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## STATUTORY INSTRUMENTS

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**1980 No. 1927**

### **SOCIAL SECURITY**

#### **The Social Security (Overlapping Benefits) Amendment Regulations 1980**

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| <i>Made</i>                   | - - - - | <i>15th December 1980</i> |
| <i>Laid before Parliament</i> |         | <i>15th December 1980</i> |
| <i>Coming into Operation</i>  |         | <i>5th January 1981</i>   |

The Secretary of State for Social Services, in exercise of powers conferred by section 85 of the Social Security Act 1975 and of all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee<sup>(1)</sup>, hereby makes the following regulations:—

#### **Citation, interpretation and commencement**

1. These regulations, which may be cited as the Social Security (Overlapping Benefits) Amendment Regulations 1980, amend the Social Security (Overlapping Benefits) Regulations 1979 (hereinafter referred to as “the principal regulations”) and shall come into operation on 5th January 1981.

#### **Amendment of regulation 2 of the principal regulations**

2. In paragraph (1) of regulation 2 of the principal regulations (interpretation)—

- (a) in the definition of “personal benefit” there shall be inserted after the word “allowance” the words “(whether under the Act or otherwise)” and after the words “and which” the words “, apart from these regulations,”; and
- (b) for the definition of “Service Pensions Instrument” there shall be substituted the following definition:—

““Service Pensions Instrument” means any instrument described in sub-paragraphs (a) or (b) below in so far, but only in so far, as the pensions or other benefits provided by that instrument are not calculated or determined by reference to length of service, namely:—

- (a) any instrument made in exercise of powers—

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<sup>(1)</sup> By virtue of regulations 2 of the Social Security (Advisory Committees) Transitional Regulations 1980 (S.I. 1980/1874), the reference to the Committee of a proposal to make regulations and their report are treated as a reference to, and report of, the Social Security Advisory Committee under section 10 of the Social Security Act 1980 (c.30).

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- (i) referred to in section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 (pensions or other benefits for disablement or death due to service in the armed forces of the Crown); or
- (ii) under section 1 of the Polish Resettlement Act 1947 (pensions and other benefits for disablement or death due to service in certain Polish forces); or
- (b) any instrument under which a pension or other benefit may be paid to a person (not being a member of the armed forces of the Crown) out of public funds in respect of death or disablement, wound, injury or disease due to service in any nursing service or other auxiliary service of any of the armed forces of the Crown, or in any other organisation established under the control of the Defence Council or formerly established under the control of the Admiralty, the Army Council or the Air Council.”

### **Amendment of regulation 10 of the principal regulations**

3. Paragraph (1) of regulation 10 of the principal regulations (adjustment of dependency benefit where certain personal benefit is payable) shall be amended by substituting a semi-colon for the comma in sub-paragraph (f), and inserting after sub-paragraph (f) the following sub-paragraph:—

- “(g) a temporary allowance under the provisions of section 1 of the Job Release Act 1977,”.

15th December 1980

*Patrick Jenkin*  
Secretary of State for Social Services

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## EXPLANATORY NOTE

These Regulations amend the Social Security (Overlapping Benefits) Regulations 1979. Regulation 2 amends the definition of “personal benefit” and “Service Pensions Instrument” in regulation 2 of those Regulations.

Regulation 3 amends regulation 10 of those Regulations by adding an allowance under the Job Release Act 1977 to the categories of personal benefit payable to the dependant by reference to which a dependency benefit payable for the same period is required to be adjusted.

The Report of the National Insurance Advisory Committee, dated 11th November 1980, on the draft of these Regulations referred to them, together with a statement showing that the Regulations give effect to the Committee's recommendations, is contained in Command Paper (Cmnd.8116) published by Her Majesty's Stationery Office.