining authority" means, as the case may require, the Chief National Insurance Commissioner appointed under paragraph 13(1) of Schedule 25 to the Act or any other National Insurance Commissioner so appointed or any tribunal constituted under paragraph 13(2) of that Schedule, a local tribunal constituted under section 76 of the National Insurance Act (Northern Ireland) 1966(c) as amended by Schedule 25 to the Act, or an insurance officer appointed under section 67(1) of the National Insurance Act (Northern Ireland) 1966 as so amended;

"marriage" includes any remarriage, and the word "married", wherever it occurs, shall be construed accordingly;

"personal benefit" means that benefit, pension or allowance (whether under the Act or otherwise) which, apart from the provisions of regulations made under paragraph 3 of Schedule 10 to the Act (overlapping benefits), is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

(a) 1973 c. 38
(b) 1966 c. 9 (N.I.)
(c) 1966 c. 6 (N.I.)

"Personal Injuries Scheme" means any scheme made under the Personal Injuries (Emergency Provisions) Act 1939(**d**) or under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**e**);

"reckonable year", for the purposes of the contribution conditions for any benefit, means a year in which the contributor concerned has paid or has been credited with contributions of a relevant class and in which the earnings factor derived from those contributions amounts to not less than that year's lower earnings limit multiplied by 50;

"Service Pensions Instrument" means those provisions and only those provisions of any Royal Warrant, Order in Council or other instrument (not being a 1914-1918 War Injuries Scheme) under which a death or a disablement pension (not including a pension calculated by reference to length of service) and allowances for dependants payable with either such pension may be paid out of public funds in respect of any death or disablement, wound, injury or disease due to service in the naval, military or air forces of the Crown or in any nursing service or other auxiliary service of any of the said forces or in the Home Guard or in any other organisation established under the control of the Defence Council or formerly established under the control of the Admiralty, the Army Council or the Air Council;

"1914-1918 War Injuries Scheme" means any scheme made under the Injuries in War (Compensation) Act 1914(**f**) or under the Injuries in War Compensation Act 1914 (Session 2)(**g**) or any Government scheme for compensation in respect of persons injured in any merchant ship or fishing vessel as the result of hostilities during the 1914-1918 War;

"year" means an income tax year,

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

(3) References in these regulations to any enactment or regulations shall, except in so far as the context otherwise requires, be construed as references to such enactment or regulations as amended or extended by or under any other enactment, order or regulations and as including references to any enactment or regulations thereby consolidated.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**h**) 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.

Special credits where a woman's marriage has been terminated

2. Where a woman's marriage has been terminated by the death of her husband or otherwise, and she has in respect of any one year (not being a year before that in which the marriage took place, and being either the last year before that in which the marriage was terminated or any subsequent year) paid Class 1 or Class 2 contributions or both, and the earnings factor derived from those contributions is not less than the lower earnings limit for that year multiplied by 25, there shall be credited to her, in respect of any year during the whole or any part of which the marriage subsisted, and for the purpose only of enabling her to satisfy the second contribution condition for unemployment benefit, sickness benefit or maternity allowance specified in paragraph 1 or 3, as the case may be, of Schedule 3 to the Act, such Class

(**d**) 1939 c. 82
(**e**) 1939 c. 83
(**f**) 1914 c. 30
(**g**) 1914 c. 18 (5 & 6 Geo. 5)
(**h**) 1889 c. 63

1 contributions (if any) as are required to enable her to satisfy that condition, so however that she shall not be entitled by virtue of this provision to benefit in respect of any period before the marriage was terminated or before she paid contributions as aforesaid.

