

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1980, Schedule 1. (See end of Document for details)

SCHEDULES

SCHEDULE 2

AMENDMENTS OF ^{M1}SUPPLEMENTARY BENEFITS ACT 1976

Marginal Citations

M1 1976 c. 71

PART II

PROVISIONS OF THE ACT AS AMENDED

Modifications etc. (not altering text)

C1 The text of ss.3(4)(8)(9)(12), 4(1), 6(1)(3), 9(6), 16(3)–(6), 21(4), Sch. 2 para. 32, Sch. 2 Pt. II, Schs. 4, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

“SCHEDULE 1

Sections 2, 3, 4, 14 and 33.

PROVISIONS FOR DETERMINING RIGHT TO BENEFIT AND AMOUNT OF BENEFIT

General

- 1 (1) The amount of any supplementary benefit to which a person is entitled shall, subject to the following provisions of this Schedule, be the amount by which his resources fall short of his requirements.
- (2) For the purpose of ascertaining that amount—
 - (a) a person’s requirements shall be determined in accordance with paragraph 2 of this Schedule; and
 - (b) a person’s resources shall be calculated in the prescribed manner;
and, without prejudice to the generality of paragraph (b) of this sub-paragraph, regulations in pursuance of that paragraph may provide for a person to be treated as possessing resources which he does not possess and for disregarding resources which a person does possess.
- (3) Regulations may provide that a person whose resources as ascertained in pursuance of paragraph (b) of the preceding sub-paragraph or a prescribed part of them exceed or exceeds a prescribed amount shall not be entitled to a supplementary pension or allowance.

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Requirements

- 2 (1) For the purposes of this Schedule requirements shall be of three categories, namely, normal requirements, additional requirements and housing requirements; and the items to which each category relates and, subject to sub-paragraph (3) of this paragraph, the weekly amounts for those categories shall be such as may be prescribed.
- (2) A person's requirements shall consist of normal requirements together with requirements, if any, of such of the other categories as are applicable in his case.
- (3) In the case of a person specified in the first column of the following table his normal requirements shall be taken to be the weekly amount specified in relation to him in the second column of that table; and in that table—
- “householder” means a person who is not one of a married or unmarried couple but who satisfies prescribed conditions with respect to living accommodation; and
- “relevant person” means a person whose requirements include those of another person by virtue of sub-paragraph (1) of paragraph 3 of this Schedule.

TABLE

<i>Person</i>	<i>Weekly amount</i>
1. A relevant person who— (a) is such a person as is mentioned in section 1(1)(a) of this Act; or (b) is not such a person as is so mentioned but satisfies prescribed conditions.	The aggregate of the sums for the time being specified in section 6(1)(a) of the Social Security Pensions Act 1975 and column (3) of paragraph 6 of Part IV of Schedule 4 to the Social Security Act 1975 (which specify the amounts of the basic component of a Category A retirement pension and the increase of the pension for an adult dependant).
2. A relevant person not falling within paragraph 1 of this table.	The aggregate of the sums for the time being specified in paragraph 1 of Part I of the said Schedule 4 and column (3) of paragraph 1(a) of the said Part IV (which specify the amounts of unemployment or sickness benefit and the increase of it for an adult dependant of a beneficiary under pensionable age).
3. A householder who— (a) has attained pensionable age; or (b) has not attained pensionable age but satisfies prescribed conditions.	The sum for the time being specified in the said section 6(1)(a).
4. A householder not falling within paragraph 3 of this table.	The sum for the time being specified in paragraph 1 of the said Part I.

- (4) Regulations may provide that the preceding sub-paragraph shall have effect with prescribed modifications,
- (5) Notwithstanding anything in the preceding provisions of this paragraph, regulations may provide for a person to be treated as having no normal requirements in prescribed cases.

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Aggregation of requirements and resources

- 3 (1) Where two persons are a married or unmarried couple, their requirements and resources shall be aggregated and treated—
- (a) until the prescribed date, as those of the man; and
 - (b) on and after that date, as those of such one of them as satisfies prescribed conditions or, where both of them satisfy or neither of them satisfies those conditions, as those of such one of them as they may jointly nominate in accordance with regulations or, in default of such a nomination, as the Secretary of State may determine.
- (2) Where a person is responsible for, and is a member of the same household as, another person and they are not a married or unmarried couple, then—
- (a) if the other person is a child or is excluded from entitlement to supplementary benefit by section 6(2) of this Act; or
 - (b) if the circumstances are such as are prescribed,
- their requirements and resources shall be aggregated and treated as those of the first-mentioned person.
- (3) Regulations may provide that, in a case falling within the preceding sub-paragraph, sub-paragraph (1) of this paragraph shall apply in relation to the other person with prescribed modifications.

Exclusion of small payments

- 4 Where the amount of any supplementary benefit would be less than a prescribed amount, the benefit shall not be payable except in prescribed circumstances.”

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