



Social Security Act 1980

1980 CHAPTER 30

Amendments of enactments relating to supplementary benefit and family income supplement

6 Amendments of Supplementary Benefits Act 1976

- (1) The Supplementary Benefits Act 1976 shall have effect with the amendments specified in Part I of Schedule 2 to this Act, and except where the context otherwise requires references in that Part to sections and Schedules are to sections of and Schedules to that Act
- (2) The Supplementary Benefits Commission is hereby abolished.
- (3) In accordance with subsection (1) of this section but subject to section 14 of this Act, Parts I to III of the Supplementary Benefits Act 1976, except sections 31, 32, 35 and 36 (which relate to reciprocity and to transitional, consequential and supplemental matters), and Schedules 1 and 5 to that Act are to have effect, after the coming into force of subsection (1) of this section and Part I of Schedule 2 to this Act, as set out in Part II of that Schedule (which reproduces those provisions as amended by Part I of the said Schedule 2 and with consequential adjustments in headings and sidenotes).
- (4) Until the coming into force of subsection (1) of this section and Part I of Schedule 2 to this Act, section 34 of the said Act of 1976 (which provides for the interpretation of that Act) shall have effect as if after subsection (2) of that section there were inserted the following subsection—
 - “(3) In determining for the purposes of this Act whether a person (in this subsection referred to as " the provider ") has to provide for, or for the requirements of, another person to or in respect of whom any payments are made otherwise than by the provider, the other person shall not by reason only of the payments or the amount of them be treated as a person who is, or whose requirements are, provided for otherwise than by the provider.”

7 Amendments of Family Income Supplements Act 1970

- (1) In section 1 of the Family Income Supplements Act 1970 (of which subsection (1) specifies the persons who constitute a family for the purposes of that Act)—

Status: This is the original version (as it was originally enacted).

- (a) for paragraphs (a) and (b) of subsection (1) there shall be substituted the following—
 - “(a) a man or woman engaged and normally engaged in remunerative full-time work; and
 - (b) if the person mentioned in the preceding paragraph is one of a married or unmarried couple, the other member of the couple ; and”
 - (b) at the end of that subsection there shall be inserted the words " except that persons who include a married or unmarried couple shall not be a family for the purposes of this Act if one of the couple is engaged and normally engaged as aforesaid and the other member of the couple is receiving such payments as may be specified by regulations "; and
 - (c) after that subsection there shall be inserted the following subsection—
 - “(1A) It shall be the duty of the Secretary of State to appoint persons to perform the functions conferred by this Act on supplement officers.”
- (2) For any reference to the Supplementary Benefits Commission in that Act, except section 7(1), there shall be substituted a reference to a supplement officer.
- (3) At the end of section 6(1) of that Act (which provides for the determination of certain questions relating to family income supplement) there shall be inserted the words " , and regulations may provide for different aspects of the same question to be dealt with by different supplement officers ".
- (4) In section 7(1) of that Act (which provides for an appeal from a determination of the Supplementary Benefits Commission) for the words from " the Supplementary " to " the Commission" there shall be substituted the words " a supplement officer including a refusal ".
- (5) In section 10 of that Act (which specifies the matters for which provision may be made by regulations)—
- (a) after paragraph (b) of subsection (2) there shall be inserted the following paragraph—
 - “(bb) for determining the circumstances in which persons are to be treated as being or not being members of the same household;”
 - (b) for subsection (3) there shall be substituted the following subsections—
 - “(3) Regulations may also provide—
 - (a) for specified questions to be referred to the Appeal Tribunal or other bodies or persons exercising functions under the Social Security Act 1975, the Child Benefit Act 1975. or the Supplementary Benefits Act 1976. and for the application of provisions of this Act or any of those Acts, with or without modifications, to the questions and to decisions given in consequence of references in pursuance of the regulations;
 - (b) for such decisions, and any other specified decisions given in pursuance of any of those Acts, to be effective or conclusive for specified purposes of this Act; and
 - (c) for dealing, by postponement or otherwise, with cases in which questions are referred by virtue of paragraph (a) of this subsection ;

and section 6(1) of this Act shall have effect subject to any regulations made in pursuance of this subsection.

(3A) Subsections (2) and (3) of section 166 of the Social Security Act 1975 (which among other things make provision about the extent of powers to make regulations) shall apply to powers to make regulations conferred by this Act as they apply to powers to make regulations conferred by that Act but as if for references to that Act there were substituted references to this Act.”

(6) In section 17(1) of that Act (which defines expressions used in that Act) the following definitions shall be inserted at the appropriate places in alphabetical order—

“"married couple" means a man and a woman who are married to each other and are members of the same household;

" supplement officer " means a person appointed in pursuance of section 1(1 A) of this Act;

" unmarried couple " means a man and a woman who are not married to each other but are living together as husband and wife ;”
and the definition of " single woman " shall be omitted.

8 Provisions supplementary to ss. 6 and 7

(1) The Secretary of State may by regulations make such provision as he considers appropriate for dealing with transitional matters connected with or arising out of the coming into force of any provision of section 6 or 7 of this Act or Schedule 2 or 5 to this Act including in particular, but without prejudice to the generality of the preceding provisions of this subsection.—

- (a) provision for modifying any enactment passed before this Act;
- (b) provision for treating anything done under an enactment which is altered or replaced by a provision of the sections or Schedules aforesaid as done under the enactment as so altered or replaced; and
- (c) provision for the payment of supplementary benefit, of an amount specified in or determined in pursuance of the regulations, to a person who, apart from the provision, would by virtue of this Act cease to be entitled to supplementary benefit or become entitled to supplementary benefit of an amount smaller than that to which he would have been entitled apart from this Act;

and regulations made by virtue of this subsection may be made so as to have effect from a date before that on which they are made but not before the date of the passing of this Act.

(2) An order under section 21(5) of this Act which brings into force a provision of this Act which is mentioned in the preceding subsection—

- (a) may contain such transitional provisions, including savings, as the Secretary of State considers appropriate in connection with or arising out of the coming into force of that provision; and
- (b) may, without prejudice to the generality of the preceding paragraph, provide that the provision shall come into force in relation to such cases only as are specified in the order and accordingly that in relation to other cases the law shall remain unaffected by that provision;

and the Secretary of State may by order made by statutory instrument vary or revoke any provision which by virtue of this subsection is included in another order.

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

- (3) Nothing in either of the preceding subsections shall be construed as derogating from the other of them.
- (4) The power to make regulations conferred by subsection (1) of this section shall be exercisable by statutory instrument and a statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.