

SUPPLEMENTARY BENEFIT

Trade dispute—Identification and treatment of certain “relevant payments”.

The claimant, a miner, was living with his wife and two dependent children. He was without employment due to a trade dispute. He had received a “one-off” payment of £15 in the form of a loan from the local Social Work Department to whom he had applied for financial assistance to meet certain overdue payments of hire purchase instalments. The claimant applied for the loan 5 weeks after he had gone on strike and it was to be repaid after he returned to work. The adjudication officer and later the tribunal decided that he was not entitled to Supplementary benefit for that week as a consequence of taking into account the sum of £15 as an income resource under section 6(1)(a)(i) of the Social Security (No 2) Act 1980. The claimant appealed to a Social Security Commissioner.

Held that:

1. the tribunal were entitled to hold that the payment from the Social Work Department was a “relevant payment” for the purposes of section 6 of the No 2 Act in that:
 - (a) in the circumstances in which the payment had been made the tribunal were entitled to hold that the payment was made by reason of the claimant being without employment within the meaning of section 6(4); and
 - (b) the expression “relevant payments” as defined in section 6(4) includes payments replacing in whole or in part earnings lost in the period when a person is without employment by reason of a stoppage of work due to a trade dispute (paragraphs 7 and 8);
2. under the provisions of section 6(1)(a), a relevant payment is not to be disregarded for the purposes of the Supplementary Benefits Act 1976 except so far as regulations provide otherwise. The regulations referred to are the Trade Disputes and Recovery from Earnings Regulations 1980 (paragraph 9);
3. in dealing with a relevant payment it should first be determined, having regard to the provisions of the Resources Regulations whether the payment is or is to be treated as a capital or income resource. It should then be taken into account in accordance with those regulations, subject to the overriding provisions of section 6 of the No 2 Act (paragraph 11);
4. on the facts found in this particular case the payment was in the nature of a capital payment and being a relevant payment must be taken into account in full in assessing the claimant’s capital resources (paragraph 11);
5. there being no provision in the Resources Regulations for the particular treatment of such a payment and in the absence of other reckonable capital resources the payment did not affect the claimant’s entitlement to benefit (paragraph 11).

The appeal was allowed.

1. My decision is that the decision of the social security appeal tribunal dated 6 June 1984 is erroneous in law and is set aside. The decision which I substitute as the decision which the tribunal should have given is that the claimant is entitled to supplementary allowance for the period 13 April 1984 to 19 April 1984 amounting to £11.75.

2. This is an appeal by the claimant on a point of law against the decision of a social security appeal tribunal dated 6 June 1984 whereby the tribunal upheld the decision of a supplementary benefit (now adjudication) officer that the claimant was not entitled to supplementary benefit for the period from 13 April 1984 to 19 April 1984. The claimant’s application for leave to appeal, made in August 1984 was received in the Office of the Social Security Commissioners on 19 September 1984. Leave to appeal was granted by a Commissioner on 26 September 1984. The claimant’s appeal

was lodged in October 1984 and together with the adjudication officer's observations was forwarded to the Commissioners' Office on 19 December 1984. After expiry of the 42 days allowed by regulation 29(2) of the Social Security (Adjudication) Regulations 1984 for submitting comments on the appeal it was confirmed on behalf of the claimant that he did not intend to lodge observations and an oral hearing was requested. The claimant's representative was unable to avail himself of the offer of an expedited hearing in February 1985 and the oral hearing took place before me on 18 March 1985. The claimant who did not attend was represented by Mr. Jim Sillars and the adjudication officer was represented by Mr. C. A. M. E. d'Eca.

3. The facts of this case have been admirably summarised by the tribunal chairman in the findings of fact. They are to the following effect. The claimant at the material time was a miner aged 27, married and living with his wife and two dependent children, aged 3 years and 9 months. He was normally employed by the National Coal Board but on 12 April 1984 when he claimed supplementary benefit he was on strike. On the claim form 07 D which the claimant signed on 12 April 1984 he declared that in the preceding 7 days child benefit of £13 had been received by his wife and £15 had been received by himself from Fife Regional Council's Social Work Department, to whom the claimant had applied for financial assistance to meet payments of hire purchase instalments amounting to approximately £15. On 18 April 1984 a benefit officer decided that the claimant was not entitled to supplementary allowance for the period from 13 to 19 April 1984 because his resources exceeded his requirements. The claimant appealed to a social security appeal tribunal. The tribunal found that the claimant was without employment due to a trade dispute which had caused a stoppage of work at his place of employment and that the stoppage of work continued to the date of the tribunal hearing (6 June 1984). The claimant had not become employed elsewhere in his usual occupation or become engaged in any other employment. The claimant had been participating in the trade dispute throughout. The sum paid by the Social Work Department represented 4 overdue weekly payments for a child's pushchair (approximately £7) and 1 monthly payment for a washing machine. The claimant had never before fallen into arrears with these payments. The payment made by the Social Work Department was a loan to be repaid after the claimant's return to work, no date for repayment being specified.

