

Status: Point in time view as at 07/02/1994.

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 7

ABOLITION OF EARNINGS RULE ETC.

1–10 F1

Textual Amendments

F1 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Occupational and personal pensions

F2 11

Textual Amendments

F2 Sch. 1 para. 11 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

SCHEDULES 2,

3. F3

Textual Amendments

F3 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Status: Point in time view as at 07/02/1994.

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 4

Section 22.

RECOVERY OF SUMS EQUIVALENT TO BENEFIT FROM COMPENSATION
PAYMENTS IN RESPECT OF ACCIDENTS ETC: SUPPLEMENTARY PROVISION

PARTS I—III

F4

Textual Amendments

F4 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

PART IV

MISCELLANEOUS

21

F5

Textual Amendments

F5 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Modification of Law Reform (Personal Injuries) Act 1948

22

(1) In section 2 of the ^{M1}Law Reform (Personal Injuries) Act 1948, in subsection (1) (which requires that, in assessing damages, half of certain benefits shall be brought into account against loss of profits or earnings)—

- (a) after the word “contract),” there shall be inserted the words “ where this section applies ”;
- (b) for the words from “against any loss” to “from the injuries” there shall be substituted the words “ against them ”; and
- (c) for the words from “therefrom” onwards there shall be substituted the words “from the injuries in respect of—
 - (a) any of the relevant benefits, within the meaning of section 22 of the Social Security Act 1989, or
 - (b) any corresponding benefits payable in Northern Ireland,

for the five years beginning with the time when the cause of action accrued.”

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) After that subsection there shall be inserted—

“(1A) This section applies in any case where the amount of the damages that would have been awarded apart from any reduction under subsection (1) above is less than the sum for the time being prescribed under paragraph 4(1) of Schedule 4 to the Social Security Act 1989 (recoupment of benefit: exception for small payments).”

(3) Subsection (2) of that section (disregard of increase for constant attendance) shall cease to have effect.

Modifications etc. (not altering text)

C1 The text of Sch. 4 para. 22 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 1.7.1992

Marginal Citations

M1 1948 c. 41.

Modification of Bankruptcy (Scotland) Act 1985

23 In section 31 of the ^{M2}Bankruptcy (Scotland) Act 1985 (vesting of debtor’s estate at date of sequestration) in subsection (8) after the words “subsection (9) below” there shall be inserted the words “ and to paragraph 8(2) of Schedule 4 to the Social Security Act 1989. ”

Modifications etc. (not altering text)

C2 The text of Sch. 4 para. 23 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 1.7.1992

Marginal Citations

M2 1985 c. 66.

24 **F6**

Textual Amendments

F6 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 5

Section 23.

EMPLOYMENT-RELATED SCHEMES FOR PENSIONS OR OTHER BENEFITS: EQUAL TREATMENT FOR MEN AND WOMEN

PART I

COMPLIANCE BY SCHEMES

VALID FROM 23/06/1994

Schemes to comply with the principle of equal treatment

- 1 Every employment-related benefit scheme shall comply with the principle of equal treatment.

Commencement Information

- II** Sch. 5 Pt. I para. 1 partly in force; Sch. 5 Pt. I para. 1 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 1 in force for specified purposes at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. I

The principle

VALID FROM 23/06/1994

- 2 (1) The principle of equal treatment is that persons of the one sex shall not, on the basis of sex, be treated less favourably than persons of the other sex in any respect relating to an employment-related benefit scheme.
- (2) Sub-paragraphs (3) to (6) below have effect, where applicable, for the purpose of determining whether a scheme complies with the principle of equal treatment.
- (3) Where any provision of the scheme imposes on both male and female members a requirement or condition—
- (a) which is such that the proportion of persons of the one sex (“the sex affected”) who can comply with it is considerably smaller than the proportion of persons of the other sex who can do so, and
 - (b) which is not justifiable irrespective of the sex of the members,
- the imposition of that requirement or condition shall be regarded as less favourable treatment of persons of the sex affected.
- (4) No account shall be taken of—
- (a) any difference, on the basis of the sex of members, in the levels of contributions—
 - (i) which members are required to make, to the extent that the difference is justifiable on actuarial grounds, or

