STATUTORY INSTRUMENTS

# 1989 No. 1690

# SOCIAL SECURITY

## The Social Security Benefit (Dependency and Computation of Earnings) Amendment Regulations 1989

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| *Made - - - -* | *18th September 1989* |
| *Laid before Parliament* | *18th September 1989* |
| *Coming into force -* | *9th October 1989* |

The Secretary of State for Social Security in exercise of powers conferred by sections 30(1) and 31(3) of the Social Security Act 1989(a), and of all other powers enabling him in that behalf, by this instrument which contains only regulations consequential upon section 9 of the Act of 1989 and which is made before the end of the period of 6 months beginning with the coming into force of that section, hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security Benefit (Dependency and Computation of Earnings) Amendment Regulations 1989 and shall come into force on 9th October 1989.

(2) In these Regulations–

"the Dependency Regulations" means the Social Security Benefit (Dependency) Regulations 1977(b); and

"the Computation of Earnings Regulations" means the Social Security Benefit (Computation of Earnings) Regulations 1978(c).

**Amendment of the Dependency Regulations**

**2.** In paragraph 9(1) of Schedule 2 to the Dependency Regulations (prescribed circumstances for increase of an invalid care allowance) for the words "occupational pension" there shall be substituted the words "occupational or personal pension".

**Amendment of the Computation of Earnings Regulations**

**3.** In regulation 1(2) of the Computation of Earnings Regulations (citation, commencement and interpretation) in the definition of "earnings" for the words "occupational pension" there shall be substituted the words "occupational or personal pension".

**Saving**

**4.**—(1) Where a dependency increase in respect of a child or adult dependant is payable to a person for any one of the 7 days commencing 2nd October 1989, then

(a) 1989 c.24; section 30(1) is cited because of the meaning it ascribes to the word "regulations".
(b) S.I. 1977/343; the relevant amending instruments are S.I. 1987/355 and 1988/556.
(c) S.I. 1978/1698; the relevant amending instrument is S.I. 1984/1697.

paragraphs (2) to (4) below, in so far as the provisions to which they refer were relevant to the award of the dependency increase, shall apply in his case until the relevant date.

(2) Sections 47B and 66A of the Social Security Act 1975(a) (earnings to include occupational pensions for purposes of benefits) shall apply as though section 9(3) of the Social Security Act 1989 had not been enacted.

(3) Schedule 2 to the Dependency Regulations shall apply as though regulation 2 of these Regulations had not been made.

(4) The Computation of Earnings Regulations shall apply as though regulation 3 of these Regulations had not been made.

(5) In paragraph (1) above, "the relevant date" means, in relation to that person, the first day after 8th October 1989 on which the child or adult dependency increase referred to in that paragraph is not payable to him.

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

*Nicholas Scott*
Minister of State,
Department of Social Security

18th September 1989

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Regulations contained in this instrument are consequential upon section 9 of the Social Security Act 1989 ("the 1989 Act") which extends the meaning of "earnings" to include personal as well as occupational pensions. The instrument is made before the end of the period of 6 months beginning with the coming into force of section 9; the regulations in it are therefore exempted by section 61(5) of the Social Security Act 1986 (c.50) (as amended by the 1989 Act, Schedule 8, paragraph 12(3)) from the requirement under section 10 of the Social Security Act 1980 (c.30) to refer proposals to the Social Security Advisory Committee and are made without reference to that Committee.

Regulations 2 and 3 amend references to occupational pensions in both the Social Security Benefit (Dependency) Regulations 1977 and the Social Security Benefit (Computation of Earnings) Regulations 1978 so as to include a reference to personal pensions.

Regulation 4 contains a saving provision for those beneficiaries to whom an increase in respect of a child or an adult dependant was payable in the 7 days commencing 2nd October 1989.

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(a) 1975 c.14; sections 47B and 66A were inserted by the Health and Social Security Act 1984 (c.48), section 14. Section 9(3) of the Social Security Act 1989 (c.24) amends both sections by inserting a reference to personal pensions.

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