

THE SOCIAL SECURITY (BENEFITS) (SURVIVORS) REGULATIONS

Arrangement of Regulations Regulation

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THE SOCIAL SECURITY (BENEFITS) (SURVIVORS)
REGULATIONS, MADE UNDER SECTIONS 29,
30 AND 31 OF THE SOCIAL SECURITY ACT,
1972.

1. These regulations may be cited as the Social Security (Benefits) (Survivors) Regulations. ^{Citation.}

2. In these regulations unless the context otherwise requires— ^{Interpretation.}

“husband” and “wife” in relation to a person who has been married more than once means the last husband or wife respectively; and

“maximum pension available for payment to survivors” means such sum as under regulation 5(1) is equivalent to the pension paid or payable to the deceased insured person at the time of his death.

3. Subject as hereinafter provided, survivor's benefit may consist of— ^{Types of survivor's benefit.}

- (a) a survivor's pension, namely—
- (A) (i) a widow or widower's pension;
- (ii) a child's pension; or
- (B) an orphan's pension; or
- (b) a survivor's grant.

Entitlement to survivor's benefit.

4. (1) Subject to the provisions of these regulations, survivor's benefit shall be payable to the widow or widower, as the case may be, and children of a deceased insured person if at the time of his death such insured person—

(a) was in receipt of an invalidity pension or an age pension;

(b) would have been entitled to an invalidity pension or grant had he been deemed to be an invalid at the time of his death; or

(c) was sixty years of age or over and would have been entitled to an age pension or grant had he made a claim for such benefit.

(2) Where, at the date of his death, the insured person was in receipt of an invalidity pension or age pension or would have been entitled to an invalidity pension had he been deemed to be an invalid or to an age pension had he made a claim for such benefit, the benefit payable shall be a survivor's pension.

(3) Where, at the date of his death, the deceased insured person would have been entitled to an invalidity grant had he been deemed to be an invalid or to an age grant had he made a claim for such benefit, the benefit payable shall be a survivor's grant.

(4) Survivor's benefit shall not be payable in respect of a marriage contracted after the insured person had been granted an invalidity pension or age pension:

Provided however that this subregulation shall not apply to any such marriage if in the opinion of the Director it was a marriage between two persons in respect of the survivor of whom, if they had not in fact married, the Director would

have been able to treat as a surviving spouse under regulation 12 (a) (i) or (ii) and would have so treated.

5. (1) The totals of the annual rate of survivor's pensions payable in respect of a deceased insured person shall not exceed the rate of pension which was payable or would have been payable to the deceased insured person at the time of his death as invalidity pension or age pension.

Maximum rate of survivor's pension and survivor's grant.

(2) The amount of survivor's grant shall not exceed the rate of grant which would have been payable to the deceased insured person at the time of his death as an invalidity grant or age grant.

6. (1) Subject to subregulation (3)—

(a) a widow who at the date of her husband's death was fifty years of age or over and had been married to him for not less than three years shall be entitled to a widow's pension for life;

(b) a widow who at the date of her husband's death was married to him for not less than three years and was at the date of his death an invalid shall be entitled to a widow's pension for the period during which such invalidity continues; and

(c) a widow who at the date of her husband's death was not fifty years of age or over or was not an invalid or being fifty years or over had been married to him for less than three years shall be entitled to widow's pension for a period of one year.

Entitlement of a widow to widow's pension and duration thereof.

(2) Where a pension payable to a widow pursuant to subregulation (1) (b) ceases otherwise than because of her remarriage or co-habitation, if she is then over the age of fifty years she shall be entitled to a widow's pension for life.

(3) A widow's pension payable to a widow shall cease on her remarriage or co-habitation with a man as his wife.

7. A widower shall be entitled to a widower's pension if at his wife's death—

(a) he and his wife had been married for not less than three years;

Entitlement of a widower to widower's pension and duration thereof.

(b) he is an invalid; and

(c) he had been wholly or mainly maintained by his wife prior to her death; and continues to satisfy the aforesaid condition as to invalidity:

Provided that the survivor's pension payable to a widower shall cease on his remarriage or co-habitation with a woman as her husband.

