

Pensioners and Family Income Supplement Payments Act 1972

1972 CHAPTER 75

An Act to make provision for payments to pensioners and further provision with respect to family income supplements; and for connected purposes.

[30th November 1972]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Lump sum payments to pensioners.

1.—(1) Any person who—

(*a*) has attained pensionable age not later than the end of the relevant week;

(*b*) is ordinarily resident in the United Kingdom at any time during that week; and

(*c*) is entitled to a payment of a qualifying benefit in respect of a period including a day in that week, not being a payment which could have been obtained by him before the beginning of that week,

shall, subject to section 2 below, be entitled to payment by the Secretary of State of a sum of £10; and any such person whose spouse satisfies the conditions mentioned in paragraphs (*a*) and (*b*) above and who is entitled in respect of that spouse to an increase in that payment of benefit shall, subject to that section, be entitled to payment by the Secretary of State of a further sum of £10.

(2) In this section and section 2 below—

" pensionable age " means—

(*a*) in the case of a man, the age of 65;

(*b*) in the case of a woman, the age of 60;

"the relevant week" means the week beginning with 4th December, 1972.

(3) In this section and section 2 below "qualifying benefit" means—

(*a*) any of the following benefits under the National Insurance Acts 1965 to 1972 or the National Insurance Acts (Northern Ireland) 1966 to 1972, namely—

(i) a retirement pension;

(ii) an invalidity pension;

(iii) a widow's allowance, widowed mother's allowance or widow's pension;

(*b*) an attendance allowance;

(*c*) an unemployability supplement or allowance;

(*d*) a war widow's pension;

(*e*) a widow's pension under the National Insurance (Industrial Injuries) Acts 1965 to 1972 or the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966 to 1972;

(*f*) a widower's pension under those Acts;

(*g*) a supplementary pension under section 4(1)(*a*) of the Ministry of Social Security Act 1966 or section 3(1)(*a*) of the Supplementary Benefits &c. Act (Northern Ireland) 1966.

1966 c. 20.
1966 c. 28 (N.I.).

(4) In subsection (3) above—

"attendance allowance" has the meaning assigned to it by any regulations for the time being in force under the Family Income Supplements Act 1970 or the Family Income Supplements Act (Northern Ireland) 1971;

1970 c. 55.
1971 c. 8 (N.I.).

"unemployability supplement or allowance" has the meaning assigned to it by section 1(3) of the National Insurance Act 1972;

1972 c. 57.

"war widow's pension" means any widow's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of an enactment mentioned in head (*a*) of the definition of "special widow's pension" in paragraph 9(5) of Schedule 3 to the Housing Finance Act 1972 or in Scotland the Housing (Financial Provisions) (Scotland) Act 1972 or a pension or allowance for a widow granted under any scheme mentioned in head (*b*) of that definition;

1972 c. 47.
1972 c. 46.

and each of the following, that is to say, "attendance allowance", "unemployability supplement or allowance" and "war widow's pension" includes any payment which the Secretary of State accepts as being analogous to it.

(5) Two persons who are cohabiting as man and wife shall be treated as spouses for the purposes of this section if—

(*a*) the qualifying benefit to which the man is entitled is a supplementary pension under the Ministry of Social Security Act 1966 or the Supplementary Benefits Act (Northern Ireland) 1966; and 1966 c. 20. 1966 c. 28 (N.I.).

(*b*) their requirements and resources fall to be aggregated under paragraph 3(1) of Schedule 2 to either of those Acts;

and in its application to a man so entitled section 1(1) above shall have effect as if for the words " who is entitled in respect of that spouse to an increase in that payment of benefit " there were substituted the words " whose requirements and resources are aggregated with those of that spouse in determining the amount of that payment of benefit ".

(6) Sums payable under this section shall not be treated as benefit for the purposes of any Act or instrument under which the payment of qualifying benefit was made; and the fact that a person has been paid or may have a right to be paid such a sum shall be disregarded for the purposes of any enactment or instrument under which regard is had to a person's means and, in particular but without prejudice to the generality of the foregoing, for the purposes of the Income Tax Acts, the Rating Act 1966, the General Rate Act 1967, the Housing Finance Act 1972 and the Housing (Financial Provisions) (Scotland) Act 1972. 1966 c. 9. 1967 c. 9. 1972 c. 47. 1972 c. 46.

Lump sum payments: supplementary.

2.—(1) A determination by the competent authority that a person is entitled or not entitled to payment of a qualifiying benefit in respect of a period including a day in the relevant week shall be conclusive for the purposes of this Act; and in this subsection " competent authority " means, in relation to a payment of any description of qualifying benefit, an authority who ordinarily determines whether a person is entitled to such a payment.

(2) Any question arising under section 1 above, other than one mentioned in subsection (1) above, shall be determined by the Secretary of State, whose decision shall, except as provided by subsection (3) below, be final.

(3) The Secretary of State may reverse a decision under subsection (2) above on new facts being brought to his notice, or if he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact.

(4) Only one sum shall be payable under section 1 above in respect of any person.

(5) The Secretary of State may—

(*a*) require any person to make a claim in writing for a payment under section 1 above;

(*b*) require such information and evidence to be furnished by a person who has applied for a payment under that section as may in the opinion of the Secretary of State be necessary for the determination whether that person is or was entitled to such a payment.

(6) The Secretary of State may make any payment under this section at any time and in any manner that he thinks appropriate and, in particular, may make such a payment to someone other than the person entitled to it, but on that person's behalf, if in the circumstances of the case he considers it appropriate so to do.

(7) The right of any person to payment of any sum under section 1 above shall be extinguished if payment is not obtained within twelve months, or such longer period as the Secretary of State may in any particular case allow, from the date which the Secretary of State determines to be the date on which that person was entitled to that payment.

Alteration of period for which family income supplement is payable.
1970 c. 55.
1971 c. 8 (N.I.).

3.—(1) For section 6(2) of the Family Income Supplements Act 1970 and of the Family Income Supplements Act (Northern Ireland) 1971 (determination of right to family income supplement and period and rate of payment) there shall be substituted the following subsections:—

"(2) Unless regulations otherwise provide, any such question shall be determined as at the date when the claim to the family income supplement is made.

(3) Any family income supplement determined by the Commission to be payable shall be payable for a period of fifty-two weeks, or such other period as may be prescribed by regulations, beginning with the said date or some other date so prescribed and, subject to any provision of regulations, the rate at which it is payable shall not be affected by any change of circumstances during that period."

(2) Regulations having effect by virtue of the said section 6 as originally enacted shall have effect by virtue of that section as amended by this section, but as if for any reference to twenty-six weeks there were substituted a reference to fifty-two weeks.

(3) Subsections (1) and (2) above shall come into force on 3rd April 1973, but shall apply to a family income supplement which before that date has been determined to be payable if the right to receive the supplement subsists on that date.

4. There shall be paid out of moneys provided by Parliament— Expenses.

(*a*) any sums payable by the Secretary of State under section 1 above;

(*b*) any expenses of the Secretary of State attributable to this Act; and

(*c*) any increase attributable to section 3 above in the sums payable under any other Act out of moneys provided by Parliament.

5.—(1) This Act may be cited as the Pensioners and Family Income Supplement Payments Act 1972. Supplementary.

(2) For the purposes of section 6 of the Government of Ireland Act 1920 this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section. 1920 c. 67.

(3) In this Act "enactment" includes an enactment of the Parliament of Northern Ireland.

(4) In this Act, except where the context otherwise requires, references to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.