
STATUTORY INSTRUMENTS

1984 No. 1696

SOCIAL SECURITY

The Social Security (Savings for Existing Beneficiaries) Regulations 1984

<i>Made</i>	- - - -	<i>29th October 1984</i>
<i>Laid before Parliament</i>		<i>5th November 1984</i>
<i>Coming into Operation</i>		<i>26th November 1984</i>

The Secretary of State for Social Services, in exercise of the power conferred on him by section 28(1) of the Health and Social Security Act 1984 and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Social Security (Savings for Existing Beneficiaries) Regulations 1984 and shall come into operation on 26th November 1984.

Saving for existing beneficiaries

2.—(1) The provisions of sections 41(2A) to (2D) and 64(1A) to (1D) (abatement of child dependency increases on account of earnings of spouse etc.) and 47B and 66A (earnings to include occupational pensions for purposes of benefits) of the Social Security Act 1975(1) shall not apply so as to affect entitlement to an increase of any benefit in respect of a child or adult dependant in any case where the beneficiary is entitled to receive such an increase—

- (a) in respect of at least 5 days in the period 19th November 1984 to 24th November 1984; and
- (b) but for those provisions would be so entitled in respect of at least 5 days in each consecutive period of 7 days beginning with 26th November 1984,

until such time as he would otherwise first cease to be so entitled.

(2) A person shall be deemed to satisfy the conditions specified in paragraph (1) if his period of entitlement to such an increase as is there specified begins in the period mentioned in sub-paragraph (1)(a) or ends in the period mentioned in sub-paragraph (1)(b).

(3) Paragraph (4) applies in a case where—

(1) sections 41(2A) to (2D) were inserted by paragraph 3 and sections 64(1A) to (1D) by paragraph 4 of Schedule 5 to, and section 47A was inserted by section 14 of, the Health and Social Security Act 1984.

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- (a) a person is entitled to receive unemployment benefit, sickness benefit or maternity allowance—
 - (i) in respect of at least 5 days in the period of 7 days immediately preceding the day on which, in his case, an increase of that benefit takes effect under the Social Security Benefits Up-rating Order 1984; and
 - (ii) in respect of at least 5 days in the period of 7 days beginning with that day;
- (b) in respect of each of the 5 days in the periods mentioned in sub-paragraphs (a)(i) and (ii) he would but for the provisions of Schedule 5 to the Health and Social Security Act 1984, be entitled to receive with that benefit an increase or increases for one or more child dependants, with or without an increase for an adult dependant; and
- (c) the weekly rate of that benefit, as applicable in the case of that person, including any increases for child and adult dependants which he is entitled to receive, reduced or adjusted as appropriate under any provision of that Act or regulations made thereunder, would, apart from this paragraph but because of the Social Security Benefits Up-rating Order 1984 or Schedule 5 to the Health and Social Security Act 1984, be less for the period mentioned in sub-paragraph (a)(ii) than for that mentioned in sub-paragraph (a)(i).

(4) In a case to which this paragraph applies the person in question shall continue to be entitled to receive the benefit in question including any increases in question at the same rate as was applicable in respect of the period mentioned in sub-paragraph (3)(a)(i) for each consecutive period of 7 days in which he continues to satisfy the conditions of entitlement to that benefit without any change in the number of adult and child dependants for whom he is entitled to receive increases and without any further adjustment falling to be made to that rate as a result of the operation of any provisions of the Social Security (Hospital In-Patients) Regulations 1975⁽²⁾ or of the Social Security (Overlapping Benefits) Regulations 1979⁽³⁾.

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

29th October 1984

Tony Newton
Minister of State
Department of Health and Social Security

(2) relevant amending instruments are S.I. 1975/1058, 1977/342, 956, 1693, 1979/223.

(3) relevant amending instruments are S.I. 1980/1927, 1982/1173, 1983/1588.

EXPLANATORY NOTE

These regulations are made under section 28 of the Health and Social Security Act 1984 and accordingly, by virtue of section 22(1)(j) of that Act, they are exempt from the requirement of section 10 of the Social Security Act 1980 (c.30) to refer proposals to the Social Security Advisory Committee, and are made without any such reference.

Section 14 of the former Act provides that references to “earnings” in provisions of the Social Security Act 1975 concerned with benefits in respect of dependants shall include a reference to payments by way of occupational pension. Schedule 5 to that Act provides for the abolition of increases of short-term benefits in respect of children where the beneficiary is under pensionable age and for the abatement of increases of long-term benefits in all cases where the beneficiary has a spouse (including a person with whom he is living as husband and wife) whose earnings exceed £80 a week. These regulations provide that the provisions relating to abatement in respect of earnings shall not apply in the case of a person who was entitled to such an increase in the period immediately before they came into force until such time as he first ceases to satisfy the conditions for that increase. They also provide that the rate of benefit shall be the same for those persons to whom regulation 2(4) applies.