

1983 No. 1003

SOCIAL SECURITY

The Family Income Supplements (Miscellaneous Amendments) Regulations 1983

<i>Made - - - -</i>	13th July 1983
<i>Laid before Parliament</i>	14th July 1983
<i>Coming into Operation</i>	21st November 1983

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 1(1) and 10(2) of the Family Income Supplements Act 1970 (a) and section 166(2) of the Social Security Act 1975 (b) (as applied by section 10(3A) of that Act of 1970) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee (c), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Family Income Supplements (Miscellaneous Amendments) Regulations 1983 and shall come into operation on 21st November 1983.

Amendment of the Family Income Supplements (General) Regulations 1980

2. After regulation 1 of the Family Income Supplements (General) Regulations 1980 (d) there is inserted the following regulation:—

“Payments receipt of which may render persons not a family for the purposes of the Act

1A.—(1) Subject to paragraph (3), the payments specified in paragraph (2) are hereby specified as payments for the purposes of section 1(1) of the Act (under which persons including a married or unmarried couple shall not be a family for the purposes of the Act if one of that couple is engaged and normally engaged in remunerative full-time work and the other receives specified payments).

(2) The payments referred to in paragraph (1) are payments of any of the following:—

- (a) sickness benefit under section 14 of the Social Security Act 1975;
- (b) unemployment benefit under section 14 of that Act;
- (c) invalidity pension under section 15 of that Act;

(a) 1970 c.55; section 1(1) was amended by, and section 10(3A) was added by, section 7 of the Social Security Act 1980(c.30).

(b) 1975 c.14.

(c) See sections 9 and 10 of the Social Security Act 1980.

(d) S.I. 1980/1437, to which there are amendments not relevant to these regulations.

- (d) statutory sick pay under Part I of the Social Security and Housing Benefits Act 1982 (a);
- (e) supplementary allowance under the Supplementary Benefits Act 1976 (b);
- (f) allowance from the Manpower Services Commission paid under the provisions of section 2(2)(d) of the Employment and Training Act 1973 (c) to a person attending a training course under the Training Opportunities Scheme established under section 2(1) of that Act or a course at an employment rehabilitation centre established under that section.
- (3) The payments specified in paragraph (2) shall not be specified payments for the purposes of section 1(1) of the Act where the person receiving them—
- (a) is not engaged in remunerative work; and
- (b) has not been so engaged for a continuous period of three months or more ending with the date when the claim is made.
- (4) In paragraph (3), “remunerative work” does not include work done by a person which—
- (a) is such that he has nevertheless been deemed to be incapable of work for the purposes of the Social Security Act 1975 by virtue of regulation 3(3) of the Unemployment, Sickness and Invalidity Benefit Regulations 1975 (d); or
- (b) is done on a day which has been treated for the purposes of that Act as a day of unemployment but which would not have been so treated but for heads (i) to (iii) of regulation 7(1)(h) of those regulations.”.

Amendment of the Family Income Supplements (Claims and Payments) Regulations 1980

3. In regulation 7(1)(b) of the Family Income Supplements (Claims and Payments) Regulations 1980 (e) (effect of death on claims) the words “where” and “single” are omitted.

Signed by authority of the Secretary of State for Social Services

Tony Newton,
Parliamentary Under-Secretary of State
Department of Health and Social Security.

13th July 1983.

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- (a) 1982 c.24.
 (b) 1976 c.71; the Act was extensively amended by the Social Security Act 1980.
 (c) 1973 c.50.
 (d) S.I. 1975/564; relevant amending instruments are S.I. 1979/1299, 1982/96, 1492.
 (e) S.I. 1980/1438, to which there are amendments not relevant to these regulations.

EXPLANATORY NOTE
(This Note is not part of the Regulations.)

These Regulations amend the Family Income Supplements (General) Regulations 1980 ("the General Regulations") and the Family Income Supplements (Claims and Payments) Regulations 1980 ("the Claims and Payments Regulations"). They arise from the coming into force on 21st November 1983 of amendments made by the Social Security Act 1980 to section 1(1) of the Family Income Supplements Act 1970 ("the 1970 Act") which provide that men and women shall be treated in a similar manner for the purposes of entitlement to family income supplement.

Regulation 2 of these regulations amends the General Regulations so as to prescribe payments for the purposes of section 1(1) of the 1970 Act. Accordingly, persons who include a married or an unmarried couple will not be a family for the purposes of that Act (and so will not be entitled to family income supplement), although one of that couple is engaged and normally engaged in remunerative full-time work, if the other of that couple is receiving any payments specified in the amendment made by these regulations. There is an exception where the person receiving the payments is not engaged in remunerative work and has not been so engaged for at least three months.

Regulation 3 of these regulations makes a minor amendment to the Claims and Payments Regulations consequential on the amendments to section 1(1) of the 1970 Act referred to above, and corrects a minor drafting error in those regulations.

The Report of the Social Security Advisory Committee dated 23rd June 1983 on the draft of these regulations which was referred to them, together with a statement showing that the regulations give effect to the Committee's recommendations, is contained in Command Paper No. 8993 published by Her Majesty's Stationery Office.

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