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) which the employer makes, to the extent that the difference is for the purpose of removing or limiting differences, as between men and women, in the amount or value of money purchase benefits;
- (b) any difference, on the basis of sex, in the amount or value of money purchase benefits, to the extent that the difference is justifiable on actuarial grounds;
- (c) any special treatment for the benefit of women in connection with pregnancy or childbirth;
- (d) any permitted age-related differences;
- (e) any difference of treatment in relation to benefits for a deceased member's surviving husband, wife or other dependants;
- (f) any difference of treatment in relation to any optional provisions available; or
- (g) any provisions of a scheme to the extent that they have been specially arranged for the benefit of one particular member of the scheme;
- but where the scheme includes any unfair maternity provisions, it shall to that extent be regarded as according less favourable treatment to women on the basis of sex.
- (5) Where the scheme treats persons of the one sex differently according to their marital or family status, that treatment is to be compared with the scheme's treatment of persons of the other sex who have the same status.
- (6) The principle of equal treatment applies in relation to members' dependants as it applies in relation to members.
- (7) If any question arises whether a condition or requirement falling within subparagraph (3)(a) above is or is not justifiable irrespective of the sex of the members, it shall be for those who assert that it is so justifiable to prove that fact.
- (8) In this paragraph—
- “money purchase benefits” has the same meaning given by [F7section 181(1) of the Pension Schemes Act 1993], but with the substitution for references to a personal or occupational pension scheme of references to an employment-related benefit scheme;
- “optional provisions available” means those provisions of a scheme—
- (a) which apply only in the case of members who elect for them to do so; and
- (b) whose purpose is to secure for those members—
- (i) benefits in addition to those otherwise provided under the scheme; or
- (ii) a choice with respect to the date on which benefits under the scheme are to commence; or
- (iii) a choice between any two or more benefits;
- “permitted age-related difference” means any difference, on the basis of sex, in the age—
- (a) at which a service-related benefit in respect of old age or retirement commences; or
- (b) at which, in consequence of the commencement of such a benefit, any other service-related benefit either ceases to be payable or becomes payable at a reduced rate calculated by reference to the amount of the benefit so commencing.

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (9) For the purposes of this paragraph—
- (a) any reference to a person’s family status is a reference to his having an unmarried partner or any dependants; and
 - (b) a person “has an unmarried partner” if that person and some other person to whom he is not married live together as husband and wife.

Textual Amendments

F7 Words in [Sch. 5 para. 2\(8\)](#) substituted (7.2.1994) by [1993 c. 48, s. 190, Sch. 7 para. 2\(a\)](#); [S.I. 1994/86, art. 2](#)

Commencement Information

I2 [Sch. 5 para. 2](#) partly in force; [Sch. 5 para. 2](#) not in force at Royal Assent see [s. 33\(2\)](#); [Sch. 5 para. 2\(1\)\(2\)\(4\)\(c\)\(5\)\(9\)](#) in force at 23.6.1994 by [S.I. 1994/1661, art. 2, Sch. Pt. I](#)

VALID FROM 23/06/1994

Non-compliance: compulsory levelling up

- 3
- (1) To the extent that any provision of an employment-related benefit scheme does not comply with the principle of equal treatment, it shall be overridden by this Schedule and the more favourable treatment accorded to persons of the one sex shall also be accorded to persons of the other sex.
 - (2) Where more favourable treatment is accorded to any persons by virtue of sub-paragraph (1) above, that sub-paragraph requires them, in accordance with the principle of equal treatment—
 - (a) to pay contributions at a level appropriate to the treatment so accorded; and
 - (b) to bear any other burden which is an incident of that treatment;
 but persons of either sex may instead elect to receive the less favourable treatment and, in accordance with the principle of equal treatment, pay contributions at the level appropriate to that treatment and bear the other burdens incidental to it.
 - (3) Where any provision of a scheme is overridden by sub-paragraph (1) above, nothing in this Schedule shall affect any rights accrued or obligations incurred during the period before the date on which that provision is so overridden.
 - (4) Sub-paragraph (1) above is without prejudice to the exercise, in compliance with the principle of equal treatment, of any power to amend the scheme.