Modifications, in relation to widows, of provisions with respect to unemployment and sickness benefit, maternity allowance and Category A retirement pension

3.—(1) Subject to the following provisions of this regulation, where, otherwise than by reason of remarriage or cohabitation with a man as his wife, a woman ceases to be entitled either to a widow's allowance or to a widowed mother's allowance—

(*a*) she shall be deemed to have satisfied the first contribution condition for unemployment benefit, sickness benefit, maternity allowance or Category A retirement pension specified in paragraph 1, 3 or 5, as the case may be, of Schedule 3 to the Act;

(*b*) for the purpose only of enabling her to satisfy the second contribution condition for unemployment benefit, sickness benefit or maternity allowance specified in paragraph 1 or 3, as the case may be, of Schedule 3 to the Act, there shall be credited to her, for every year up to and including that in which she ceased to be entitled as aforesaid, such Class 1 contributions (if any), as are required to enable her to satisfy that condition; and

(*c*) for the purposes of the provisions of section 13(1) of the Act (exhaustion of, and requalification for, unemployment benefit) if the day on which she ceases to be entitled as aforesaid falls during a period of interruption of employment, any part of that period before that day shall be left out of account and, if on that day her right to unemployment benefit is exhausted, she shall be deemed to have requalified therefor on that day.

(2) When a husband who is entitled to a Category C retirement pension dies and his wife has not attained pensionable age, the provisions of paragraph (1) of this regulation shall, subject to paragraph (6), apply to the widow as if she had then ceased to be entitled to a widow's allowance.

(3) Where a woman ceases to be entitled to a widowed mother's allowance as is mentioned in paragraph (1) of this regulation at a time when she is entitled to personal benefit by way of a widow's pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme at a weekly rate which is equal to or exceeds the weekly rate of widow's pension under the Act specified in the second column of Part I of Schedule 4 thereto, and thereafter that personal benefit, while continuing to be payable, falls to be reduced to a weekly rate which is less than the said weekly rate of widow's pension under the Act, paragraph (1) of this regulation shall apply to her both when she so ceases and when that personal benefit so falls to be reduced.

(4) In relation to a widow who, at her husband's death, would be entitled to a widow's allowance but for the fact that neither condition for a widow's allowance specified in section 19(1)(*a*) of the Act is satisfied, paragraph (1)(*a*) of this regulation shall, subject to the provisions of paragraph (6) of this regulation and so far only as it relates to Category A retirement pension, apply as if she had then ceased to be entitled to a widow's allowance.

(5) Subject to paragraph (9) of this regulation, where a woman is entitled to personal benefit by way of a widow's pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme—

(*a*) if the weekly rate of that personal benefit is equal to or exceeds the appropriate weekly rate of unemployment benefit or sickness benefit or maternity allowance, the provisions of sub-paragraphs (*a*) to (*c*) of paragraph (1) of this regulation shall not operate to entitle her to unemployment benefit or sickness benefit or maternity allowance for any period before she has satisfied the following contribution condition, namely that she has in respect of any one year beginning after her husband's, or, as the case may be, her last husband's, death, paid Class 1 or Class 2 contributions or both, and the earnings factor derived from those contributions is not less than that year's lower earnings limit multiplied by 25; and

(*b*) if the weekly rate of that personal benefit is less than the said appropriate weekly rate, the said provisions shall not operate to entitle her to unemployment benefit or sickness benefit or maternity allowance, for any period such as is mentioned in the last foregoing subparagraph, at a weekly rate which exceeds the difference between the said appropriate weekly rate and the weekly rate of that personal benefit.

(6) For the purposes of a Category A retirement pension, the provisions of sub-paragraph (*a*) of paragraph (1) of this regulation—

(*a*) shall not, in the case of a woman who, having ceased to be entitled as is mentioned in that paragraph, remarries before she attains pensionable age, apply by reason of her ceasing to be entitled as aforesaid before her remarriage;

(*b*) shall not apply in the case of a woman who is entitled when she attains pensionable age to personal benefit by way of a widow's pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme at a weekly rate which is equal to or exceeds the weekly rate of widow's pension under the Act which is specified in the second column of Part I of Schedule 4 thereto; and

(*c*) shall not operate, in the case of any other woman who is entitled when she attains pensionable age to such personal benefit as aforesaid, to entitle her to a retirement pension at a weekly rate which exceeds the difference between the weekly rate of widow's pension under the Act which is so specified and the weekly rate of that personal benefit:

Provided that a woman affected by sub-paragraph (*b*) or sub-paragraph (*c*) of this paragraph shall cease to be so affected if and when she remarries.

