
STATUTORY INSTRUMENTS

1983 No. 1598

**The Social Security (Unemployment, Sickness
and Invalidity Benefit) Regulations 1983**

PART III

**ABATEMENT OF UNEMPLOYMENT BENEFIT
FOR OCCUPATIONAL PENSION PAYMENTS**

Interpretation

23. In this Part of these regulations, unless the context otherwise requires—

“the 1980 Act” means the Social Security (No. 2) Act 1980;

“the 1975 Act” means the Social Security Act 1975;

“pension payments” means payments by way of occupational pension as defined in section 5(3) of the 1980 Act;

and other expressions have the same meanings as in the 1980 Act.

Maximum sum prescribed for the purposes of section 5(1) of the 1980 Act

24. For the purposes of section 5(1) of the 1980 Act (abatement of unemployment benefit on account of pension payments in excess of the maximum sum) the sum of £35 is hereby prescribed as the maximum sum.

Disregard of pension payments on account of redundancy

25.—(1) For the purposes of section 5 of the 1980 Act there shall be disregarded such pension payments for any week to any person who has attained the age of 60 as are sums paid to him—

(a) solely by way of compensation for an employment of his coming to an end by reason of redundancy; and

(b) otherwise than under the rules of an occupational pension scheme of which he is or was a member.

(2) In this regulation “occupational pension scheme” means any scheme or arrangement which is comprised in one or more instruments or agreements and which has effect in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service to earners with qualifying service in an employment of any such description or category, where those benefits include benefits payable by reason of retirement which is at the normal age for retirement under the rules of such scheme or arrangement.

Disregard of pension payments for less than a whole week

26.—(1) For the purpose of calculating a pension payment or the aggregate of such payments, as the case may be, for any week under section 5 of the 1980 Act, the following provisions of this regulation shall apply.

(2) Where pension payments first begin to be made to any person for a period starting other than at the beginning of the first week for which they are made, any such payments for that week shall be disregarded.

(3) Where pension payments are already in payment to any person and any change in the rate of such payments takes effect in a week other than from the beginning of that week, the amount of any increase in the pension payments for that week arising from that change shall be disregarded.

Calculation of weekly amount of pension payments made other than weekly

27. Subject to the provisions of regulation 26, where a pension payment, or an aggregate of such payments, as the case may be, is paid to a person who has attained the age of 60 for a period other than a week, the amount of any such payment for any week in that period shall be determined for the purposes of section 5 of the 1980 Act—

- (a) where payment is made for a year, by dividing the total by 52;
- (b) where payment is made for three months, by dividing the total by 13;
- (c) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;
- (d) where payment is made for two or more months, otherwise than for a year or for three months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or
- (e) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7.

Modification of section 18(1) of the 1975 Act

28. In a case where the rate at which any person would otherwise be entitled to unemployment benefit is reduced to nil for any period by virtue of section 5(1) of the 1980 Act, section 18(1) of the 1975 Act (duration of entitlement to unemployment benefit) shall have effect so that any day in that period for which that person would have been entitled to unemployment benefit but for the said section 5(1) shall count as a day for which he has been so entitled for the purpose of calculating whether he has been so entitled for 312 days in a period of interruption of employment.