Commencement Information

I3 [Sch. 5 para. 3](#) partly in force; [Sch. 5 para. 3](#) not in force at Royal Assent see [s. 33\(2\)\(3\)](#); [Sch. 5 para. 3\(1\)\(3\)\(4\)](#) in force for specified purposes at 23.6.1994 by [S.I. 1994/1661, art. 2, Sch. Pt. I](#); [Sch. 5 para. 3](#) in force for further certain purposes at 24.8.2007 by [S.I. 2007/2445, art. 2\(b\)](#)

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modification of schemes by the Occupational Pensions Board

- 4 (1) On an application made to them in respect of an employment-related benefit scheme, other than a public service scheme, by persons competent to make such an application, the Occupational Pensions Board (the “Board”) may make an order modifying, or authorising the modification of, the scheme, for the purpose—
- (a) of making provision implementing the principle of equal treatment otherwise than as provided by sub-paragraph (1) of paragraph 3 above; or
 - (b) of reflecting in the rules of the scheme any changes consequential upon the operation of that sub-paragraph.
- (2) In relation to any employment-related benefit scheme, the persons competent to make an application to the Board under this paragraph are—
- (a) the trustees or managers of the scheme;
 - (b) any person other than the trustees or managers who has power to alter the rules of the scheme;
 - (c) any person who is an employer of persons in service in an employment to which the scheme applies; and
 - (d) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this paragraph in respect of a scheme of that category.
- (3) The Board shall not entertain an application for an order by them under this paragraph unless they are satisfied that the modification of the scheme in question—
- (a) cannot be achieved otherwise than by means of such an order; or
 - (b) can only be achieved in accordance with a procedure which is liable to be unduly complex or protracted, or involves the obtaining of consents which cannot be obtained, or can only be obtained with undue delay or difficulty.
- (4) Subject to sub-paragraph (3) above, the Board may on an application under this paragraph make (with the consent of the applicants) an order under sub-paragraph (1) above and may exercise their powers under this paragraph from time to time; and the extent of their powers under this paragraph is not limited, in relation to any purposes for which they are exercisable, to the minimum necessary to achieve those purposes.
- (5) An order of the Board under sub-paragraph (1) above authorising the modification of a scheme shall be framed so as to confer the power of modification on such persons as the Board think proper (including persons who were not parties to the application made to the Board) and shall include such directions as the Board think appropriate indicating the modifications which they consider to be desirable.

VALID FROM 23/06/1994

Unfair maternity provisions

- 5 (1) In this Schedule “unfair maternity provisions”, in relation to an employment-related benefit scheme, means any provision—

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid maternity absence in the case of any woman who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a woman otherwise than in accordance with the normal employment requirement; or
 - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such woman, to the extent that it falls to be determined by reference to her earnings during a period which included a period of paid maternity absence, to be determined otherwise than in accordance with the normal employment requirement.
- (2) In the case of any unfair maternity provision—
- (a) the more favourable treatment required by paragraph 3(1) above is treatment no less favourable than would be accorded to the women [^{F8}members] in accordance with the normal employment requirement;
 - (b) paragraph 3(2) above does not authorise the making of any such election as is there mentioned; and
 - (c) paragraph 4(1)(a) above does not authorise the making of any modification which does not satisfy the requirements of paragraph (a) above;
- but, in respect of a period of paid maternity absence, a woman shall only be required to pay contributions on the amount of contractual remuneration or statutory maternity pay actually paid to or for her in respect of that period.
- (3) In this paragraph—
- (a) “period of paid maternity absence” means any period—
 - (i) throughout which a woman is absent from work due to pregnancy or confinement; and
 - (ii) for which her employer (or, if she is no longer in his employment, her former employer) pays her any contractual remuneration or statutory maternity pay;
 - (b) “the normal employment requirement” is the requirement that any period of paid maternity absence shall be treated as if it were a period throughout which the woman in question works normally and receives the remuneration likely to be paid for doing so.

