

## Annex 2

### **Widow's Benefit frozen rates pre-1.10.89 (see DMG 073093)**

#### **Effect of abolition of retirement condition from 1.10.89**

1. From 1.10.89 it was no longer a condition of entitlement to Retirement Pension that a person should be retired or deemed retired from regular employment<sup>1</sup>. The provisions disqualifying uprating increases<sup>2</sup> were amended from that date to reflect this change<sup>3</sup>.

*1 SS Act 89, s 7 & Sch 1; 2 SS Ben (PA) Regs, regs 4 & 5; 3 SS (Abolition of Earnings Rule) (Consequential) Regs, reg 8*

2. The change to the frozen rate provisions applied where entitlement to Widow's Benefit begins on or after 1.10.89.

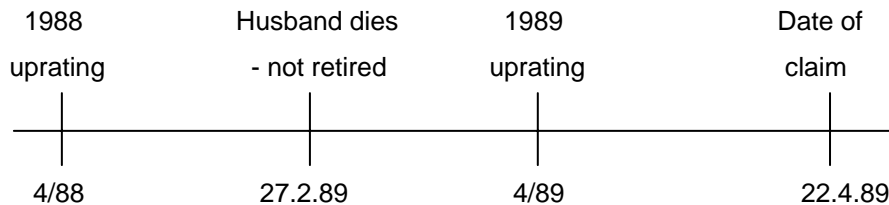
## Widow's Benefit before 1.10.89

3. Where a widow is not ordinarily resident in Great Britain the rate of any Widow's Benefit to which she is entitled is restricted to that payable under the Up-rating Order preceding the **earliest** of
1. the date of retirement or deemed retirement of her husband, if she was then not ordinarily resident in Great Britain **or**
  2. the date of death of her husband, if she was not then ordinarily resident in Great Britain **or**
  3. if she was ordinarily resident in Great Britain on the earlier of those dates, the date on which she subsequently ceased to be ordinarily resident in Great Britain<sup>1</sup>.

*1 SS Ben (PA) Regs, reg 5(3)(d)*

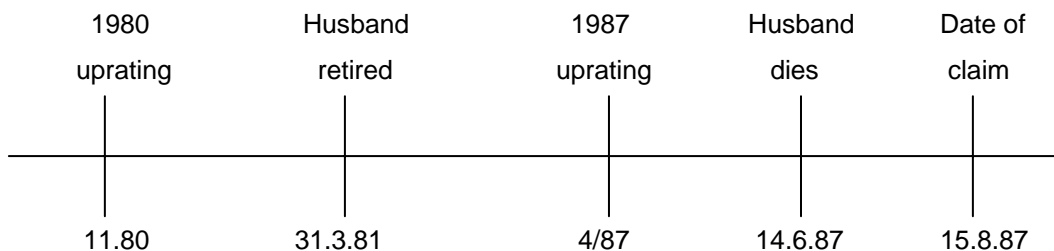
4. The general principle in paragraph 3 is not affected
1. whether or not her husband was ordinarily resident in Great Britain when he retired or died **or**
  2. if entitlement to Widow's Benefit is from a later date because of delay in claiming.

### Example 1



Widow's Benefit is restricted to the 1988 uprating.

### Example 2

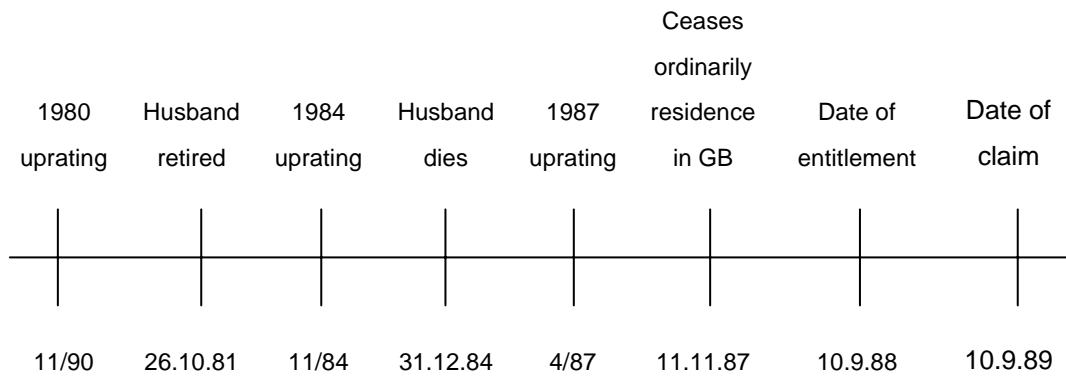


**Example 3**



Widow's Benefit is restricted to the 1984 uprating.

**Example 4**



Widow's Benefit restricted to 1987 uprating.

*1 reg 11(1)*

