

## 1981 No. 99

## SOCIAL SECURITY

**The Supplementary Benefit (Conditions of Entitlement)  
Amendment Regulations 1981**

<i>Made - - - -</i>	<i>29th January 1981</i>
<i>Laid before Parliament</i>	<i>30th January 1981</i>
<i>Coming into Operation</i>	<i>2nd February 1981</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 5(b) and 6(2) of the Supplementary Benefits Act 1976(a) and of all other powers enabling him in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to him that by reason of urgency it is inexpedient to do so (b), hereby makes the following regulations:—

*Citation and commencement*

1. These regulations, which may be cited as the Supplementary Benefit (Conditions of Entitlement) Amendment Regulations 1981, amend the Supplementary Benefit (Conditions of Entitlement) Regulations 1980 (c) (hereinafter referred to as “the principal regulations”) and shall come into operation on 2nd February 1981.

*Amendment of regulation 2 of the principal regulations*

2. In regulation 2 of the principal regulations (interpretation), in paragraph (1), the definition of “relevant education” shall be omitted.

*Amendment of regulation 7 of the principal regulations*

3. In regulation 7 of the principal regulations (circumstances in which persons are to be treated as available for employment), for paragraph (2) there shall be substituted the following paragraph:—

“(2) A claimant who is attending for not more than 21 hours a week a course of education at an establishment recognised by the Secretary of State as being, or as comparable to, a college or school or a course of training or instruction analogous to a course for which a training allowance would be payable shall be treated as available for work if—

(a) 1976 c. 71; the Act (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) as amended is set out in Part II of Schedule 2 to the Social Security Act 1980 (c. 30).

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

(c) S.I. 1980/1568.

- (a) he is prepared to terminate the course immediately a suitable vacancy becomes available to him;
- (b) he has not terminated an employment or a course of education which was for more than 21 hours a week for the purpose of attending the course; and
- (c) either he is aged less than 21 or, in the period immediately preceding the commencement of the course, he was in receipt of an allowance and had been registered and available for work for not less than 12 months pursuant to section 5.”.

*Amendment of regulation 12 of the principal regulations*

4. In regulation 12 of the principal regulations (circumstances in which persons receiving relevant education are to be entitled to supplementary benefit), there shall be added after paragraph (d) the following paragraph:—

“(e) he is attending a course of education to which, and in circumstances in which, paragraph (2) of regulation 7 (part-time courses) applies and he satisfies the conditions in that paragraph.”.

*Patrick Jenkin,*

Secretary of State for Social Services.

29th January 1981.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the provisions of the Supplementary Benefit (Conditions of Entitlement) Regulations 1980 (“the principal regulations”) relating to part-time courses of education. Under section 5 of the Supplementary Benefits Act 1976, as extensively amended by the Social Security Act 1980, the right of any person to supplementary allowance is subject to the condition that he is registered and available for employment. Under section 6(2) of the Supplementary Benefits Act 1976 16-18 year olds receiving relevant education are not entitled to benefit except in prescribed circumstances. The principal regulations are amended so that persons who are attending certain courses of education or training which are for not more than 21 hours a week but who are prepared to terminate the course to take up employment are treated as available for employment, and so that a 16-18 year old who is attending such a course in such circumstances is eligible for benefit notwithstanding that the course may be relevant education. The regulations also provide for the omission from the principal regulations of a definition which is in consequence no longer necessary.

These regulations will be referred to the Social Security Advisory Committee under subsection (7) of section 10 of the Social Security Act 1980 unless the Committee agrees that that subsection shall not apply.



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