



# Social Security Act 1986

## 1986 CHAPTER 50

### PART IV

#### BENEFITS UNDER SOCIAL SECURITY ACT 1975

#### 36 Widowed

- (1) The following section shall be substituted for section 24 of the Social Security Act 1975—

**“24 Widow's payment.**

- (1) Subject to subsection (2) below, a woman who has been widowed shall be entitled to a widow's payment of the amount specified in relation thereto in Schedule 4, Part IA, if—
- (a) she was under pensionable age at the time when her late husband died, or he was then not entitled to a Category A retirement pension (section 28); and
  - (b) her late husband satisfied the contribution condition for a widow's payment specified in Schedule 3, Part I, paragraph 4.
- (2) The payment shall not be payable to a widow if she and a man to whom she is not married are living together as husband and wife at the time of her husband's death.”.

- (2) The following shall be inserted after Part I of Schedule 4 to that Act—

**“PART IA**

**WIDOW'S PAYMENT**

Widow's payment (section 24).

£1,000.00.”.

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*Status: This is the original version (as it was originally enacted).*

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(3) In section 26—

- (a) in subsection (1), for "40", where occurring in paragraphs (a) and (b), there shall be substituted " 45 "; and
- (b) in subsection (2), for " 50 ", in both places where it occurs, there shall be substituted " 55 ".

### **37 Invalid care allowance for women**

(1) Section 37(3) of the Social Security Act 1975 shall have effect, and shall be treated as having had effect from 22nd December 1984, as if the words from " and a woman " to the end were omitted.

(2) The Social Security Benefit (Dependency) Regulations 1977 shall have effect, and shall be treated as having had effect from 22nd December 1984, as if the following sub-paragraphs were substituted for sub-paragraphs (a) and (b) of paragraph 7 of Schedule 2 (increases of invalid care allowance)—

- “(a) a spouse who is not engaged in any one or more employments from which the spouse's weekly earnings exceed that amount; or
- (b) some person (not being a child) who—
  - (i) has the care of a child or children in respect of whom the beneficiary is entitled to child benefit, being a child or children in respect of whom the beneficiary is entitled to an increase of an invalid care allowance or would be so entitled but for the provisions of any regulations for the time being in force under the Act relating to overlapping benefits;
  - (ii) is not undergoing imprisonment or detention in legal custody;
  - (iii) is not engaged in any one or more employments (other than employment by the beneficiary in caring for a child or children in respect of whom the beneficiary is entitled to child benefit) from which the person's weekly earnings exceed that amount;
  - (iv) is not absent from Great Britain, except for any period during which the person is residing with the beneficiary outside Great Britain and for which the beneficiary is entitled to an invalid care allowance.”.

### **38 Abolition of maternity grant**

(1) The provisions to which this subsection applies shall cease to have effect.

(2) The provisions to which subsection (1) above applies are—

- (a) in the Social Security Act 1975—
  - (i) section 21; and
  - (ii) Schedule 4, Part II, paragraph 1; and
- (b) section 5 of the Social Security Act 1980.

(3) If a woman is confined after the commencement of subsection (1) above, she shall nevertheless be entitled to maternity grant if—

- (a) her expected date of confinement was before the commencement of that subsection; and

(b) she has claimed the grant before the date of her confinement.

(4) No regulations made under section 21(5) of the Social Security Act 1975 shall apply to a woman whose expected date of confinement is after the commencement of subsection (1) above.

### **39 Industrial injuries and diseases**

Schedule 3 to this Act shall have effect in relation to Chapters IV and V of Part II of the Social Security Act 1975 and associated enactments.

### **40 Abolition of child's special allowance except for existing beneficiaries**

A child's special allowance under section 31 of the Social Security Act 1975 shall not be payable for any period after this section comes into force except to a beneficiary who—

- (a) immediately before the date on which this section comes into force satisfied the conditions for entitlement set out in paragraphs (a) to (c) of that section and was not barred from payment of the allowance by the proviso to it; and
- (b) has so continued since that date.

### **41 Abolition of death grant**

Death grant shall not be payable in respect of a death which occurs after the commencement of this section.

### **42 Abolition of reduced rate of short-term benefits**

Paragraphs (a) to (c) of section 33(1) of the Social Security Act 1975 (reduced rate of short-term benefits payable on partial satisfaction of contribution conditions) shall cease to have effect.

### **43 Unemployment benefit-disqualification**

(1) The following subsection shall be substituted for section 18(4) of the Social Security Act 1975—

“(4) Regulations may provide for a person who would be entitled to unemployment benefit but for the operation of any provision of this Act or of regulations disentitling him to it or disqualifying him for it to be treated as if entitled to it for the purposes of this section.”.

(2) " 13 " shall be substituted for " 6 "—

- (a) in section 20(1) of that Act; and
- (b) in regulation 8(4)(b) of the Supplementary Benefit (Requirements) Regulations 1983.

(3) In the Social Security Act 1975—

(a) the following subsection shall be inserted after section 20(1)—

“(1A) The Secretary of State may by order substitute a longer or shorter period for the period for the time being mentioned in subsection (1) above.”; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in section 167(1)(b) (affirmative procedure for certain orders) the words "section 20(1A)" shall be inserted before the word " or ", in the second place where it occurs.

#### **44 Unemployment benefit-trade disputes**

- (1) The following subsections shall be substituted for subsection (1) of section 19 of the Social Security Act 1975 (disqualification for unemployment benefit)—

“(1) Subject to the following provisions of this section—

- (a) an employed earner who has lost employment as an employed earner by reason of a stoppage of work due to a trade dispute at his place of employment is disqualified for receiving unemployment benefit for any day during the stoppage unless he proves that he is not directly interested in the dispute; and
- (b) an employed earner who has withdrawn his labour in furtherance of a trade dispute but does not fall within paragraph (a) above is disqualified for receiving unemployment benefit for any day on which his labour remains withdrawn.

(1A) A person disqualified under subsection (1)(a) above for receiving unemployment benefit shall cease to be so disqualified if he proves that during the stoppage—

- (a) he has become bona fide employed elsewhere; or
- (b) his employment has been terminated by reason of redundancy within the meaning of section 81(2) of the Employment Protection (Consolidation) Act 1978; or
- (c) he has bona fide resumed employment with his employer but has subsequently left for a reason other than the trade dispute.”.

- (2) The following shall be inserted after section 49 of that Act—

*“Trade disputes*

#### **49A Effect of trade disputes on entitlement to increases.**

A beneficiary shall not be entitled—

- (a) to an increase in any benefit under sections 44 to 48 above; or
- (b) to an increase in benefit for an adult dependant by virtue of regulations under section 49 above,

if the person in respect of whom he would be entitled to the increase—

- (i) is disqualified under section 19 above for receiving unemployment benefit; or
- (ii) would be so disqualified if he were otherwise entitled to that benefit”.

#### **45 Guardian's allowance-adoption**

In section 38 of the Social Security Act 1975 (guardian's allowance)—

- (a) in subsection (6), for the word " No " there shall be substituted the words " Subject to subsection (7) below, no " ; and
- (b) the following subsection shall be inserted after subsection (6)—

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- “(7) Where a person—
- (a) has adopted a child; and
  - (b) was entitled to guardian's allowance in respect of the child immediately before the adoption,
- subsection (6) above shall not terminate his entitlement”.