Textual Amendments

F8 Words inserted in Sch. 5 para. 5(2)(a) (*prosp.*) by [Social Security Act 1990 \(c. 27, SIF113:1\)](#), [Sch. 6 para. 29](#)

Commencement Information

I4 [Sch. 5 Pt. I para. 5](#) partly in force; [Sch. 5 Pt. I para. 5](#) not in force at Royal Assent see [s. 33\(2\)\(3\)](#); [Sch. 5 Pt. I para. 5\(1\)\(2\)\(a\)\(3\)](#) in force at 23.6.1994 by [S.I. 1994/1661, art. 2](#), [Sch. Pt. II](#)

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 06/04/2005

F⁹ Unfair paternity leave provisions

Textual Amendments

F9 Sch. 5 paras. 5A, 5B inserted (6.4.2005) by Pensions Act 2004 (c. 35), ss. 265(1), 322(1) (with s. 313); S.I. 2005/275, art. 2(7), Sch. Pt. 7 (subject to art. 2(12))

- 5A (1) Where an employment-related benefit scheme includes any unfair paternity leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.
- (2) In this paragraph “unfair paternity leave provisions”, in relation to an employment-related benefit scheme, means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid paternity leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
 - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid paternity leave, to be determined otherwise than in accordance with the normal employment requirement.
- (3) In the case of any unfair paternity leave provision—
- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
 - (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;
- but, in respect of any period of paid paternity leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory paternity pay actually paid to or for him in respect of that period.
- (4) In this paragraph—
- “period of paid paternity leave”, in the case of a member, means a period—
 - (a) throughout which the member is absent from work in circumstances where sub-paragraph (5), (6) or (7) applies, and
 - (b) for which the employer (or if he is no longer in his employment, his former employer) pays him any contractual remuneration or statutory paternity pay; and
 - “the normal employment requirement” is the requirement that any period of paid paternity leave shall be treated as if it were a period throughout which

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

the member in question works normally and receives the remuneration likely to be paid for doing so.

- (5) This sub-paragraph applies if—
- (a) the member’s absence from work is due to the birth or expected birth of a child, and
 - (b) the member satisfies the conditions prescribed under section 171ZA(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992 in relation to that child.
- (6) This sub-paragraph applies if—
- (a) the member’s absence from work is due to the placement or expected placement of a child for adoption under the law of any part of the United Kingdom, and
 - (b) the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of that Act in relation to that child.
- (7) This sub-paragraph applies if—
- (a) the member’s absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and
 - (b) the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of that Act (as applied by virtue of section 171ZK of that Act (adoption cases not involving placement under the law of the United Kingdom)) in relation to that child.

Modifications etc. (not altering text)

- C3** Sch. 5 para. 5A: power to apply (with modifications) conferred (6.4.2005) by [Pensions Act 2004](#) (c. 35), [ss. 265\(2\), 322\(1\)](#) (with s. 313); S.I. 2005/275, [art. 2\(7\)](#), Sch. Pt. 7 (subject to [art. 2\(12\)](#))

VALID FROM 06/04/2005

Unfair adoption leave provisions

- 5B (1) Where an employment-related benefit scheme includes any unfair adoption leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.
- (2) In this paragraph “unfair adoption leave provisions”, in relation to an employment-related benefit scheme, means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid adoption leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid adoption leave, to be determined otherwise than in accordance with the normal employment requirement.

