

STATUTORY INSTRUMENTS

1985 No. 1246

SOCIAL SECURITY

**The Supplementary Benefit (Resources) Amendment (No. 2)
Regulations 1985***Laid before Parliament in draft**Made - - - 2nd August 1985**Coming into Operation 5th August 1985*

The Secretary of State for Social Services, with the consent of the Treasury(a), in exercise of the powers conferred on him by sections 2(2) and 34(1)(b) of, and paragraph 1(2) of Schedule 1 to the Supplementary Benefits Act 1976(c) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(d), hereby makes the following regulations of which a draft has, in accordance with section 33(3) of that Act, been laid before Parliament and approved by resolution of each House of Parliament:—

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Resources) Amendment (No. 2) Regulations 1985 and shall come into operation on 5th August 1985.

Amendment of the Supplementary Benefit (Resources) Regulations 1981

2.—(1) The Supplementary Benefit (Resources) Regulations 1981(e) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 6(1) (capital resources to be disregarded) the following sub-paragraph shall be added after sub-paragraph (k)—

“(l) the value of the right to receive any payment under a life interest, or, in Scotland, from a liferent, or under a fixed term annuity, together with the surrender value of any life policy forming part of such a life interest, liferent or fixed term annuity as the case may be.”

(a) See section 33(3) of the Supplementary Benefits Act 1976 (c.71).

(b) See the definitions of “prescribed” and “regulations”.

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

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

(e) S.I. 1981/1527; the relevant amending instruments are S.I. 1982/1125, 1983/505 and 1240.

(3) In regulation 10(3) (calculation of earnings) the following sub-paragraphs shall be added after sub-paragraph (f)—

- “(g) any income which falls to be treated as earnings under the preceding paragraphs and which is derived from any employment, and which is payable, in any country outside the United Kingdom, for such period during which those earnings may not be remitted to the United Kingdom by virtue of any legislative or administrative prohibition;
- (h) any earnings whereby a person is treated, by virtue of regulation 9(1)(b) of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981(a), as engaged in remunerative full-time work and which are attributed, by regulation 9(2) of these regulations, to a period extending beyond that for which he is treated as so engaged.”

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

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

29th July 1985.

We consent,

Donald Thompson,
John Major,
Two of the Lords Commissioners of
Her Majesty's Treasury.

2nd August 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend regulations 6 and 10 of the Supplementary Benefit (Resources) Regulations 1981.

Regulation 6 is amended so as to provide for the disregard of the capital value of the right to receive payments under a life interest, or, in Scotland, from a liferent, or a fixed term annuity, together with the surrender value of any life insurance or assurance policy forming part of the life interest, liferent or fixed term annuity. However, income from any such source will be taken into account, as previously, in the calculation of a person's income resources under regulation 11.

Regulation 10 is amended so as to provide for the disregard of earnings in two circumstances: (1) earnings derived from employment in a country outside the United Kingdom where those earnings cannot be remitted to the United Kingdom because of some legislative or administrative prohibition; (2) earnings received on the termination of employment by virtue of which a person is treated as engaged in remunerative full-time employment and so excluded from entitlement to supplementary benefit and which fall to be attributed by regulation 9, to a period beyond that for which that person is so treated.

(a) S.I. 1981/1526; the relevant amending instrument is S.I. 1984/518.

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