(7) For the purpose of determining whether a woman ceases to be entitled as is mentioned in paragraph (1) of this regulation, a woman in whose case the Department is satisfied that she would be or would have been entitled to widow's benefit for any period but for any one or more of the following factors, namely—

(*a*) her failure to make, or delay in making, a claim to the benefit;

(*b*) her disqualification for the receipt of benefit for any other reason than her cohabitation with a man as his wife;

(*c*) the operation of the provisions of regulations made under paragraph 3 of Schedule 10 to the Act (overlapping benefits);

shall be treated as if she is or was, as the case may be, entitled thereto throughout that period.

(8) For the purpose of determining whether a woman would be entitled to a widow's allowance but for the fact mentioned in paragraph (4) of this regulation, a woman in whose case the Department is satisfied that she would be so entitled but for that fact and for any one or more of the factors mentioned in paragraph (7) of this regulation shall be treated as if she would be so entitled but for that fact.

(9) A woman who ceases to be entitled as is mentioned in paragraph (1) of this regulation on more than one occasion shall be entitled to the benefit of the provisions of that paragraph, subject as therein mentioned, on each such occasion, and if, on one such occasion, she satisfies the contribution condition set out in paragraph (5)(*a*) of this regulation, that paragraph shall not apply to her on any subsequent occasion.

(10) Where, but for this paragraph, the provisions of regulation 2 of these regulations and the provisions of this regulation would be applicable for the purpose of determining a woman's right to unemployment benefit or sickness benefit or maternity allowance for any day, her right thereto shall be determined by reference to the provisions of that one of those two regulations which is more favourable to her, to the exclusion of the provisions of the other.

Retirement pensions for women whose marriages have been dissolved

4.—(1) Where a woman's marriage (being, in the case of a woman who has been married more than once, her last marriage before attaining pensionable age) has been terminated otherwise than by the death of her husband and she was under pensionable age on the date of that termination, and she does not with her own contributions satisfy the second contribution condition for a Category A retirement pension specified in paragraph 5 of Schedule 3 to the Act, then the contributions of her husband (being, if she has been married more than once, her last husband) may, to the extent provided by the Schedule to these regulations, be treated as if they were contributions of her own.

(2) Where a woman's last or only marriage has been terminated otherwise than by death and she was not under pensionable age on the date of that termination, she shall, subject to the provisions of the Act, be entitled to a Category B retirement pension as if her husband by that marriage had died on the date of that termination.

(3) A woman whose last or only marriage has been terminated otherwise than by death and who was under pensionable age on the date of that termination shall, for the purpose of her right to a Category A retirement pension, be deemed to have satisfied the first contribution condition specified in paragraph 5 of Schedule 3 to the Act if, at the date of that termination, her husband by that marriage had satisfied it.

Death grant in respect of the death of a woman whose marriage was dissolved

5. Where a woman, whose last or only marriage was terminated otherwise than by the death of her husband, dies and the contribution condition for a death grant in respect of her death (specified in paragraph 7(1) of Schedule 3 to the Act) is not satisfied by her, she shall be deemed to have satisfied that condition if her husband by that marriage had satisfied it in respect of any year falling wholly before either the date of the termination of that marriage or the date of his attaining pensionable age, whichever is the earlier.

Credits for women who are or have been widows

6.—(1) In respect of the whole of any year such as is described in paragraph (2) of this regulation there shall be credited to a woman such Class 3 contributions (if any) as are necessary to enable her to acquire the requisite earnings factor for the year in question for entitlement to any benefit set out in section 9(4) of the Act for which Class 3 contributions are relevant.

