
 STATUTORY INSTRUMENTS

1983 No. 463

SOCIAL SECURITY

**The Social Security and Supplementary Benefit
(Miscellaneous Provisions) Amendment Regulations 1983**

<i>Made</i> - - - - -	24th March 1983
<i>Laid before Parliament</i> -	29th March 1983
<i>Coming into Operation—</i>	
Regulations 1–3	6th April 1983
Regulation 4	30th May 1983

The Secretary of State for Social Services in exercise of powers conferred upon him by sections 13(4) and 17(1)(a)(i) and (2) of the Social Security Act 1975(a) and by section 5 of the Supplementary Benefits Act 1976(b) and of all other powers enabling him in that behalf, the Social Security Advisory Committee having agreed that the proposals to make these regulations should not be referred to it (c), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Social Security and Supplementary Benefit (Miscellaneous Provisions) Amendment Regulations 1983 and shall come into operation in the case of regulations 1–3 on 6th April 1983 and in the case of regulation 4 on 30th May 1983.

Amendment of the Social Security (Credits) Regulations

2.—(1) The Social Security (Credits) Regulations 1975(d) shall be amended in accordance with the following provisions of this regulation.

(2) The following regulation shall be inserted after regulation 9—

“Credits for persons approaching pensionable age

9A.—(1) This regulation shall apply to the tax year in which a person attains the age of 60 and to each of the 4 succeeding tax years.

(a) 1975 c. 14.

(b) 1976 c. 71; section 5 was substituted by section 38(1) of the Social Security and Housing Benefits Act 1982 (c. 24).

(c) See Social Security Act 1980 (c. 30), section 10(2)(b).

(d) S.I. 1975/556; the relevant amending instrument is S.I. 1981/1501.

(2) Subject to paragraph (3), for the purposes of entitlement to any benefit by virtue of a person's contributions, he shall be credited with such number of Class 1 contributions as may be required to bring his relevant earnings factor in respect of a tax year to which this regulation applies to the level required to make that year a reckonable year; so however that no such contribution shall be credited under this regulation in respect of a tax year commencing before 6th April 1983.

(3) Where in any tax year to which this regulation applies a person is liable to pay a Class 2 contribution in respect of any week, he shall be credited with a Class 1 contribution for each week for which no contribution of any class is payable by or in respect of him so however that no such contribution shall be credited to a person for any week in respect of which that person is entitled under any other provision of these regulations to have a contribution of any description credited to him in respect of the same week.”.

(3) Regulation 9(2)(c) (which provides for Class 1 credits for weeks in which persons of 60 and over are entitled to supplementary allowance without being required to register for employment) is hereby revoked.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations

3.—(1) The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(2) (interpretation) in the appropriate place in alphabetical order there shall be inserted the following definition:—

“ ‘determining authority’ means, as the case may require, an insurance officer, a local tribunal, the Chief Social Security Commissioner or any other Social Security Commissioner or a Tribunal of 3 Social Security Commissioners constituted in accordance with section 116 of the Act;”.

(3) The following regulation shall be inserted after regulation 10—

“Reckoning periods of interruption of employment for persons approaching retirement

10A.—(1) The following provisions of this regulation apply only to days falling within the tax year in which a person attains the age of 60 and to any day thereafter on which that person is below the age of 70 in the case of a man or 65 in the case of a woman.

(2) For the purpose of reckoning periods of interruption of employment and for that purpose only, a person shall be deemed to be available to be employed in employed earner's employment on any day specified in paragraph (3) and any such day shall be treated as a day of unemployment.

(3) Where a person makes a claim for unemployment benefit for a day

(a) S.I. 1975/564; the relevant amending instrument is S.I. 1982/96.

such as is referred to in paragraph (1) and that day forms part of a period of interruption of employment and the decision of the determining authority is that benefit is not payable because—

- (a) he has exhausted his right to unemployment benefit, or
- (b) he fails to satisfy one or both of the contribution conditions for entitlement to that benefit, or
- (c) the rate at which he would otherwise be entitled to unemployment benefit is reduced to nil by virtue of section 5 of the Social Security (No. 2) Act 1980(a) (abatement of unemployment benefit on account of payment of occupational pension),

all days which are subsequent to that day, other than days referred to in section 17(1)(e) of the Act, shall, subject to paragraph (1) and the following provisions of this regulation, be days specified for the purposes of paragraph (2).

(4) Any day of incapacity for work which forms part of a period of interruption of employment shall not be a day specified for the purposes of paragraph (2).

(5) Where a person who is deemed to be available to be employed in employed earner's employment in accordance with paragraph (2) is employed as an employed earner or a self-employed earner for a period of more than 8 weeks ("week" for this purpose meaning any period of 7 days) then no day which falls within or follows that period shall be a day specified for the purposes of paragraph (2), so however that this paragraph shall not prevent paragraph (2) from again applying to a person who makes a claim for unemployment benefit for a day following such a period.

(6) This regulation shall not apply to any day falling within a tax year commencing before 6th April 1983."

Amendment of regulation 6(p) of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981

4. In paragraph (p) of regulation 6 of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981(b) there shall be omitted the words from and including the word "who" to the end.

Norman Fowler,
Secretary of State for Social Services.

24th March 1983.

(a) 1980 c. 39.

(b) S.I. 1981/1526, amended by S.I. 1982/907.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend regulations made under the Social Security Act 1975 relating to unemployment, sickness and invalidity benefit and credits, and under the Supplementary Benefits Act 1976 relating to the conditions upon which a person is entitled to supplementary benefit.

Regulation 2 inserts a new regulation 9A in the Social Security (Credits) Regulations 1975 and provides for the crediting of Class 1 contributions under the Social Security Act 1975 for persons approaching pensionable age. Regulation 2 also makes an amendment consequential to the coming into force of regulation 9A to these regulations.

Regulation 3 inserts a new regulation 10A in the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975. Regulation 10A relates to persons approaching retirement. It provides for treating as part of a "period of interruption of employment" a period following a claim for unemployment benefit on which the decision of the determining authority was that benefit was not payable because—

- the claimant had exhausted his right to unemployment benefit,
- contribution conditions were not satisfied, or
- the rate at which unemployment benefit would otherwise have been payable was reduced to nil on account of payments made by way of occupational pension.

Regulation 4 further amends regulation 6(p) of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981 so as to exempt from the requirement to be available for employment (to which the right to a supplementary allowance, payable to persons under pensionable age, is subject under section 5 as amended of the Supplementary Benefits Act 1976) men under pensionable age but aged not less than 60 who would otherwise be subject to that requirement.

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