

1978 No. 1845

SOCIAL SECURITY

**The Social Security (Non-Contributory Invalidity Pension)
Amendment (No. 2) Regulations 1978**

<i>Made - - - -</i>	<i>14th December 1978</i>
<i>Laid before Parliament</i>	<i>15th December 1978</i>
<i>Coming into Operation</i>	<i>5th January 1979</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 36(7) of the Social Security Act 1975(a), and of all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Non-Contributory Invalidity Pension) Amendment (No. 2) Regulations 1978 and shall come into operation on 5th January 1979.

(2) In these regulations “the principal regulations” means the Social Security (Non-Contributory Invalidity Pension) Regulations 1975(b) as amended(c).

Amendment of regulation 4 of the principal regulations

2. In regulation 4 of the principal regulations (days for which persons are to be regarded as incapable of work for the purposes of non-contributory invalidity pension), for paragraph (2) there shall be substituted the following paragraph, namely—

“(2) In determining for the purposes of section 36(1) of the Act whether a person has been incapable of work for a period of not less than 196 consecutive days, a day shall not be treated as a day on which that person was incapable of work if on that day he was—

(a) absent from Great Britain, unless during that period of 196 days there were at least 168 days on which he was present in Great Britain;

or

(b) undergoing imprisonment or detention in legal custody.”

David Ennals,
Secretary of State for Social Services.

14th December 1978.

(a) 1975 c. 14. (b) S.I. 1975/1058.
(c) There is no amendment which relates expressly to the subject matter of these Regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend regulation 4(2) of the Social Security (Non-Contributory Invalidity Pension) Regulations, which relates to days for which persons are to be regarded as incapable of work, so as to provide an exception to the requirement that in determining whether a person has been incapable of work for 196 consecutive days, a day is not to be treated as one on which he was incapable of work if he was absent from Great Britain. The exception applies if during the period of 196 days there were at least 168 days on which he was present in Great Britain.

The Report of the National Insurance Advisory Committee dated 16th November 1978 on the draft of these Regulations which was referred to them is contained in Command Paper (Cmnd. No. 7427) published by Her Majesty's Stationery Office.

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