(2) Paragraph (1) of this regulation applies—

(*a*) where the woman has been widowed after 6th October 1974 but before 6th April 1975, to the year beginning on 6th April 1975;

(*b*) where the woman has been widowed after 5th April 1975, to the year in which her husband died, and, where he died after 30th September in any year, to the next year;

(*c*) where the woman has been widowed and at the end of the period of one or two years specified in sub-paragraph (*a*) or (*b*) of this paragraph there is pending a claim or application made by the woman as a widow within 182 days (including Sundays) of her husband's death for any benefit specified in regulation 2(5) of the Social Security (Contributions) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(i), to any year subsequent to the year or years specified in sub-paragraph (*a*) or (*b*) of this paragraph but not later than the year in which that claim or application is determined;

(*d*) to any year during any part of which a widow's benefit (other than a widow's pension payable at a reduced rate under section 21(2) of the Act) or benefit under section 27(4) of the Act corresponding to a widow's pension or a widowed mother's allowance is payable to her as a widow;

(*e*) for the purpose of a claim by the woman to a Category A retirement pension, to any year during any part of which a widow's benefit (other than a widow's pension payable at a reduced rate under section 21(2) of the Act) or benefit under section 27(4) of the Act corresponding to a widow's pension or a widowed mother's allowance would have been payable to her as a widow but for—

(i) her absence from Northern Ireland,

(ii) the operation of the provisions of regulations made under paragraph 3 of Schedule 10 to the Act (overlapping benefits), or

(iii) her failure to make, or delay in making, a claim to the benefit; and

(*f*) for the purpose of a claim by the woman to a Category A retirement pension, where she has been a widow and has remarried, to any year during any week in which any of the following benefits, namely—

(i) any personal death benefit under the Industrial Injuries Act; and

(ii) any personal death benefit by way of pension or allowance (not being a grant payable by reason of the beneficiary being in receipt of a pension and being over 65 years of age or a pension or allowance calculated by reference to the necessities of the beneficiary) under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme,

(i) S.R. 1975 No. 16

was payable to her as a widow at a rate which equalled or exceeded the weekly rate of widow's pension under the Act, current in that week, as specified in the second column of Part I of Schedule 4 to the Act.

(3) In determining whether a year is a reckonable year for the purpose of a woman's right to a Category A retirement pension, any contribution credited to her by virtue of the provisions of this regulation shall be either taken into or left out of account, whichever course may from time to time be more to her advantage.

(4) Where a woman is in receipt of any personal death benefit by way of pension or allowance payable to her as a widow under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme, any Category A retirement pension which is payable to her wholly or in part by taking into account contributions credited to her by virtue of the provisions of this regulation shall, for the purposes of regulations made under paragraph 3 of Schedule 10 to the Act (overlapping benefits), be treated as payable, wholly or in part, by virtue of her husband's contributions:

Provided that, in the case of a woman who has been a widow more than once, the provisions of this paragraph shall apply in relation only to contributions credited to her as the widow of her last husband.

Special provision relating to retirement pensions for widows entitled to widow's benefit

7.—(1) Subject to the provisions of paragraph (2) of this regulation, where a woman is entitled to widow's benefit or benefit under section 27(4) of the Act corresponding to a widow's pension or a widowed mother's allowance immediately before she attains pensionable age or would be so entitled but for one or more of the following causes—

(*a*) her imprisonment or detention in legal custody;

(*b*) her cohabitation with a man as his wife;

(*c*) the operation of the provisions of regulations made under paragraph 3 of Schedule 10 to the Act (overlapping benefits);

(*d*) her failure to make, or delay in making, a claim to the benefit,

she shall be deemed to have satisfied the first contribution condition for a Category A retirement pension specified in paragraph 5 of Schedule 3 to the Act.

(2) The provisions of regulation 3(6) of these regulations, other than sub-paragraph (*a*), shall apply in relation to paragraph (1) of this regulation as they apply to paragraph (1)(*a*) of that regulation.

Special provision relating to disqualification of married women for unemployment benefit

8. The question whether a married woman is subject to any of the disqualifications for unemployment benefit contained in section 14(2) of the Act shall be determined on the same basis as that applicable to a single woman, but not so as to exclude such consideration of the responsibilities arising from her marriage as is reasonable in the circumstances of the case.