Entitlement of a child to child's or orphan's pension and duration thereof.

8. (1) A child's pension or orphan's pension shall be payable in respect of each of the unmarried children (including adopted children, step-children and illegitimate children) of a deceased insured person who at the date of the parent's death was under the age of sixteen years, or under the age of eighteen years and receiving full time education, and was living with or was wholly maintained by the deceased at the time of his death.

(2) A child's pension or orphan's pension shall be payable in respect of the child or orphan until he attains his sixteenth birthday or eighteenth birthday as the case may be:

Provided that in the case of a child who is an invalid at the date of death of the deceased insured person, the pension shall continue to be payable during such period, after the invalid attains the age of sixteen years or eighteen years, as the case may be, as the invalidity continues.

Rate of survivor's pension.

9. (1) The rate of widow's or widower's pension payable to the spouse shall be equal to fifty per centum of the maximum pension available for payment to survivors.

(2) Subject to regulation 10, the rate of survivor's pension payable in respect of each child shall be twenty per centum of the maximum pension available for payment to survivors except that in respect of any child who is an orphan or who is an invalid the rate of pension payable shall be forty per centum of the maximum pension so available:

Provided that the aggregate of pensions payable to the spouse under subregulation (1), and to children under this regulation, shall not exceed the maximum pension available for payment to survivors.

(3) Where no spouse is entitled to benefit the maximum amount of survivor's pension may be paid in respect of the children of the deceased insured person:

Provided always that the rate of pension payable in respect of each child shall not exceed the rate set out in subregulation (2).

10. (1) Where the pension available for distribution in respect of the children of the deceased insured person is insufficient to enable payment to be made in respect of all the entitled children, the Director shall decide which of all the children should be granted survivor's pension.

Insufficiency of pension available for distribution to children.

(2) Where after the award of survivor's pensions there are children of the deceased who would be entitled under regulation 8 to a pension but for the fact that the total pension had been fully committed, such children shall be entitled to survivor's pensions during such period as the total payments to survivors of the deceased amount to less than the maximum pension available.

11. Survivor's grant shall be distributed on the same basis as provided in regulation 9 for survivor's pension.

Distribution of survivor's grant.

12. For the purpose of these regulations—

(a) where it is a condition for title to survivor's benefit that—

Special treatment in case of survivor's benefit of persons living in certain associations.

(i) a woman is the widow of an insured man, the Director may, in his absolute discretion, treat a single woman or widow who was living with a single man or widower as his wife at the date of his death as if she were in law his widow; or

(ii) a man is the widower of an insured woman, the Director may, in his absolute discretion, treat a single man or widower who was living with a single woman or widow as her husband at the date of her death as if he were in law her widower;

(b) where the question of marriage or remarriage or the date of marriage or remarriage arises in regard to the title or cessation of title to survivor's benefit the

Director shall in the absence of the subsistence of a lawful marriage and of any impediment of lawful marriage, decide for the purposes of these regulations whether or not the person or persons should be treated as if he, she or they were married or as if he or she had remarried as the case may be, and if so, from what date; and

(c) the determination of the Director under paragraphs (a) or (b) shall, unless the context otherwise requires, have the effect of extending, as regard title or cessation of title to survivor's benefit payable to a man or woman the meaning of the word marriage to include the association between such a single woman or widow as aforesaid with such a single man or widower as aforesaid and the association between such a single man or widower as aforesaid with such a single woman or widow as aforesaid and for this purpose the words "wife", "husband", "widow", "widower" and "spouse" shall be construed accordingly.

Minimum pension payable to widow and child.

13. Notwithstanding the determination of the amount of widow's and children's pensions in accordance with Regulations 5 and 9, the minimum pension payable to a widow shall be \$22.50 a week and the minimum amount payable to a child entitled to a pension shall be \$7.50 a week.

THE SOCIAL SECURITY (CONTRIBUTIONS-MISCELLANEOUS PROVISIONS) REGULATIONS

Arrangement of Regulations
Regulation

1. Citation.
2. Interpretation.
3. Notices, etc. may be sent by post.
4. Disposal of contributions wrongly paid.
5. Return of contributions paid in error.