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Social Security Law

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Social Security Law

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Published by
MACMILLAN PRESS LTD
Houndmills, Basingstoke, Hampshire RG21 6XS
and London
Companies and representatives
throughout the world

ISBN 978-0-333-71577-2 ISBN 978-1-349-14610-9 (eBook)
DOI 10.1007/978-1-349-14610-9

A catalogue record for this book is available
from the British Library.

This book is printed on paper suitable for recycling
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Preface

The provision of social security is currently a contentious issue. Following 18 years of Conservative administration where successive governments sought to impose their imprint on the provision of social security in Great Britain, the return of a Labour government in 1997 has seen social security reform at the very centre of political debate. In fact, since the creation of the post-war British social security system, substantially based on the proposals in the Beveridge Report of 1942, successive post-war governments introduced new legislation and new regulations to bring about reform. One consequence of this is that the legal framework for the provision of social security benefits in the United Kingdom is bewilderingly complex.

The aims of this book are twofold. First, it seeks to provide a clear account of the law relating to social security benefits in Great Britain. The main target audience consists of students, both undergraduates and others, who are studying this area of law, although the book should assist anyone seeking to gain an insight into the legal framework of the British social security system and an understanding of the features of the main social security benefits. The book attempts to strike a balance between providing a detailed account of these benefits and their legal rules yet retains a clarity of explanation so that readers new to the subject area can obtain an understanding that remains unconfused by the plethora of rules. Secondly, there is more to the study of any area of law than merely to know the legal rules. To make sense of those rules, it is also necessary to understand how and why they were created as well as to explore how effective they are and what reforms might be available. The study of legal rules, in other words, must be placed in context. The second aim of the book, therefore, is to provide such context. This is provided in a number of ways:

- (i) A major objective of social security is to seek to address the issue of poverty. The first chapter, therefore, explores the various ways that poverty is defined and what its causes might be.
- (ii) Chapter 3 specifically seeks to place the British social security system in context in a number of ways. Post-war changes, from the Beveridge Report to 1997, are explored in the context of the political and philosophical ideas that influenced such developments. The British system of social security is also examined in an international context, most obviously by comparing it with that of other European Community member states.
- (iii) Many of the chapters that examine individual social security benefits include sections entitled 'context and commentary'. These sections seek to provide an account of the creation and development of

individual social security benefits along with critical analysis of their current operation. Many of these also include discussion of current reform proposals.

- (iv) The last chapter contains a critical examination of the reforms introduced in the period of Conservative administration between 1979 and 1997 as well as an exploration of the reform strategy of the current Labour government.

The division of many of the chapters on individual social security benefits into sections entitled 'context and commentary' and 'the legal rules', in fact, is designed to assist readers in manoeuvring around the book. Those who wish to obtain information on current benefits, their features and their legal framework should turn to 'the legal rules' sections. Those who are seeking an understanding of the historical and political context, along with current reform proposals, should address the 'context and commentary' sections.

While the book is intended to provide a comprehensive account of the British social security system, some benefits have not been included. These include guardian's allowance, war pensions, widow's benefit and statutory maternity pay, while disablement benefit is the only industrial injuries benefit that is examined. The book aims to state the law as at 1 May 1999. Any errors that may have arisen in this respect, as is the case of any other mistakes throughout the book, are solely my responsibility. One difficulty has been that there are currently rapid changes to social security law. Towards the end of 1999, as a result of the Social Security Act 1998, the title of 'adjudicating officer' is to be changed. I have, nevertheless, used the phrase 'adjudicating officer' throughout the book. October 1999 sees the replacement of family credit and disability working allowance with working families tax credit and disabled person's tax credit respectively. While detailed rules were not available at the time of writing, chapter 9 provides an account of the new 'tax credit' benefits, and the rest of the book assumes that the new benefits are in operation rather than their predecessors.

My thanks extend to the students who, over the last fifteen years or so, have studied social security law at the University of Glamorgan Law School and who, largely unknowingly, have helped in the genesis of this book. Express appreciation is also extended to Clare Lewis whose research throughout the summer of 1998 was of invaluable assistance in writing this book.

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