
STATUTORY INSTRUMENTS

1992 No. 704

SOCIAL SECURITY

The Social Security (Severe Disablement Allowance) Amendment Regulations 1992

<i>Made</i>	- - - -	<i>11th March 1992</i>
<i>Laid before Parliament</i>		<i>16th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 36(4)(c) and 166(2) and (3) of, and Schedule 20 to, the Social Security Act 1975⁽¹⁾ and of all other powers enabling him in that behalf and after agreement by the Social Security Advisory Committee that 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 (Severe Disablement Allowance) Amendment Regulations 1992 and shall come into force on 6th April 1992.

(2) In these Regulations “the 1984 Regulations” means the Social Security (Severe Disablement Allowance) Regulations 1984⁽³⁾.

Amendment of regulation 3 of the 1984 Regulations

2. For paragraph (1) of regulation 3 of the 1984 Regulations (conditions relating to residence and presence) there shall be substituted the following paragraphs—

“(1) Subject to the following provisions of this regulation, the prescribed conditions for the purposes of section 36(4)(c) of the Act as to residence and presence in Great Britain in relation to any person on any day shall be that—

(a) on that day—

(i) he is ordinarily resident in Great Britain, and

(ii) he is present in Great Britain, and

(1) 1975 c. 14. Section 36 was substituted by section 11 of the Health and Social Security Act 1984(c. 48). Schedule 20 is cited for the meaning it ascribes to “Prescribe” and “Regulations”.
(2) See section 61(1)(b) and (10) of the Social Security Act 1986(c. 50); the definition of “regulations” was added to section 61(10) by the Social Security Act 1989(c. 24) Schedule 8, paragraph 12(4).
(3) S.I. 1984/1303; relevant amending instrument is S.I. 1991/1747.

(iii) he has been present in Great Britain for a period of, or for periods amounting in the aggregate to, not less than 26 weeks in the 52 weeks immediately preceding that day; and

(b) where that day falls within a period in which that person—

(i) receives tax free emoluments, or

(ii) is the spouse of a person who receives tax free emoluments,

that period is immediately preceded by a period of 4 years during which the person first mentioned in this sub-paragraph was present in Great Britain for not less than 156 weeks in aggregate.

(1A) In paragraph (1)(b), the expression “tax free emoluments” means emoluments which are exempt from tax under any of the provisions listed in paragraph (1) of regulation 9 of the Child Benefit (General) Regulations 1976(4).”

Saving

3. Notwithstanding the substitution in regulation 2 of these Regulations (conditions relating to residence and presence), in respect of a person who—

(a) was entitled to severe disablement allowance on any day on or between 30th March and 5th April 1992; and

(b) does not satisfy the provisions substituted in regulation 2 of these Regulations,

the provisions of regulation 3(1) of the 1984 Regulations shall continue to have effect as though these Regulations had not come into force.

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

11th March 1992

Nicholas Scott
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 amends regulation 3 of the Social Security (Severe Disablement Allowance) Regulations 1984 by changing the conditions for residence and presence in Great Britain that a person must satisfy to be entitled to severe disablement allowance. A person must be ordinarily resident and present in Great Britain and have been present for at least 26 weeks in the preceding year. Additional presence conditions apply to persons in receipt of tax free emoluments.

Regulation 3 provides that persons entitled to severe disablement allowance on or between the 30th March and the 5th April 1992 but who do not satisfy the conditions in regulation 2 can continue to be entitled under the provisions superseded by regulation 2.