4. The decisions of the supplementary benefit officer and the tribunal that the claimant was not entitled to supplementary benefit for the week in question were arrived at in consequence of (i) the disregard of the claimant's requirements as a person affected by a trade dispute in accordance with section 8(1) of the Supplementary Benefits Act 1976; (ii) the taking into account of the sum of £15 paid by the Social Work Department as a resource of the claimant under section 6(1)(a)(i) of the Social Security (No. 2) Act 1980; and (iii) the deduction of the specified sum of £15 (sometimes referred to as assumed strike pay) as provided in section 6(1)(b) of the same Act. After items (i) and (ii) had been applied, the deduction arising under (iii) eliminated what would otherwise have been an entitlement to benefit in the week in question of £11.75. The findings and reasons of the tribunal relative to items (i) and (iii) have not been challenged in this appeal and they are in my judgment both accurate and correct. The focus of the appeal is upon the correctness or otherwise of taking into account as a resource of the claimant for the purposes of computing his entitlement to supplementary benefit the sum of £15 received from the Social Work Department. The relevant statutory provisions are both complex and lengthy and for the purposes of convenience are set out in the appendix to this decision.

5. In the reasons for their decision the tribunal state that the sum of £15, paid to the claimant by the Social Work Department under section 12 of the Social Work (Scotland) Act 1968, was a payment received by reason of his lack of employment because, whatever the immediate reason for his request for assistance, the underlying cause of the payment was his continuing lack of employment and consequent lack of earnings. The sum of £15 was therefore a “relevant payment” in terms of section 6(4) of the Social Security (No. 2) Act 1980 and accordingly in terms of section 6(1)(a)(i) of that Act did not fall to be disregarded for the purposes of the Supplementary Benefits Act 1976. The tribunal also stated:—

- “4. That in terms of Reg. 6(2)(a) of the Determination of Questions Regulations any award to Appellant must be for a period not exceeding one week and that accordingly, in the Tribunal’s view, any resources available to him for the week to which this appeal relates cannot be taken into account except in respect of that week.
5. That, as a separate consideration, since the Resources Regulations, unlike the Trade Disputes and Recovery from Earnings Regulations, bear to be made under the Supplementary Benefits Act, 1976 and not under the Social Security (No. 2) Act, 1980 and since the Resources Regulations contain no reference to relevant payments, as defined in the latter Act, it is not, in the opinion of the Tribunal, appropriate to consider the Resources Regulations and in particular it is not appropriate to consider Regulations 9(2)(a)(ii) and 11(5)(e) thereof, if the resource is a relevant payment.
6. That the Tribunal’s conclusion in reason No. 5 above is fortified by the terms of Commissioner’s Decision R(SB) 20/83, para 7, from which it appears that “an accrual of money to a student under obligation to repay” was regarded as income only “since specifically so characterised by regulation 11(2)(1)”, and a resource, in the present case a relevant payment by way of a loan, cannot in the Tribunal’s view be subject to part III of the Resources Regulations if it is neither income nor a resource for which that part of the Regulations specifically provides.
7. That the circumstances of the present appeal may be distinguished from those in R(SB) 20/83 and in the case of Regina v Bolton Supplementary Benefits Appeal Tribunal ex parte Fordham, referred to therein, in respect that the resources, which in each of these cases were attributed to a period longer than one week, were resources for treatment of which specific provision is made in the Resources Regulations, whereas in the present appeal the resource in question, namely a relevant payment in the form of a loan, is one for which no such provision has been made in these Regulations.”

