



Social Security Act 1985

1985 CHAPTER 53

PART II

SOCIAL SECURITY

9 Abatement of invalidity allowance etc., where beneficiary entitled to additional component in pension or to guaranteed minimum pension

- (1) In section 16 of the Social Security Act 1975 (invalidity allowance)—
- (a) in subsection (1), the words ", subject to the following provisions of this section " shall be inserted after the word " then " ;
 - (b) the following subsections shall be inserted after subsection (2A)—
 - “(2B) Where for any period—
 - (a) the weekly rate of the invalidity pension to which the beneficiary is entitled includes an additional component such as is mentioned in section 6(1)(b) of the Pensions Act; or
 - (b) the beneficiary is entitled to one or more guaranteed minimum pensions,for that period the relevant amount shall be deducted from the appropriate weekly rate of invalidity allowance and he shall be entitled to invalidity allowance only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.
 - (2C) In this section " the relevant amount " means—
 - (a) in a case where paragraph (a) of subsection (2B) above applies but paragraph (b) does not apply, an amount equal to the additional component;
 - (b) in a case where paragraph (b) applies but paragraph (a) does not apply, an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions; and

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- (c) in a case where both paragraphs apply, an amount equal to the aggregate of the amounts referred to in paragraphs (a) and (b) above,

reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of section 29 of the Pensions Act.

(2D) In this section—

- (a) references to an additional component are references to that component after any increase under section 9(3) of the Pensions Act but without any increase under Schedule 1, paragraphs 1 and 2, to that Act; and
- (b) references to the weekly rate of a guaranteed minimum pension are references to that rate without any increase under section 35(6) of that Act.”; and
- (c) at the end of subsection (3), there shall be added the words " or, where subsection (2B) above applies, of the weekly rate payable under that subsection".

(2) In section 28 of that Act (Category A retirement pension)—

- (a) the words " Subject to the following provisions of this section," shall be inserted at the beginning of subsection (7);
- (b) in that subsection, for the words from " equal" to the end there shall be substituted the words " equal to the appropriate weekly rate of the invalidity allowance on that day."; and
- (c) the following subsections shall be inserted after that subsection—

“(7A) Where for any period—

- (a) the weekly rate of a Category A retirement pension includes an additional component such as is mentioned in section 6(1) (b) of the Pensions Act; or
- (b) the pensioner is entitled to one or more guaranteed minimum pensions,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under subsection (7) above and the pensioner shall be entitled to an increase only if there is a balance after that deduction and, if there is such a balance, of an amount equal to it.

(7B) In this section "the relevant amount" means—

- (a) in a case where paragraph (a) of subsection (7A) above applies but paragraph (b) does not apply, an amount equal to the additional component;
- (b) in a case where paragraph (b) applies but paragraph (a) does not apply, an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions; and
- (c) in a case where both paragraphs apply, an amount equal to the aggregate of the amounts referred to in paragraphs (a) and (b) above,

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reduced by the amount of any reduction in the weekly rate of the Category A retirement pension made by virtue of section 29 of the Pensions Act.

(7C) In this section—

- (a) references to an additional component are references to that component after any increase under section 9(3) of the Pensions Act but without any increase under Schedule 1, paragraphs 1 and 2, to that Act; and
- (b) references to the weekly rate of a guaranteed minimum pension are references to that rate without any increase under section 35(6) of that Act.”.

(3) In section 29 of that Act (Category B retirement pension), at the end of subsection (8) there shall be added the words “, subject to reduction or extinguishment of the increase by the application of section 28(7A) above.”.

(4) In section 59 of that Act (increase of unemployability supplement)—

- (a) the words “ Subject to the following provisions of this section,” shall be inserted at the beginning of subsection (1); and
- (b) the following subsections shall be inserted after that subsection—

“(1A) Where for any period—

- (a) the beneficiary is entitled to a Category A or Category B retirement pension or an invalidity pension and the weekly rate of the pension includes an additional component such as is mentioned in section 6(1)(b) of the Pensions Act; or
- (b) the beneficiary is entitled to one or more guaranteed minimum pensions,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under this section and the beneficiary shall be entitled to an increase only if there is a balance after that deduction and, if there is such a balance, only of an amount equal to it.

(1B) In this section “the relevant amount” means—

- (a) in a case where paragraph (a) of subsection (1A) above applies but paragraph (b) does not apply, an amount equal to the additional component reduced by the amount of any reduction in the weekly rate of the pension made by virtue of section 29 of the Pensions Act;
- (b) in a case where paragraph (b) applies but paragraph (a) does not apply, an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions; and
- (c) in a case where both paragraphs apply, an amount equal to the aggregate of the amount first referred to in paragraph (a) above and the amount referred to in paragraph (b) above.

(1C) In this section—

- (a) references to an additional component are references to that component after any increase under section 9(3) of the

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Pensions Act but without any increase under Schedule 1, paragraphs 1 and 2, to that Act; and

- (b) references to the weekly rate of a guaranteed minimum pension are references to that rate without any increase under section 35(6) of that Act.”.

- (5) In Schedule 1 to the Social Security Pensions Act 1975 (deferred retirement), in paragraph 2, the following sub-paragraph shall be inserted after sub-paragraph (4)—

“(4A) In sub-paragraph (4) above the reference to any increase under subsection (7) of section 28 of the principal Act shall be taken as a reference to any increase that would take place under that subsection if subsection (7A) were disregarded.”.

- (6) Where a person—

- (a) is entitled immediately before the commencement of a provision contained in this section ("the amending provision") to a benefit specified in subsection (8) below (" the relevant benefit"); and
- (b) continues to be entitled to the relevant benefit after the commencement of the amending provision,

until the relevant date the amending provision shall not operate in relation to him, so long as he continues to be entitled to the relevant benefit, in such a way as to reduce the total weekly rate of any benefits specified in subsection (8) below to which he is for the time being entitled to a rate lower than the total weekly rate of such benefits immediately before the commencement of the amending provision.

- (7) Where—

- (a) the conditions mentioned in subsection (6) (a) and (b) above are satisfied in relation to a person ; and
- (b) he ceases to be entitled to the relevant benefit after the commencement of the amending provision ; and
- (c) he subsequently becomes entitled to it again ; and
- (d) the interval between the date of his ceasing to be entitled to it and the date of his becoming entitled to it again is eight weeks or less ; and
- (e) the date of his becoming entitled to it again is earlier than the date in 1985 on which an order under sections 124 and 126A of the Social Security Act 1975 comes into force,

until the relevant date the amending provision shall not operate in relation to him, during any periods for which he is entitled to the relevant benefit, in such a way as to reduce the total weekly rate of benefits specified in subsection (8) below to which he is for the time being entitled to a rate lower than the total weekly rate of such benefits immediately before the commencement of the amending provision.

- (8) The benefits mentioned in subsections (6) and (7) above are—

- (a) invalidity benefit;
- (b) Category A and Category B retirement pension; and
- (c) unemployment supplement,

including any increase in respect of a dependant.

- (9) In this section " the relevant date " means, in relation to any person, the first date on which there comes into force an order under sections 124 and 126A of the Social

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Security Act 1975 whose effect, taken with the effect of the amending provision, is more beneficial to him than the effect of subsections (6) and (7) above.