Benefit at reduced rates for persons who do not satisfy the contribution conditions in full

9.—(1) Where a widow or a woman whose marriage has been terminated otherwise than by the death of her husband would be entitled to a widowed mother's allowance, a widow's pension or a Category A or a Category B retirement pension but for the fact that the second contribution condition specified in paragraph 5 of Schedule 3 to the Act is not satisfied, she shall be entitled to that benefit at a reduced rate calculated as a percentage of the rate specified in relation to the benefit in question in Part I of Schedule 4 to the Act, the percentage being ascertained in accordance with paragraph (3) or (4) of this regulation; but where the percentage so ascertained is less than 25 per cent. no such benefit shall be payable under this paragraph.

(2) Where a woman, who would be entitled to an increase of benefit under section 31 or 35 of the Act but for the fact that the second contribution condition specified in paragraph 5 of Schedule 3 to the Act is not satisfied, is entitled to benefit under paragraph (1) of this regulation, the latter benefit shall be increased—

(*a*) in the case of a child dependant, by the amount specified in relation to the benefit in question in column (2), (3) or (4) (as the case may be) of Part III of Schedule 4 to the Act; and

(*b*) in the case of an adult dependant, by a percentage of the amount specified in relation to the benefit in question in column (5) of Part III of Schedule 4 to the Act, the percentage being ascertained in accordance with paragraph (3) or (4) of this regulation.

(3) Subject to paragraph (4) of this regulation, the percentage referred to in paragraphs (1) and (2) of this regulation shall be ascertained by taking the number of reckonable years in the working life of the contributor concerned, and expressing that number as a percentage of the requisite number of years specified for that working life in paragraph 5(4) of Schedule 3 to the Act; and where the percentage so expressed is not a whole number it shall be rounded up to the nearest whole number.

(4) For the purpose only of ascertaining the rate of a Category A retirement pension, the percentage referred to in paragraphs (1) and (2) of this regulation shall be ascertained, when it is more beneficial to the woman concerned to ascertain it under this paragraph than under paragraph (3), by taking the number of years arrived at under paragraph 2 or 3 (whichever is the greater) of Schedule 8 to the Act, in the case of a widow, or the number of years arrived at under paragraph 2 or 3 (whichever is the greater) of the Schedule to these regulations, in the case of a woman whose marriage has been terminated otherwise than by the death of her husband, and expressing that number as a percentage of the requisite number of years specified for the working life of the woman in paragraph 5(4) of Schedule 3 to the Act; and where the percentage so expressed is not a whole number it shall be rounded up to the nearest whole number.

Voidable marriages and presumption of death

10. For the purposes of regulations 2, 4, 5 and 9 of these regulations and regulation 7(9) of the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) (Northern Ireland) Regulations 1975(j)—

(*a*) a voidable marriage which has been annulled shall be treated as if it had been a valid marriage which was terminated by divorce at the date of the annulment; and

(j) S.R. 1975 No. 14

(*b*) a woman who has obtained a decree absolute of presumption of death and dissolution of marriage shall, notwithstanding that the man whose death has been presumed is dead, be treated as a woman whose marriage has been terminated otherwise than by the death of her husband unless the date of his death is established to the satisfaction (as respects regulations 2, 4(1) or (3) or 5 of these regulations or the said regulation 7(9)) of the Department or (as respects regulation 4(2) or 9 of these regulations) of the determining authority; and, in relation to a woman who is so treated, the marriage in question shall be treated as having been terminated on the date of the decree absolute.

Transitional provisions

11.—(1) In the case of a woman whose marriage has been terminated otherwise than by the death of her husband, whose husband was insured under the National Insurance Act (Northern Ireland) 1966 and who has the contributions of her said husband treated, by virtue of regulation 4(1) of, and the Schedule to, these regulations as if they were contributions of her own so as to entitle her to a Category A retirement pension—

(*a*) paragraph 2(*a*) of the said Schedule shall apply with the substitution for the words "the year in which the woman attained the age of 16" of the words "the first year of the woman's working life", and paragraph 3(*a*) of the said Schedule shall apply with the addition, after the words "married the husband", of the words "or, if later, the first year of her working life"; and