6. On behalf of the claimant Mr. Sillars attacked the decision and the reasons of the tribunal on two grounds, namely (1) that the tribunal had erred in holding that the payment received by the claimant from the Social Work Department was a “relevant payment” within the meaning of subsections (4) and (1)(a)(i) of section 6 of the Social Security (No. 2) Act 1980 (“the No. 2 Act”); and (2) that the tribunal erred in regarding resources dealt with under the No. 2 Act as being outwith the scope of the Supplementary Benefit (Resources) Regulations 1981 (“the Resources Regulations”). In support of the first contention he argued that the loan made by the Social Work Department was not expressed to be made by reason of the claimant being without employment and that could not be inferred. He referred to the terms of section 12 of the Social Work

(Scotland) Act 1968 which contained no reference to lack of employment, lack of earnings or working status. Section 12(2)(b) specifying, for present purposes, the persons eligible for assistance under section 12(1) referred to a person in need requiring assistance, in exceptional circumstances constituting an emergency, in cash, where the giving of assistance would avoid the local authority being caused greater expense in the giving of assistance in another form or at a later date. No suggestion had been made that the payment was *ultra vires* and it should be assumed to have been made within the scope of the statutory provision. On the second point Mr. Sillars argued that the words “except so far as regulations provide otherwise” in section 6(1) of the No. 2 Act let in the Resources Regulations. He also contended that only income resources qualified as “relevant payments” under section 6 and maintained that the loan from the Social Work Department was a capital resource.

7. As regards the first point taken on behalf of the claimant the validity of the payment made by the local authority under the provisions of section 12 of the Social Work (Scotland) Act 1968 is not before me for determination. I am bound to say it is not easy to see how the payment came within the scope of section 12(2)(b) so far as it requires that the assistance should avoid the local authority being involved in some other greater expense. The tribunal found as a fact that the claimant applied to the Social Work Department for assistance some 5 weeks after going on strike and that he had never before fallen into arrears with the hire purchase instalments in question. They also found that it was a loan to be repaid after the claimant’s return to work. In these circumstances I think the tribunal were entitled to hold that the underlying reason for the payment was the claimant’s lack of employment and earnings and was therefore made “by reason of his being without employment” within the meaning of section 6(4).

8. A further difficulty in accepting the payment made to the claimant as a “relevant payment” arises from the description of such payments in section 6(1)(a)(i) as being “for that period or any part of it”. The reference to payments *for* a period appears to envisage an identifiable link between the relevant payments and the period or a part of the period in question (the period of disregard of a claimant’s requirements under section 8 of the Supplementary Benefits Act 1976). The definition of “relevant payments” in subsection (4) however as meaning “in relation to a person and a period payments which the person receives...by reason of his being without employment for that period” is broader and means in my judgment that the expression will cover payments replacing in whole or in part earnings lost in the period when a person is without employment by reason of a stoppage of work due to a trade dispute. This is consistent with the provisions for disregard of any “specified payment of his for that period or any part of it” and the definition of “specified payment” contained respectively in regulation 12(1) and 12(2)(a) of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980 made under the provisions of, *inter alia*, section 6(1) of the No. 2 Act. “Relevant payments” will thus ordinarily but perhaps not invariably be of an income character and bear a readily identifiable relationship with the period or a part of it. Section 6(2)(a)(ii) of the No. 2 Act makes specific provision “without prejudice to the generality of the preceding sub-paragraph” (relevant payments) for income tax rebates received or available *in* the relevant period and the treatment of such rebates as a resource is separately dealt with in the Resources Regulations. Under regulation 3(2)(d)(i) in trade dispute cases such rebate is to be treated as income only in the week of receipt. In other cases such a rebate is treated as a capital resource. There is of course no doubt that the term “relevant payments” can cover a single “relevant

payment” if it is otherwise within the provisions of section 6. I have come to the conclusion having regard to the findings made by the tribunal in the present case and to the considerations mentioned in this paragraph that they were entitled to hold that the payment made to the claimant by the Social Work Department could be regarded as a “relevant payment” for the purposes of section 6 of the No. 2 Act.

9. Assuming that the payment received by the claimant was a relevant payment it is clear that under the provisions of section 6(1)(a) it is not to be disregarded for the purposes of the Supplementary Benefits Act 1976 “except so far as regulations provide otherwise”. I do not accept Mr. Sillar’s argument that these last words can refer to the Resources Regulations which by regulation 2(3) are themselves rendered subject to section 6. The regulations there referred to are in my opinion the Trades Disputes and Recovery from Earnings Regulations 1980 which specifically refer to and provide an exception from the provisions of section 6(1). The tribunal in the present case dealt with the payment upon the basis that the Resources Regulations were irrelevant for the reasons which they give but as it was a relevant payment and as under regulation 6(2)(a) of the Supplementary Benefit (Determination of Questions) Regulations 1980 (“the Determination of Questions Regulations”) awards to persons affected by a trade dispute are to be for a period not exceeding one week, the payment must be taken into account as a resource available to the claimant for the week under appeal.

