STATUTORY INSTRUMENTS

1977 No. 1312

SOCIAL SECURITY

The Social Security (Non-Contributory Invalidity Pension) Amendment Regulations 1977

Made - - - -	29*th July* 1977
Laid before Parliament	8*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 36(6) and (7), 79(1) and 82(1) of the Social Security Act 1975**(a)**, and of all other powers enabling him in that behalf, and after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Non-Contributory Invalidity Pension) Amendment Regulations 1977 and shall come into operation on 30th August 1977.

(2) In these regulations "the principal regulations" means the Social Security (Non-Contributory Invalidity Pension) Regulations 1975**(b)** as amended**(c)**; and the rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(d)** shall apply in relation to this instrument and to the revocation effected by it as if this instrument and the regulation revoked by it were Acts of Parliament and as if the revocation were a repeal.

Amendment of the principal regulations

2. Regulation 13 of the principal regulations (transitional provision relating to claims for non-contributory invalidity pension in respect of certain hospital in-patients) is hereby revoked and in the place of that regulation there shall be inserted the following regulations:—

"*Application of the Act and regulations to a woman not entitled to non-contributory invalidity pension unless she is incapable both of work and of performing normal household duties*

13.—(1) For the purpose of determining whether a woman in whose case paragraph (*a*) or (*b*) of section 36(2) of the Act applies (woman residing with her husband or whose husband is contributing to her maintenance at a weekly rate not less than that of non-contributory invalidity pension, or living together as husband and wife with a man to whom she is not married) is entitled to non-contributory invalidity pension for any day, but for that purpose only—

(a) 1975 c. 14.
(b) S.I. 1975/1058 (1975 II, p. 3691).
(c) S.I. 1975/1166 (1975 II, p. 4031).
(d) 1889 c. 63.

(*a*) she shall not under the provisions of the Act or of regulations made under it be treated as being or as having been incapable of work on any day unless on that day she is or was incapable both of work and of performing normal household duties; and

(*b*) a day shall not be treated as having been a day of interruption of employment in her case for the purposes of regulation 6 of these regulations (modification of section 36(1) of the Act in the case of a person who has previously been entitled to non-contributory invalidity pension) unless it was a day on which she was incapable both of work and of performing normal household duties.

(2) Paragraph (1)(*a*) of this regulation shall not apply for the purposes of regulation 3(3) of these regulations.

Circumstances in which a woman is or is not to be treated as incapable of performing normal household duties

13A.—(1) A woman shall not be treated as incapable of performing normal household duties unless she is so incapable by reason of some specific disease or bodily or mental disablement.

(2) Where as a result of such a disease or disablement a woman—

(*a*) is unable to perform to any substantial extent, or cannot reasonably be expected to perform to any substantial extent, normal household duties; or

(*b*) in the absence of substantial assistance from or supervision by another person, is unable to perform to any substantial extent, or cannot reasonably be expected to perform to any substantial extent, such duties,

she may be treated as incapable of performing such duties.

(3) Where a woman is living as a member of a household in circumstances in which, were she capable of performing normal household duties, she might ordinarily be expected to be responsible for performing such duties in that household—

(*a*) if in the circumstances existing in that household as they relate to the performance of normal household duties therein she would fall to be regarded as incapable of performing such duties, she may be so regarded notwithstanding that she would not be so regarded in substantially different household circumstances; and

(*b*) if in the circumstances existing in that household as they relate to the performance of normal household duties therein she would not fall to be regarded as incapable of performing normal household duties, she may be treated as not so incapable notwithstanding that she would be or fall to be treated as incapable of performing such duties in substantially different household circumstances.

(4) In determining whether a woman who is entitled to non-contributory invalidity pension immediately before she attains retiring age is thereafter entitled to that pension, she shall on and after attaining that age be treated as incapable of performing normal household duties.".

David Ennals,
Secretary of State for Social Services.

29th July 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Social Security (Non-Contributory Invalidity Pension) Regulations 1975 ("the Principal Regulations").

Regulation 1 is formal. Regulation 2 revokes regulation 13 of the Principal Regulations (a transitional provision which is spent) and adds in its place two new regulations containing provisions relating to women who are entitled to non-contributory invalidity pension only if they are incapable both of work and of performing normal household duties.

The Report of the National Insurance Advisory Committee dated 25th April 1977 on the draft of these Regulations referred to them is contained in Command Paper (Cmnd. 6900) published by Her Majesty's Stationery Office.

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