
 STATUTORY INSTRUMENTS

1985 No. 1016

SOCIAL SECURITY

**The Supplementary Benefit (Trade Disputes and Claims and
Payments) Amendment Regulations 1985**

<i>Made - - - -</i>	<i>3rd July 1985</i>
<i>Laid before Parliament</i>	<i>8th July 1985</i>
<i>Coming into Operation</i>	<i>26th July 1985</i>

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 4(1) and 14(1) and (2)(a) of the Supplementary Benefits Act 1976(a), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these regulations should not be referred to it(b), hereby makes the following regulations:—

Citation and commencement

1. These regulations, which may be cited as the Supplementary Benefit (Trade Disputes and Claims and Payments) Amendment Regulations 1985, shall come into operation on 26th July 1985.

Amendment of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980

2. In the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980(c), the following regulation shall be inserted after regulation 7—

*“Funeral expenses***7A.—(1) Where—**

- (a) a member of the assessment unit is affected by a trade dispute; and
- (b) he or any other member of the assessment unit takes responsibility for the cost of a funeral or cremation and the conditions specified in sub-paragraphs (a) to (c) of regulation 8(1) of the Supplementary Benefit (Single Payments) Regulations 1981(d) (funeral expenses) are satisfied,

(a) 1976 c. 71, as amended by section 6(1) of and Part I of Schedule 2 to the Social Security Act 1980 (c. 30).

(b) See section 10(2)(b) of the Social Security Act 1980.

(c) S.I. 1980/1641; there are no relevant amending instruments.

(d) S.I. 1981/1528; the relevant amending instruments are S.I. 1982/907, 1983/1000, 1984/938.

there shall, subject to regulation 3(3), be applicable to the claimant under paragraph 2 of Schedule 1 to the Act as an item of additional requirements an amount sufficient to meet any essential expenses of the funeral or cremation determined in accordance with paragraph (2).

(2) The amount mentioned in paragraph (1) shall be the aggregate of the cost of any items specified in paragraph (2) of regulation 8 of the Supplementary Benefit (Single Payments) Regulations 1981 which fall to be met by the member of the assessment unit responsible for the cost of the funeral or cremation less the aggregate of any deductions specified in paragraph (3) of that regulation.”.

Amendment of the Supplementary Benefit (Claims and Payments) Regulations 1981

3. In regulation 5(2) of the Supplementary Benefit (Claims and Payments) Regulations 1981(a) (time for claiming pension or allowance) the following sub-paragraph shall be substituted for sub-paragraph (b):—

“(b) where—

- (i) the claimant has, in respect of that period, made a claim for benefit under the Social Security Act(b), family income supplement under the Family Income Supplements Act 1970(c) or a war disablement pension as defined in the Resources Regulations, or notice of a day of incapacity for work for the purposes of statutory sick pay has, in respect of that period, been given by or on behalf of the claimant to his employer, and
- (ii) his claim for a pension or allowance is made as soon as reasonably practicable after his receipt of the decision in respect of his claim for that benefit, supplement or pension or, in a case where notice of a day of incapacity for work was given for the purposes of statutory sick pay, as soon as reasonably practicable after he receives his first payment of statutory sick pay or information to the effect that he is not entitled to statutory sick pay,

on the day on which the claim for that benefit, supplement or pension was made or, as the case may be, on which that notice of a day of incapacity for work for the purposes of statutory sick pay was given;”.

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Minister of State,
Department of Health and Social Security.

3rd July 1985.

(a) S.I. 1981/1525; there are no relevant amending instruments.

(b) See also section 66(2) of the Social Security Pensions Act 1975 (c. 60).

(c) 1970 c. 55.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980 to provide that an amount in respect of funeral expenses may, in prescribed circumstances, be applicable in the calculation of supplementary benefit payable to a claimant whose assessment unit contains a person affected by a trade dispute.

These Regulations also amend the Supplementary Benefit (Claims and Payments) Regulations 1981 to provide that, where a person makes a claim for a supplementary pension or allowance under the Supplementary Benefits Act 1976 in respect of a period prior to the date of that claim as soon as reasonably practicable after he receives statutory sick pay or information to the effect that he is not so entitled, his claim for a pension or allowance shall be treated as if it had been made on the day he notified his employer of the relevant day of incapacity for work for the purposes of statutory sick pay.

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