



# Social Security Pensions Act 1975

## 1975 CHAPTER 60

### PART V

#### GENERAL

**F1** 59K .....

**Textual Amendments**

**F1** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

**F2** 60 .....

**Textual Amendments**

**F2** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

**F3** 60ZA .....

**Textual Amendments**

**F3** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

**F4** 60ZB .....

*Status: Point in time view as at 07/02/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Pensions Act 1975, Part V. (See end of Document for details)*

**Textual Amendments**

**F4** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

**F5** **60ZC** .....

**Textual Amendments**

**F5** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

**F6** **60ZD** .....

**Textual Amendments**

**F6** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

**F7** **60ZE** .....

**Textual Amendments**

**F7** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

**F8** **60ZF** .....

**Textual Amendments**

**F8** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

**F9** **60A** .....

**Textual Amendments**

**F9** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

**F10** **60B** .....

**Textual Amendments**

**F10** Ss. 59B-60B repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

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## 61 Consultation about regulations.

- (1) ..... <sup>F11</sup>
- (2) [<sup>F12</sup>Subject to section 61 of the Social Security Act 1986, where] the Secretary of State proposes to make any regulations for the purposes of
- <sup>F13</sup>(a) .....
- <sup>F13</sup>(b) .....
- <sup>F14</sup>(c) Schedule 5 to the Social Security Act 1989,  
(other than <sup>F15</sup> . . . regulations [<sup>F16</sup>made for the purpose only of consolidating other regulations revoked thereby]) he shall refer the proposals, in the form of draft regulations or otherwise, to the Occupational Pensions Board.
- (3) The Board shall consider any proposals referred to them under subsection (2) above and make a report to the Secretary of State containing such recommendations as they think fit with regard to the subject-matter of the proposals; and if after receiving the Board's report the Secretary of State lays before Parliament regulations or draft regulations which comprise the whole or any part of the subject-matter of proposals referred to the Board he shall lay with the regulations or draft a copy of the report and a statement showing—
- (a) the extent, if any, to which the Secretary of State has, in framing the regulations, given effect to the recommendations contained in the Board's report; and
- (b) in so far as he has not given effect to any such recommendations, his reasons for not doing so.
- (4) In relation to regulations required or authorised to be made by the Secretary of State in conjunction with the Treasury, any reference in this section to the Secretary of State shall be construed as a reference to him and the Treasury acting jointly.
- (5) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of subsection (3) above shall be deemed to be satisfied as respects either House of Parliament if a copy of the report and the statement referred to in that subsection are laid before that House not later than the second day on which the House sits after the laying of the regulations.

### Textual Amendments

- F11** S. 61(1) repealed by [Social Security Act 1980 \(c. 30\)](#), **Sch. 5**, Pt. II
- F12** Words substituted by [Social Security Act 1986 \(c. 50\)](#), **Sch. 10**, para. 94(a)
- F13** S. 61(2)(a) and (b) repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**
- F14** Words (including para. (c)) substituted by [Social Security Act 1989 \(c. 24\)](#), **Sch. 8**, para. 12(1)(c)
- F15** Words in s. 61(2) repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**
- F16** Words substituted by [Social Security Act 1979 \(c. 18\)](#), **Sch. 3 para. 21**

<sup>F17</sup>61A .....

### Textual Amendments

- F17** S. 61A repealed (7.2.1994) by 1993 c. 48, s. 188(1), **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

*Status: Point in time view as at 07/02/1994.*

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**61B Orders and regulations (general provisions).**

- (1) Powers under this Act to make regulations or orders, except any power of the Occupational Pensions Board to make orders, are exercisable by statutory instrument.
- (2) Except in so far as this Act otherwise provides any power conferred thereby to make regulations or an order may be exercised—
  - (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified exemptions, or in relation to any specified cases or classes of case;
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
    - (iii) any such provision either unconditionally or subject to any specified condition;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

- (3) Without prejudice to any specific provision in this Act, a power conferred by this Act to make regulations or an order includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations or order to be expedient for the purposes of the regulations or order.
- (4) Without prejudice to any specific provisions in this Act, a power conferred by this Act to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- (5) A power conferred on the Secretary of State to make any regulations or order, where the power is not expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.

**62 Other provisions about regulations and orders.**

(1) ..... F18

[<sup>F19</sup>(2) A statutory instrument—

- (a) which contains (whether alone or with other provisions) any order or regulations made under this Act by the Secretary of State, other than an order which, under any provision of this Act, is required to be laid before Parliament after being made; and
- (b) which is not subject to any requirement that a draft of the instrument shall be laid before and approved by a resolution of each house of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

*Status: Point in time view as at 07/02/1994.*

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(3) ..... F18

F20(4) .....