(3) In the case of any unfair adoption leave provision—

(a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and

(b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;

but, in respect of any period of paid adoption leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory adoption pay actually paid to or for him in respect of that period.

(4) In this paragraph—

“period of paid adoption leave”, in the case of a member, means a period—

(a) throughout which the member is absent from work in circumstances where sub-paragraph (5) or (6) applies, and

(b) for which the employer (or, if he is no longer in his employment, his former employer) pays him any contractual remuneration or statutory adoption pay; and

“the normal employment requirement” is the requirement that any period of paid adoption leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so.

(5) This sub-paragraph applies if—

(a) the member’s absence from work is due to the placement, or expected placement, of a child for adoption under the law of any part of the United Kingdom, and

(b) the member is a person with whom the child is, or is expected to be, placed for such adoption.

(6) This sub-paragraph applies if—

(a) the member’s absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and

(b) the member is a person by whom the child has been or is expected to be adopted.]

Modifications etc. (not altering text)

C4 Sch. 5 para. 5B: power to apply (with modifications) conferred (6.4.2005) by [Pensions Act 2004](#) (c. 35), [ss. 265\(2\), 322\(1\)](#) (with [s. 313](#)); [S.I. 2005/275](#), [art. 2\(7\)](#), [Sch. Pt. 7](#) (subject to [art. 2\(12\)](#))

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 23/06/1994

Unfair family leave provisions

- 6 (1) Where an employment-related benefit scheme includes any unfair family leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3) below, this Schedule shall apply accordingly.
- (2) In this Schedule “unfair family leave provisions” means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid family leave in the case of any member who is an employed earner and which treats such a member otherwise than in accordance with the normal leave requirement; or
 - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member to the extent that it falls to be determined by reference to earnings during a period which included a period of paid family leave, to be determined otherwise than in accordance with the normal leave requirement.
- (3) In the case of any unfair family leave provision—
- (a) the more favourable treatment required by paragraph 3(1) above is treatment no less favourable than would be accorded to the members in accordance with the normal leave requirement;
 - (b) paragraph 3(2) above does not authorise the making of any such election as is there mentioned; and
 - (c) paragraph 4(1)(a) above does not authorise the making of any modification which does not satisfy the requirements of paragraph (a) above;
- but, in respect of a period of paid family leave, a member shall only be required to pay contributions on the amount of contractual remuneration actually paid to or for him in respect of that period.
- (4) In this paragraph—
- (a) “period of paid family leave” means any period—
 - (i) throughout which a member is absent from work for family reasons; and
 - (ii) for which the employer pays him any contractual remuneration;
 - (b) “the normal leave requirement” is the requirement that any period of paid family leave shall be treated as if it were a period throughout which the member in question works normally but only receives the remuneration in fact paid to him for that period.

Commencement Information

- I5** Sch. 5 Pt. I para. 6 partly in force; Sch. 5 Pt. I para. 6 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 6(1)(2)(3)(a)(4) in force at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. II

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Meaning of “employment-related benefit scheme” etc.

VALID FROM 23/06/1994

- 7 In this Schedule—
- (a) “employment-related benefit scheme” means any scheme or arrangement which is comprised in one or more instruments or agreements and which has, or is capable of having, effect in relation to one or more descriptions or categories of employments so as to provide service-related benefits to or in respect of employed or self-employed earners—
- (i) who have qualifying service in an employment of any such description or category, or
 - (ii) who have made arrangements with the trustees or managers of the scheme to enable them to become members of the scheme,
- but does not include a limited scheme;
- (b) “limited scheme” means—
- (i) any personal scheme for employed earners to which the employer does not contribute;
 - (ii) any scheme which has only one member, other than a personal scheme for an employed earner to which his employer contributes;
 - (iii) any contract of insurance which is made for the benefit of employed earners only and to which the employer is not a party;
- (c) “personal scheme” means any scheme or arrangement which falls within paragraph (a) above by virtue of sub-paragraph (ii) of that paragraph (or which would so fall apart from paragraph (b) above);
- (d) “public service scheme” has [^{F10}the same meaning as “public service pension scheme” in section 1 of the Pension Schemes Act 1993];
- (e) “service-related benefits” means benefits, in the form of pensions or otherwise, payable in money or money’s worth in respect of—
- (i) termination of service;
 - (ii) retirement, old age or death;
 - (iii) interruptions of service by reason of sickness or invalidity;
 - (iv) accidents, injuries or diseases connected with employment;
 - (v) unemployment; or
 - (vi) expenses incurred in connection with children or other dependants;
- and includes, in the case of a member who is an employed earner, any other benefit so payable to or in respect of the member in consequence of his employment.