10. In my judgment the decision of the tribunal in this respect is erroneous in law. The tribunal in the first place erred in holding that the Resources Regulations are inapplicable. Under section 6(1)(a) of the No. 2 Act relevant payments are not to be disregarded “for the purposes of” the Supplementary Benefits Act 1976. Those purposes include the ascertainment of a claimant’s entitlement or otherwise to supplementary benefit on an assessment of his resources and requirements under section 1(1) of and paragraph 1(1) of Schedule 1 to, that Act. Under the provisions of paragraph 1(2) of Schedule 1 a person’s resources are to be calculated “in the prescribed manner.” The regulations prescribing such calculation of resources are of course the Resources Regulations. Those regulations not only contain the provision in regulation 2(3) rendering them subject to section 6 as already mentioned but also contain (in regulations 11(5)(a) and 3(2)(d)(i)) provisions for the treatment of income tax rebates referred to in section 6(1)(a)(ii). The provisions of section 6 of the No. 2 Act merely provide that relevant payments “shall not be disregarded” for the purposes of the Supplementary Benefits Act 1976. The only machinery for actually taking them into account however is that provided by the Resources Regulations governing the treatment of capital and income resources, albeit that a “disregard” arising under those regulations in the treatment of a relevant payment would be subject to the overriding provisions of section 6(1). The provisions of regulation 6(2)(a) of the Determination of Questions Regulations referred to by the tribunal do not, of themselves or in conjunction with section 6(1) of the No. 2 Act, warrant taking the payment from the Social Work Department into account in the week under appeal. Regulation 6(2)(a) of the Determination of Questions Regulations merely creates an exception to the normal provisions for the duration of an award of supplementary benefit to the effect that in the case of a person affected by a trade dispute the award is to be for a period not exceeding one week. For these reasons the tribunal decision to take the payment from the Social Work Department into account for the week under appeal outwith the provisions of the Resources Regulations is erroneous in law.

11. The correct procedure would have been for the tribunal to determine, having regard to the provisions of the Resources Regulations, whether the payment was, or was to be treated as, capital or income and then to take it into account in accordance with those regulations subject always to the overriding provisions of section 6 of the No. 2 Act. Reason No. 6 stated by the tribunal appears to make clear that the tribunal did not regard the payment in question as a payment of income. So far as the evidence goes it was a "one-off" advance by way of a loan under the Social Work (Scotland) Act 1968 made, if accepted as a relevant payment, by reason of the claimant being without employment for a period. There is no evidence or suggestion that it was one of a series of payments. On the facts of this case the tribunal were well entitled to conclude that it was not an income payment. The only reasonable conclusion in my opinion on the facts found is that it was in the nature of a capital payment the property in which, in accordance with the ordinary rules of Scots law relating to loans of money, belonged to the claimant. There is no provision in the Resources Regulations for the particular treatment of such a payment (unlike the provisions for treatment of income tax rebates already noted). As the payment has been accepted as a relevant payment it cannot under the provisions of section 6(1) be disregarded and must accordingly be taken into account in full in assessing the claimant's capital resources. It happens in this case that by reason of the small sum involved and the absence of other reckonable capital resources the payment, when taken into account as a capital resource, does not affect the claimant's entitlement to benefit.

12. Mr. d'Eca however argued that the "no disregard" provision of section 6 of the No. 2 Act must also apply to override regulation 6(2) of the Resources Regulations which provides for the disregard of the capital resources of a claimant where these amount to £3,000 or less. Assuming that argument to be correct however where is there any statutory machinery for taking this sum of capital into account in any way other than in accordance with the general provisions of the Resources Regulations? There is no statutory direction that it is to be treated as income, or to be deducted from the benefit otherwise payable after application of the Requirements and Resources Regulations, or to be treated as a bar to entitlement until expended. (See the provision in regulation 3(3)(a) of the Trade Disputes and Recovery from Earnings Regulations relative to urgent trade disputes cases.) Mr. d'Eca suggested that section 6(1)(b) of the No. 2 Act might provide the statutory vehicle for deducting the amount. That is however a totally untenable argument since section 6(1)(b) has already been given effect to in the calculation of the claimant's entitlement, to take account of assumed strike pay, and it is the merest coincidence that the amount (£15) is the same in both cases.

