

## STATUTORY INSTRUMENTS

**1989 No. 1687**

### **SOCIAL SECURITY**

#### **The Social Security (Severe Disablement Allowance (Amendment) and Local Councillors Consequential) Regulations 1989**

<i>Made</i>	- - - -	<i>18th September 1989</i>
<i>Laid before Parliament</i>		<i>18th September 1989</i>
<i>Coming into force</i>	- -	<i>9th October 1989</i>

The Secretary of State for Social Security, in exercise of powers conferred by section 36(7)(c)(i) and (cc) of, and Schedule 20 to the Social Security Act 1975 <sup>F1</sup> and sections 30(1) and 31(3) of the Social Security Act 1989 <sup>F2</sup> and of all other powers enabling him in that behalf, by this instrument, which contains only regulations consequential upon paragraph 2 of Schedule 8 to the Social Security Act 1989 and which is made before the end of the period of 6 months beginning with the coming into force of that enactment, hereby makes the following Regulations:

**F1** 1975 c. 14. Section 36(7)(cc) was added to the 1975 Act by paragraph 2(5) of Schedule 8 to [Social Security Act 1989 \(c. 24\)](#). Schedule 20 is cited for the meaning it ascribes to the words “Prescribed” and “Regulations”.

**F2** 1989 c. 24. Section 30(1) is cited for the meaning it ascribes to the word “regulations”.

#### **Citation, commencement and interpretation**

**1.—**(1) These Regulations may be cited as the Social Security (Severe Disablement Allowance (Amendment) and Local Councillors Consequential) Regulations 1989 and shall come into force on 9th October 1989.

(2) In these Regulations—

“councillor” and “councillor's allowance” have the same meanings as they have in paragraph 2(6) of Schedule 8 to the Social Security Act 1989; and

“the Severe Disablement Allowance Regulations” means the Social Security (Severe Disablement Allowance) Regulations 1984 <sup>F3</sup>.

**F3** [S.I. 1984/1303](#) to which there are no relevant amendments.

## **Amendment of The Severe Disablement Allowance Regulations**

2.—(1) The Severe Disablement Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

(2) After paragraph 1 of regulation 2 (interpretation) there shall be added the following paragraph—

“(1A) In these Regulations, “councillor” and “councillor's allowance” have the same meanings as they have in paragraph 2(6) of Schedule 8 to the Social Security Act 1989 <sup>F4</sup>.”.

(3) After regulation 7 (days for which persons are to be regarded as incapable of work for the purposes of severe disablement allowance) there shall be inserted the following regulation—

### **“Treatment of duties as a councillor as a day of incapacity for work**

7A. A person who is a councillor shall be treated as incapable of work for the purposes of subsections 2(b) and 3(b) of section 36 of the Social Security Act 1975 on any day on which he undertakes work as a councillor, and which would, but for this regulation, have been a day on which he was regarded as not incapable of work solely by reason of the work he undertook as a councillor.”.

(4) After regulation 8 (circumstances in which a person is to be treated as receiving full-time education) there shall be inserted the following regulation—

### **“Severe disablement allowance for persons who are councillors**

8A. Where the amount of a councillor's allowance to which a person is entitled in respect of any week exceeds the sum for the time being specified in regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations <sup>F5</sup>, then an amount equal to the excess shall be deducted from the amount of any severe disablement allowance to which he is entitled in respect of that week, and only the balance remaining (if any) shall be payable.”.

**F4** 1989 c. 24.

**F5** S.I. 1983/1598.

## **Treatment of a local councillor's allowance paid otherwise than weekly**

3.—(1) Where a councillor's allowance is paid otherwise than weekly, an amount calculated in accordance with the following provisions of this regulation shall be regarded as the weekly amount of that allowance.

(2) In the case of an attendance allowance, the weekly amount shall be the amount paid in respect of attendances undertaken in respect of the week in question.

(3) [<sup>F6</sup>In the case of a basic allowance or a special responsibility allowance,] the weekly amount shall be calculated—

- (i) where the allowance is paid annually, by dividing the amount paid by 52;
- (ii) where the allowance is paid quarterly, by dividing the amount paid by 13;
- (iii) where the allowance is paid monthly, by multiplying the amount by 12 and dividing by 52; and
- (iv) in any other case, by dividing the amount of the allowance by the number of days in the period and multiplying it by 7.

**F6** Words in [reg. 3\(3\)](#) substituted (1.8.1990) by [The Social Security \(Local Councillors\) Amendment Regulations 1990 \(S.I. 1990/1286\)](#), regs. 1, 2

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

Department of Social Security

*Nicholas Scott*  
Minister of State,

**Status:** Point in time view as at 01/01/2014.

**Changes to legislation:** There are currently no known outstanding effects for the *The Social Security (Severe Disablement Allowance (Amendment) and Local Councillors Consequential) Regulations 1989*. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Regulations contained in this instrument are made under or are otherwise consequential upon paragraph 2 of Schedule 8 to the Social Security Act 1989 (“the 1989 Act”). The instrument is made before the end of the period of 6 months beginning with the coming into force of that paragraph; the regulations in it are therefore exempted by section 61(5) of the Social Security Act 1986 (c. 50) (as amended by the 1989 Act, Schedule 8, paragraph 12(3)) from the requirement under section 10(1) of the Social Security Act 1980 to refer proposals to the Social Security Advisory Committee and are made without reference to that Committee.

These Regulations amend the Social Security (Severe Disablement Allowance) Regulations 1984. They provide that where a person is a councillor, he shall be treated as incapable for work and therefore entitled to severe disablement allowance, although on the relevant day he works as a councillor (regulation 2(3)). They also provide that where a councillor is entitled to a councillor's allowance in respect of any week, the amount by which it exceeds the sum specified for the time being in regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 shall be deducted from any severe disablement allowance to which he is entitled in respect of that week, and the balance, if any, shall be payable (regulation 2(4)).

They further provide for the calculation of a councillor's allowance where the councillor is paid his allowances otherwise than weekly (regulation 3).

**Status:**

Point in time view as at 01/01/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Severe Disablement Allowance (Amendment) and Local Councillors Consequential) Regulations 1989.