STATUTORY INSTRUMENTS

1980 No. 1023

SOCIAL SECURITY

The Family Income Supplements (Transitional) Regulations 1980

Made - - - -	21*st July* 1980
Laid before Parliament	28*th July* 1980
Coming into Operation	18*th August* 1980

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 8(1) of the Social Security Act 1980**(a)** and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (Transitional) Regulations 1980 and shall come into operation on 18th August 1980.

(2) In these regulations, unless the context otherwise requires—

"the 1970 Act" means the Family Income Supplements Act 1970**(b)**;

"the 1980 Act" means the Social Security Act 1980;

"claimant" means a claimant to family income supplement;

"Commission" means the Supplementary Benefits Commission;

"supplement officer" has the same meaning as in section 17(1) of the 1970 Act**(c)**.

Determinations before 24*th November* 1980 *in respect of periods beginning on or after that day*

2.—(1) Where any question relating to a claimant's entitlement to family income supplement in respect of a period beginning on or after 24th November 1980 falls to be determined before that day, determination of that question shall be subject to the following paragraphs.

(2) Any such question which, if it had fallen to be determined on or after 24th November 1980, would fall to be determined by a supplement officer pursuant to section 6(1) of the 1970 Act**(d)** shall be determined by the Commission pursuant to that Act as amended.

(3) Section 7 of the 1970 Act (appeals)**(e)** shall apply to a determination to which paragraph (2) applies as if the determination had been made under that Act as so amended.

(a) 1980 c. 30. **(b)** 1970 c. 55.

(c) Section 17(1) was amended by the 1980 Act, section 7(6).

(d) Section 6(1) was amended by the 1980 Act, section 7(2) and (3).

(e) Section 7 was amended by the Supplementary Benefits Act 1976 (c. 71), section 35(2) and Schedule 7, paragraph 19, the Social Security Act 1979 (c. 18), section 21(4) and Schedule 3, paragraph 1, and the 1980 Act, section 7(2) and (4) and section 21(4) and Schedule 5 Part II.

Determinations on or after 24th November 1980 in respect of periods before that day

3.—(1) Where any question relating to a claimant's entitlement to family income supplement in respect of a period before 24th November 1980 falls to be determined on or after that day, any question which, if it had fallen to be determined before that day, would have fallen to be determined by the Commission shall be determined by a supplement officer exercising the same powers as the Commission could have exercised if that question had fallen to be determined before that day.

(2) Section 7 of the 1970 Act (appeals) shall apply to a determination to which paragraph (1) applies as if that determination had been made under that Act as amended by the 1980 Act.

(3) Where, pursuant to section 10(2)(*h*) of the 1970 Act**(a)** a determination with respect to family income supplement falls to be reviewed, a supplement officer may review that determination notwithstanding that it was made by the Commission.

Appeals against determinations by the Commission

4.—(1) This regulation applies to any determination by the Commission which is either—

(*a*) in respect of a period before 24th November 1980; or

(*b*) in respect of a period beginning on or after that day.

(2) Any appeal which, by virtue of section 7 of the 1970 Act, could have been brought against such a determination to an Appeal Tribunal may be brought to that Tribunal and in any such proceedings a supplement officer shall be a party instead of the Commission.

(3) In any proceedings in respect of an appeal which, by virtue of section 7 of the 1970 Act, has been brought against such a determination to an Appeal Tribunal before 24th November 1980, but has not been fully determined before that date, a supplement officer shall, on or after that date, be a party instead of the Commission.

Proceedings to which the Commission is a party

5. In any proceedings pending on 24th November 1980 before a Court or Tribunal (other than an Appeal Tribunal) the Secretary of State shall be substituted as a party for the Commission.

Patrick Jenkin,
Secretary of State for Social Services.

21st July 1980.

(a) Section 10(2)(*h*) was amended by the Social Security Act 1979, section 21(4), Schedule 3, paragraph 2 and the Act of 1980, sections 7(2), 21(4) and Schedule 5 Part II.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make transitional provisions connected with the amendments made to the Family Income Supplements Act 1970 by the Social Security Act 1980 and brought into force on 24th November 1980 by the Social Security Act 1980 (Commencement No. 1) Order 1980 (S.I. 1980/729 (c. 29)).

Regulation 2 makes provision for questions relating to entitlement to family income supplement for periods beginning on or after 24th November 1980 but which are determined before that day, to be determined by the Supplementary Benefits Commission ("the Commission") and for the appeals provisions in section 7 of the 1970 Act to apply subject to modifications to such determinations. Regulation 3 provides for questions relating to family income supplement for periods before that day but which are to be determined on or after that day to be determined by a supplement officer, and enables a supplement officer to review any determination made by the Commission. Regulation 4 provides that an appeal to a Supplementary Benefits Appeal Tribunal against a determination of the Commission may be brought after that day, and that a supplement officer will be a party to any proceedings in such an appeal against a determination of the Commission heard on or after that day. Regulation 5 provides that in other Court or Tribunal proceedings pending on 24th November the Secretary of State shall be substituted for the Commission.