(*b*) the number of any reckonable years which were or could have been obtained by her said husband under paragraph 7(2) of the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) (Northern Ireland) Regulations 1975 and which may be taken into account towards her entitlement to a Category A retirement pension shall, in any case where the entitlement is based on paragraph 2 or 3, as the case may be, of the Schedule to these regulations, not exceed such number of years, in the period specified in paragraph 2(*a*) or 3(*a*), as the case may be, of that Schedule, as fall before 6th April 1975, and the number of any reckonable years so obtained by her which may be taken into account towards that entitlement in any such case shall not exceed such number of years in the period specified in paragraph 2(*c*) or 3(*c*)(i) and (ii), as the case may be, of that Schedule, as fall before that date.

(2) Notwithstanding their repeal by section 100(2) of and Schedule 28 to the Act, sections 21(5) and 96 of the National Insurance Act (Northern Ireland) 1966 shall continue in force to the extent necessary to enable regulation 13(2) and (3) of the National Insurance (Married Women) Regulations (Northern Ireland) 1973(k) (credits for widows) to continue in force for transitional purposes.

Modifications to the Act

12. The provisions of Part I of the Act shall have effect subject to the modifications contained in these regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 5th February 1975.

(L.S.) *C. G. Oakes*
Assistant Secretary

(k) S.R. & O. (N.I.) 1973 No. 146

SCHEDULE Regulation 4(1)

Method of treating former husband's contributions as those of his former wife, so as to entitle her to Category A retirement pension

1. There shall be taken into account towards the woman's entitlement any reckonable years of the former husband, and the woman shall be treated as satisfying paragraph (*b*) of the second contribution condition if the number of years arrived at either under paragraph 2 or under paragraph 3 below is equal to or exceeds that which is in her case the requisite number of years for the purposes of the condition.

2. The number of years arrived at under this paragraph is that which is obtained by—

(*a*) taking the number of years between (inclusive) the year in which the woman attained the age of 16 and (inclusive) the year in which the marriage was terminated; and

(i) multiplying it by the number of the husband's reckonable years falling wholly before the date of that termination, and

(ii) dividing it by the number of years in his working life falling wholly before the date of that termination;

(*b*) if the resultant quotient is not a whole number, rounding it up to the nearest whole number; and

(*c*) adding to the number of years arrived at under sub-paragraphs (*a*) and (*b*) above any reckonable years after that in which the marriage was terminated, being years for which her own earnings factor was sufficient for satisfaction by her of paragraph (*b*) of the second contribution condition.

3. The number of years arrived at under this paragraph is that which is obtained by—

(*a*) taking the number of years between (inclusive) the year in which the woman married the husband and (inclusive) the year in which the marriage was terminated; and

(i) multiplying it by the number of the husband's reckonable years falling wholly before the date of that termination, and

(ii) dividing it by the number of years in his working life falling wholly before the date of that termination;

(*b*) if the resultant quotient is not a whole number, rounding it up to the nearest whole number; and

(*c*) adding to the number of years arrived at under sub-paragraphs (*a*) and (*b*) above any reckonable years—

(i) before that in which she became married to the husband, and

(ii) after that in which the marriage was terminated, being years for which her own earnings factor was sufficient for satisfaction by her of paragraph (*b*) of the second contribution condition.

4. In this Schedule, "the second contribution condition" means the second condition for a Category A retirement pension specified in paragraph 5 of Schedule 3 to the Act.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations modify Part I of the Social Security Act 1973 in its application to women who are or have been married. The main provisions relate to crediting contributions, or deeming contribution conditions satisfied, in the case of certain widows and other women whose marriages have been terminated (regulations 2 to 7), the determining of the basis on which the disqualifications for unemployment benefit contained in section 14(2) of the Act shall be applied to married women (regulation 8), the provision of certain benefits at reduced rates for certain women who do not satisfy the contribution conditions in full (regulation 9), and the treatment of voidable marriages and presumption of death (regulation 10). They also contain a transitional provision (regulation 11).