
STATUTORY INSTRUMENTS

1992 No. 3194

SOCIAL SECURITY

**The Social Security (Overlapping Benefits)
Amendment (No. 2) Regulations 1992**

Made - - - - *15th December 1992*
Laid before Parliament *23rd December 1992*
Coming into force - - *13th January 1993*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 73 and 189(1), (3) and (4) of the Social Security Administration Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Overlapping Benefits) Amendment (No. 2) Regulations 1992 and shall come into force on 13th January 1993.

(2) In these Regulations “the Overlapping Benefits Regulations” means the Social Security (Overlapping Benefits) Regulations 1979⁽³⁾.

Amendment of regulation 2 of the Overlapping Benefits Regulations

2. In regulation 2 of the Overlapping Benefits Regulations (interpretation), after the definition of “the Act” there shall be inserted the following definition—

““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;”

Amendment of regulation 4 of the Overlapping Benefits Regulations

3.—(1) For the heading to regulation 4 of the Overlapping Benefits Regulations there shall be substituted the following heading—

“Adjustment of personal benefit under Parts II and III of the Contributions and Benefits Act where other personal benefit under those Parts or graduated retirement benefit is payable”.

(1) 1992 c. 5.

(2) See section 173(1)(b) of the Social Security Administration Act 1992.

(3) S.I. 1979/597. Relevant amending instruments are S.I. 1980/1927 and S.I. 1982/1173.

(2) For paragraph (1) of regulation 4 of the Overlapping Benefits Regulations there shall be substituted the following paragraph—

“4.—(1) Subject to paragraphs (2), (3) and (4) and regulation 12, an adjustment shall be made in accordance with paragraph (5) where either—

- (a) two or more personal benefits (whether of the same or a different description) are, or but for this regulation would be, payable under Parts II and III of the Contributions and Benefits Act (which relate to benefits other than industrial injuries benefits) for any period; or
- (b) graduated retirement benefit is payable under sections 36 and 37 of the National Insurance Act 1965⁽⁴⁾ together with one or more personal benefits (whether of the same or a different description) which are, or but for this regulation would be, payable under Parts II and III of the Contributions and Benefits Act for any period.”.

Amendment of regulation 10 of the Overlapping Benefits Regulations

4. In regulation 10(1) of the Overlapping Benefits Regulations after sub-paragraph (h) there shall be added the following sub-paragraph —

- “(i) graduated retirement benefit,”.

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

15th December 1992

Henley
Parliamentary Under-Secretary of State,
Department of Social Security

(4) 1965 c. 51. Sections 36 and 37 are continued in force by virtue of regulation 3 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978/393.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations amend the Social Security (Overlapping Benefits) Regulations 1979 by—

- (a) substituting a new paragraph (1) of regulation 4 which now includes a reference to graduated retirement benefit, and
- (b) inserting a reference to graduated retirement benefit in regulation 10.