13. In the result I am satisfied that the decision of the tribunal that the payment in question fell to be taken into account as a deduction from the claimant's entitlement to supplementary benefit in the week in question is erroneous in law and must be set aside. As the relevant facts appear to have been fully found I consider that it is expedient for me to exercise the power contained in regulation 27(a)(i) of the Social Security (Adjudication) Regulations 1984 and to give effect to what I judge to be the correct interpretation of the relevant statutory provisions by giving the decision which the tribunal should have given in the present case. My substituted decision is as set out in paragraph 1 of this decision. The appeal of the claimant is upheld.

(Signed) J. G. Mitchell
Commissioner

APPENDIX

1. *Supplementary Benefits Act 1976*

Section 1 contains the following provisions:—

“1.—(1) Subject to the provisions of this Act, every person in Great Britain of or over the age of 16 whose resources are insufficient to meet his requirements shall be entitled to benefit as follows—

(a) ...

(b) A supplementary allowance in any other case;”

Paragraph 1 of Schedule 1 provides:—

“1.—(1) The amount of any supplementary benefit to which a person is entitled shall, subject to the following provisions of this Schedule, be the amount by which his resources fall short of his requirements.”

Paragraph 2 provides:—

“2. For the purpose of ascertaining that amount—

(a) ...

(b) a person’s resources shall be calculated in the prescribed manner.”

2. *Social Security (No. 2) Act 1980*

Section 6 contains the following provisions:—

“6.—(1) Where in consequence of a stoppage of work which is due to a trade dispute the requirements of a person for any period are, by virtue of section 8 of the Supplementary Benefits Act 1976 (which relates to cases affected by trade disputes), to be disregarded to any extent for the purposes of supplementary benefit, then, except so far as regulations provide otherwise—

(a) there shall not be disregarded for the purposes of that Act—

(i) any relevant payments of his for that period or any part of it, and

(ii) without prejudice to the generality of the preceding subparagraph, any amount which becomes or would on an application duly made become available to him in that period by way of repayment of income tax deducted from his emoluments in pursuance of section 204 of the Income and Corporation Taxes Act 1970 (pay as you earn);

(b) any payment by way of supplementary pension or allowance for that period or any part of it which apart from this paragraph would be made to him, or to any other person whose resources are to be aggregated with his in pursuance of the said Act 1976, shall not be made if the weekly rate of the payment is [£15] or less and, if it is more than [£15], shall be at a weekly rate equal to the difference;

(c)

(2)

(3)

(4) In this section—

....

“relevant payments” means, in relation to a person and a period, payments which the person receives or is entitled to obtain by reason of his being without employment for that period;”

3. *Social Work (Scotland) Act 1968*

Section 12 provides as follows:—

“12.—(1) It shall be the duty of every local authority to promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for their area, and in that behalf to make arrangements and to provide or secure the provision of such facilities ... as they may consider suitable and adequate, and such assistance may be given to, or in respect of, the persons specified in the next following subsection in kind or in cash, subject to subsections (3) and (4) of this section.

(2) The persons specified for the purposes of the foregoing subsection are—

(a) a person, being a child under the age of eighteen, requiring assistance in kind, or in exceptional circumstances in cash, where such assistance appears to the local authority likely to diminish the need—

- (i) to receive him into, or to keep him in, care under this Part of this Act, or
- (ii) of his being referred to a children’s hearing under Part III of this Act;

(b) a person in need requiring assistance in kind or, in exceptional circumstances constituting an emergency, in cash, where the giving of assistance in either form would avoid the local authority being caused greater expense in the giving of assistance in another form, or where probable aggravation of the person’s need would cause greater expense to the local authority on a later occasion.

(3) Before giving assistance to, or in respect of, a person in cash under subsection (1) of this section a local authority shall have regard to his eligibility for receiving assistance from any other statutory body and, if he is so eligible, to the availability to him of that assistance in his time of need.

(4) Assistance given in kind or in cash to, or in respect of, persons under this section may be given unconditionally or subject to such conditions as to the repayment of the assistance, or of its value, whether in whole or in part, as the local authority may consider reasonable having regard to the means of the person receiving the assistance and to the eligibility of the person for assistance from any other statutory body.

(5) Nothing in the provisions of this section shall affect the performance by a local authority of their functions under any other enactment.

4. *Supplementary Benefit (Resources) Regulations 1981*

Interpretation

“2(3) These regulations shall be subject to section 6 of the Social Security (No. 2) Act 1980 (supplementary benefit in cases affected by trade disputes).”

