STATUTORY INSTRUMENTS

1977 No. 1444

SOCIAL SECURITY

The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1977

Made - - - - -	24*th August* 1977
Laid before Parliament - -	26*th August* 1977
Coming into Operation - -	30*th August* 1977

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 79(3) and 115(1) of, and Schedule 13 to, the Social Security Act 1975 **(a)** and of all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Social Security (Claims and Payments) Amendment (No. 2) Regulations 1977, shall be read as one with the Social Security (Claims and Payments) Regulations 1975 **(b)**, as amended **(c)**, (hereinafter referred to as "the principal regulations") and shall come into operation on 30th August 1977.

Amendment of regulation 11 *of the principal regulations*

2.—(1) Regulation 11 of the principal regulations (forward allowances and disallowances of sickness, invalidity and injury benefit and non-contributory invalidity pension) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(*a*) for the words "provisions of paragraph (3)" there shall be substituted the words "following paragraphs";

(*b*) in sub-paragraph (*b*) the words "or disallowed" shall be deleted;

(*c*) in sub-paragraph (*c*) the words "or disallowed" and "or disallowing" shall be deleted.

(3) After paragraph (5) there shall be added the following paragraph:—

"(6) Where a claim for non-contributory invalidity pension is made by a woman who claims by virtue of the exception to section 36(2) (incapable of performing normal household duties) that claim shall, unless in any case the Secretary of State otherwise directs, be treated as if made by her for—

(a) 1975 c. 14. **(b)** S.I. 1975/560 (1975 I, p. 2014).
(c) The relevant amending instruments are S.I. 1975/1058, 1976/615 (1975 II, p. 3691; 1976 I, p. 1747).

(*a*) the period specified by a registered medical practitioner not being the claimant, on a form approved by the Secretary of State, as being that during which it is to be expected that the claimant is likely to continue to remain as restricted in her ability to perform the normal household duties in her own home or, if shorter, during which she should refrain from work; or

(*b*) where applicable, the period of any award of—

(i) attendance allowance payable at the higher rate specified in paragraph 1 of Part III of Schedule 4 to the Act, or

(ii) an increase of disablement pension where constant attendance is needed payable at the higher rate specified in paragraph 7 of Part V of Schedule 4 to the Act, or

(iii) an increase of allowance where constant attendance is needed in cases of exceptionally severe disablement payable by virtue of regulations made under section 159(3) (*b*) (payments for pre-1948 cases), or

(iv) increase of allowance where constant attendance is needed in cases of exceptionally severe disablement payable under any scheme made under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 **(a)**, or

(v) constant attendance allowance payable at the higher rate specified for exceptional cases of very severe disablement under any Personal Injuries Scheme or Service Pensions Instrument defined in regulation 2(1) of the Social Security (Overlapping Benefits) Regulations 1975 **(b)**; or

(*c*) the period specified in a certificate issued in respect of her which complies with paragraph (5) (*b*),

in any case beginning on the first day for which non-contributory invalidity pension is claimed (not being earlier than 17th November 1977), and the provisions of paragraphs (1)(*b*) and (*c*) and (2) shall apply to such a claim, so however that, where a decision awarding benefit by virtue of this paragraph is reviewed in accordance with paragraph (2) and it appears that the woman may be entitled to non-contributory invalidity pension otherwise than by virtue of the exception to section 36(2), the period for which the claim shall, notwithstanding the foregoing provisions of this paragraph, be treated as made shall be the relevant period specified in this paragraph".

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

Alfred Morris,

Parliamentary Under-Secretary of State
Department of Health and Social Security.

24th August 1977.

(a) 1975 c. 16.

(b) S.I. 1975/554 (1975 I, p. 1918).

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the provisions in the Social Security (Claims and Payments) Regulations 1975 which relate to forward allowances and disallowances of incapacity benefits under the Social Security Act 1975, in particular to extend those provisions to non-contributory invalidity pension for those women who under section 36(2) of that Act are claiming that pension on the basis that they are incapable of work and incapable of performing normal household duties.

The Report of the National Insurance Advisory Committee dated 19th August 1977 on the draft of these Regulations referred to them is contained in Command Paper (Cmnd. 6924) published by Her Majesty's Stationery Office.

SI 1977/1444
ISBN 0-11-071444-X