**Textual Amendments**

**F18** Ss. 1–10, 12–16A, 18–21, 23–25, 51A(13), 60(1)(a), words in s. 60A, s. 62(1) and (3), words in s. 64(2), s. 65(4), words in s. 66(2)(a) and (b); Sch. 1; Sch. 4, paras. 35–46, 49, 50, 53–64, 66, 67 repealed (1.7.1992) on consolidation by Social Security (Consequential Provisions) Act 1992 (c. 6)

**F19** S. 62(2) substituted (with effect from 1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), Sch. 2, para. 38

**F20** S. 62(4) repealed (7.2.1994) by 1993 c. 48, s. 188(1), Sch. 5 Pt. I; S.I. 1994/86, art. 2

**63 Transitional provisions.**

(1) Regulations may make provision for any transitional matter connected with the coming into force of this Act.

(2) Without prejudice to the generality of subsection (1) above, regulations may in particular—

(a) make provision whereby a contribution paid or credited before (or in respect of a period before) commencement is treated, for the purposes of entitlement to or the calculation of any benefit, as having been paid or credited at a specified time or in respect of earnings of a specified amount;

(b) make provision whereby a person who has satisfied any contribution condition before commencement is treated as having satisfied any contribution condition having effect by virtue of this Act;

(c) modify any contribution condition in cases where the period in relation to which it is to be satisfied begins before and ends after commencement;

(d) modify any provision of this Act in relation to persons who have attained the age of 16 before commencement;

(e) make provision with respect to the operation of Schedule 1 to this Act in relation to persons who have attained pensionable age before commencement but have not then retired from regular employment;

(f) make provision for effecting orderly transition between Part III of the <sup>MI</sup>National Insurance Act 1965 and Part III of this Act, including provision modifying for that purpose any provision of those Parts;

F21(g) .....

(h) make provision for the preservation of rights under any provision repealed or modified by this Act or otherwise for securing continuity between any such provision and any provision of this Act.

(3) In subsection (2) above “commencement” means the time of the coming into force of any provision of this Act specified in the regulations in question.

**Textual Amendments**

**F21** S. 63(2)(g) repealed (7.2.1994) by 1993 c. 48, s. 188(1), Sch. 5 Pt. I; S.I. 1994/86, art. 2

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**Marginal Citations**

**M1** 1965 c. 51.

**64 Expenses and receipts.**

- (1) There shall be paid out of moneys provided by Parliament—
  - (a) any expenses of the Secretary of State or any other government department under this Act;
  - (b) any increase attributable to this Act in the sums falling to be paid out of moneys so provided under any other Act.
- (2) [<sup>F22</sup>Section 165(5) of the Administration Act] (reimbursement of expenses out of the National Insurance Fund) shall have effect in relation to the expenses mentioned in paragraph (a) of subsection (1) above as it has effect in relation to the expenses mentioned in [<sup>F22</sup>section 163(2)(a) of that Act]; . . . <sup>F23</sup>
- (3) Any state scheme premium received by the Secretary of State under this Act shall be paid by him into the National Insurance Fund.

**Textual Amendments**

- F22** Words substituted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 39](#)
- F23** [Ss. 1–10, 12–16A, 18–21, 23–25, 51A\(13\), 60\(1\)\(a\)](#), words in s. 60A, s. 62(1) and (3), words in s. 64(2), s. 65(4), words in s. 66(2)(a) and (b); [Sch. 1; Sch. 4, paras. 35–46, 49, 50, 53–64, 66, 67](#) repealed (1.7.1992) on consolidation by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**65 Amendments of enactments; repeals.**

- (1) The enactments mentioned in Part I of Schedule 4 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of this Act and otherwise required in connection with those provisions.
- (2) The enactments mentioned in Part II of Schedule 4 to this Act shall have effect, and be deemed always to have had effect, with the amendments there specified, being amendments required for the correction in certain minor respects of the <sup>M2</sup>social security consolidation Acts passed in March 1975; and paragraph 1 of Schedule 5 to the Social Security Benefits Act 1975 (commencement orders) shall be deemed not to have been repealed.
- (3) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) . . . . . <sup>F24</sup>
- (5) The Secretary of State may, with the consent of the Minister for the Civil Service, make payments to the chairman and members of the Reserve Pension Board in consequence of its abolition by this Act.

*Status: Point in time view as at 07/02/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Pensions Act 1975, Part V. (See end of Document for details)*

**Textual Amendments**

**F24** Ss. 1–10, 12–16A, 18–21, 23–25, 51A(13), 60(1)(a), words in s. 60A, s. 62(1) and (3), words in s. 64(2), s. 65(4), words in s. 66(2)(a) and (b); Sch. 1; Sch. 4, paras. 35–46, 49, 50, 53–64, 66, 67 repealed (1.7.1992) on consolidation by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**Modifications etc. (not altering text)**

**C1** The text of s. 65(1)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M2** 1975 c. 11.

<sup>F25</sup> **66** .....

