



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART II

CONTRIBUTORY BENEFITS

Provisions relating to unemployment benefit, sickness benefit and invalidity benefit

58 Incapacity for work: work as councillor to be disregarded

- (1) In determining for the purposes of any of the provisions of this Part of this Act which relate to sickness benefit or invalidity benefit whether any day is to be treated as a day of incapacity for work in relation to a person, there shall be disregarded any work which that person has undertaken, or is capable of undertaking, as a councillor.
- (2) Where the net amount of councillor's allowance to which a person is entitled in respect of any week exceeds the permitted earnings limit, an amount equal to the excess shall be deducted from the amount of any sickness benefit or invalidity benefit to which he is entitled in respect of that week, and only the balance remaining (if any) shall be payable.
- (3) In determining whether a person satisfies the conditions of entitlement for any such benefit, he shall be treated as having been incapable of work on any day which falls in the pre-commencement period and which—
 - (a) would have been treated as a day on which he was so incapable, were there disregarded any work which he undertook (or was capable of undertaking) as a councillor; but
 - (b) would not have been so treated apart from this subsection.
- (4) In this section—

“councillor” means—

Status: This is the original version (as it was originally enacted).

- (a) in relation to England and Wales, a member of a London borough council, a county council, a district council, a parish or community council, the Common Council of the City of London or the Council of the Isles of Scilly; and
- (b) in relation to Scotland, a member of a regional, islands or district council;
 - “councillor’s allowance” means an allowance under or by virtue of—
 - (a) section 173 or 177 of the Local Government Act 1972, or a scheme made by virtue of section 18 of the Local Government and Housing Act 1989, other than such an allowance as is mentioned in section 173(4) of that Act of 1972; or
 - (b) section 49 of the Local Government (Scotland) Act 1973 or a scheme made by virtue of section 18 of the Local Government and Housing Act 1989;

and where any such allowance is paid otherwise than weekly, an amount calculated or estimated in accordance with regulations shall be regarded as the weekly amount of the allowance;

“net amount”, in relation to any councillor’s allowance to which a person is entitled, means the aggregate amount of the councillor’s allowance or allowances to which he is entitled for the week in question, reduced by the amount of any expenses incurred by him in that week in connection with his membership of the council or councils in question;

“permitted earnings limit” means the amount specified in regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983;

“pre-commencement period” means the period beginning with 11th May 1987 and ending immediately before 9th October 1989 (the coming into force of paragraph 2 of Schedule 8 to the Social Security Act 1989 which made provision corresponding to the provision made by this section).

- (5) Any reference in this section to the work which a person undertakes, or is capable of undertaking, as a councillor shall be taken to include a reference to any work which he undertakes, or is capable of undertaking, as a member of any of the bodies referred to in—
 - (a) section 177(1) of the Local Government Act 1972; or
 - (b) section 49(1) or (1A) of the Local Government (Scotland) Act 1973,
 of which he is a member by virtue of his being a councillor.