Calculation of Resources

“3.(2) For the purposes of these regulations resources shall consist of capital resources and income resources, and in particular—

...

(d) any amount which becomes available to any member of the assessment unit by way of repayment of income tax which has been deducted from his emoluments in pursuance of section 204 of the Tax Act (pay as you earn) shall be treated—

(i) where that member is not in receipt of regular earnings from employment because either he is a person affected by a trade dispute or to whom section 9 (return to full-time employment following a trade dispute) applies or his employment has been temporarily suspended but not terminated, as an income resource only in the week in which it is received,

(ii) in any other case, as a capital resource.

Part II Capital Resources

Calculation of Capital Resources

“5. Except in so far as regulation 6 provides that certain resources shall be disregarded, the amount of a claimant’s capital resources to be taken into account shall be the whole of his capital resources...”

Capital Resources to be disregarded

“6(2) Where the value of a claimant’s capital resources (including those of a partner or dependant) as calculated in accordance with these regulations is £3,000 or less, those resources shall, except in so far as any provision of the Act or regulations made pursuant to it provides otherwise, be disregarded.”

Maximum Capital Resources for Entitlement to Pension or Allowance

“7. Subject to regulation 8, where the value of a claimant’s capital resources (including those of a partner or dependant) as calculated in accordance with these regulations exceeds £3,000, the claimant shall not be entitled to pension or allowance.”

Part III Income Resources

Calculation of Income Resources

“9.—(1) Except in so far as regulations 10, 11 and 12 provide that certain payments shall be deducted and that certain payments shall be disregarded, the amount of a claimant’s income resources to be taken into account shall be—

(a) the whole of his earnings...;

(b) the whole of any other income of the assessment unit, calculated in accordance with regulations 11, 12 and 13.”

Calculation of other income

“11.—(1) For the purposes of the calculation of the income resources of the claimant, all income other than that to which regulation 10 applies shall be taken into account and calculated on a weekly basis in accordance with the following paragraphs and regulation 9(2).

...

(5) There shall be taken into account—

(a) a repayment of income tax to which regulation 3(2)(d)(i) applies;

...

- (e) any other income not mentioned in the preceding paragraphs;

only to the extent that the aggregate of any income to which the preceding sub-paragraphs apply exceeds in any week the sum of £4.”

5. *The Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980*

Part II

Urgent Cases

“3.—(1) Cases to which this Part of these regulations applies shall be urgent cases for the purposes of section 4 (provision for cases of urgent need).

- (2)

(3) An amount shall not be applicable in respect of an item under any of regulations 5 to 9—

- (a) if or to the extent that the resources of the claimant (including those of any other member of the assessment unit) include any capital which falls to be disregarded under regulation 6(1)(b) or (g) or (2) of the Resources Regulations (proceeds of sale of home and capital below the limit currently disregarded) or a weekly amount of income which is disregarded under those regulations or under regulation 12 below;”

Part III

Disregard of an Amount of Specified Payments

“12.—(1) For the purposes of determining entitlement to and the amount of any supplementary benefit (and notwithstanding the provisions of section 6(1)(a) of the No. 2 Act for certain payments not to be disregarded in trade dispute cases) there shall in the calculation of the weekly amount of the resources of a person who is affected by a trade dispute for any period be disregarded any specific payment of his for that period or any part of it, calculated in accordance with the Resources Regulations, up to the amount of the specified sum so however that where more than one member of the assessment unit is affected by a trade dispute the maximum weekly amount to be so disregarded in respect of the aggregate of their specified payments shall be limited to the amount of the specified sum.

(2) In this regulation—

- (a) “specified payment” means, in relation to a person and a period, any payment which the person receives or is entitled to obtain from a trade union by reason of his being without employment for that period;
- (b) “specified sum” means the sum of £12 specified in subsection (1)(b) of section 6 of the No. 2 Act or, if by virtue of subsection (2) or (3) of that section another sum is for the time being specified in subsection (1)(b) of that section, that other sum.”

6. *The Supplementary Benefit (Determination of Questions) Regulations 1980*

Duration of Awards of Pensions and Allowances

“6.—(1) Subject to paragraph (2), any award of a pension or allowance shall be for an indefinite period (but subject to the

provisions of the Adjudication Regulations as to review of determinations).

(2) Paragraph (1) shall not apply—

(a) if the claimant is a person affected by a trade dispute (that is to say a person whose requirements fall to be disregarded to any extent by virtue of section 8), where the award shall be for a period which does not exceed one week;”