**Textual Amendments**

**F25** S. 66 repealed (7.2.1994) by 1993 c. 48, s. 188(1), [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

**67 Commencement.**

- (1) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions or for different purposes of the same provision.
- (2) Without prejudice to subsection (1) above there may by an order under this section be appointed different days for the coming into force of section 22 of this Act, and of other provisions of this Act relevant to the operation of that section, in relation to persons of different age groups.
- (3) An order under this section may make such transitional provision or savings as appear to the Secretary of State to be necessary or expedient in connection with provisions of this Act which are thereby brought (wholly or partly) into force, and may make such adaptations of those provisions or of any provisions of this Act then in force as appear to the Secretary of State to be necessary or expedient in consequence of the partly postponed or postponed operation of any provision of this Act.
- (4) The power to make an order under this section includes power to vary or revoke a previous order; and any statutory instrument containing such an order shall be laid before Parliament after being made.

**Modifications etc. (not altering text)**

**C2** Power under s. 67 exercised by [S.I. 1975/1318](#), 1975/1572, 1975/1689, 1975/2079, 1976/141, 1976/1173, 1976/2129, 1977/778, 1977/1403, 1977/1485, 1977/1617, 1977/2038, 1978/367, 1979/171, 1979/367, 1979/394, 1979/1030

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## 68 Short title, citation and extent.

- (1) This Act may be cited as the Social Security Pensions Act 1975.
- (2) The <sup>M3</sup>Social Security Act 1975 and this Act may be cited together as the Social Security Acts 1975.
- (3) The following provisions of this Act have the same extent as the <sup>M4</sup>Pensions (Increase) Act 1971—
  - (a) [<sup>F26</sup>sections 59 and 59A];
  - (b) paragraph 18 of Schedule 4;
  - (c) Schedule 5, so far as it repeals provisions of that Act.
- (4) <sup>F27</sup> . . . this Act extends to Northern Ireland so far as it—
  - <sup>F28</sup>(a) . . . . .
  - <sup>F28</sup>(b) . . . . .
  - (c) repeals Part III and section 89(3)(c) and (4) of that Act, and Schedules 18 to 20 to that Act;
  - (d) by section 65(2) and Part II of Schedule 4 amends the <sup>M5</sup>Social Security (Northern Ireland) Act 1975 and the <sup>M6</sup>Social Security (Consequential Provisions) Act 1975 and reinstates paragraph 1 of Schedule 5 to the <sup>M7</sup>Social Security Benefits Act 1975;
  - (e) repeals paragraphs 47 and (in part) 58 of Schedule 2 to the Social Security (Consequential Provisions) Act 1975;
  - (f) amends or repeals provisions of the <sup>M8</sup>Income and Corporation Taxes Act 1970;
  - (g) amends provisions of the <sup>M9</sup>Finance Act 1971;
  - (h) repeals provisions of the <sup>M10</sup>Public Records Act 1958, the <sup>M11</sup>Superannuation Act 1972, the <sup>M12</sup>Parliamentary and other Pensions Act 1972, the <sup>M13</sup>Pensions (Increase) Act 1974 and the <sup>M14</sup>House of Commons Disqualification Act 1975;

but subject to the foregoing provisions of this subsection and to subsection (3) above, this Act does not extend to Northern Ireland.

### Textual Amendments

**F26** Words substituted by [Social Security Act 1979 \(c. 18\)](#), [Sch. 3 para. 22](#)

**F27** Words in s. 68(4) repealed (7.2.1994) by [1993 c. 48, s. 188\(1\)](#), [Sch. 5 Pt. I](#); [S.I. 1994/86, art. 2](#)

**F28** [S. 68\(4\)\(a\)\(b\)](#) repealed (7.2.1994) by [1993 c. 48, s. 188\(1\)](#), [Sch. 5 Pt. I](#); [S.I. 1994/86, art. 2](#)

### Marginal Citations

**M3** 1975 c. 14.

**M4** 1971 c. 56.

**M5** 1975 c. 15.

**M6** 1975 c. 18.

**M7** 1975 c. 11.

**M8** 1970 c. 10.

**M9** 1971 c. 68.

**M10** 1958 c. 51.

**M11** 1972 c. 11.

**M12** 1972 c. 48.

**M13** 1974 c. 9.



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*Changes to legislation: There are currently no known outstanding effects for the Social Security Pensions Act 1975, Part V. (See end of Document for details)*

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**M14** 1975 c. 24.

**Status:**

Point in time view as at 07/02/1994.

**Changes to legislation:**

There are currently no known outstanding effects for the Social Security Pensions Act 1975, Part V.