Textual Amendments

F10 Words in [Sch. 5 para. 7\(d\)](#) substituted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 7 para. 2\(b\)](#); S.I. 1994/86, [art. 2](#)

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I6** Sch. 5 Pt. I para. 7 partly in force; Sch. 5 Pt. I para. 7 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 7(a)-(c)(e) in force for specified purposes at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. I

PROSPECTIVE

Extension of ban on compulsory membership

- 8 [F11Section 160(1) of the Pension Schemes Act 1993] (which renders void any provision making membership of a pension scheme compulsory for an employed earner) shall apply in relation to a self-employed earner as it applies in relation to an employed earner, but with the substitution for references to a personal pension scheme of references to an employment-related benefit scheme which would be such a pension scheme if self-employed earners were regarded as employed earners.

Textual Amendments

- F11** Words in Sch. 5 para. 8 substituted (7.2.1994) by 1993 c. 48, s. 190, Sch. 7 para. 2(c); S.I. 1994/86, art. 2

VALID FROM 23/06/1994

Jurisdiction

- 9 (1) The court, on the application of any person interested, shall have jurisdiction to determine any question arising as to—
- (a) whether any provision of an employment-related benefit scheme does or does not comply with the principle of equal treatment; or
 - (b) whether, and with what effect, any such provision is overridden by paragraph 3 above.
- (2) In sub-paragraph (1) above “the court” means—
- (a) in England and Wales, the High Court or a county court; and
 - (b) in Scotland, the Court of Session or the sheriff court.
- (3) An application under sub-paragraph (1) above may be commenced in a county court notwithstanding—
- (a) any financial limit otherwise imposed on the jurisdiction of such a court; or
 - (b) that the only relief claimed is a declaration or an injunction.

Commencement Information

- I7** Sch. 5 Pt. I para. 9 partly in force; Sch. 5 Pt. I para. 9 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 9 in force for specified purposes at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. I

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 23/06/1994

Interpretation

10 Expressions other than “benefit” which are used in this Part of this Schedule and in the principal Act have the same meaning in this Part of this Schedule as they have in that Act.

Commencement Information

I8 Sch. 5 Pt. I para. 10 partly in force; Sch. 5 Pt. I para. 10 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 10 in force for specified purposes at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. I

Supplemental

F12 11

Textual Amendments

F12 Sch. 5 para. 11 repealed (7.2.1994) by 1993 c. 48, s. 118, Sch. 5 Pt.I; S.I. 1994/86, art. 2

PROSPECTIVE

Future repeal of actuarial provisions

12 The Secretary of State may by order repeal paragraph 2(4)(a)(i) above; and if and to the extent that he has not done so before 30th July 1999 it shall cease to have effect on that date.

PART II

AMENDMENT OF ENACTMENTS RELATING TO EMPLOYMENT

Equal Pay Act 1970 (c.41)

F13 13

Textual Amendments

F13 Sch. 5 para. 13 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Sex Discrimination Act 1975 (c.65)

- 14 (1) In section 4(1) of the Sex Discrimination Act 1975 (victimisation of complainants etc)—
- (a) in paragraphs (a), (b) and (c) after the words “Equal Pay Act 1970” there shall be inserted the words “or Part I of Schedule 5 to the Social Security Act 1989”; and
 - (b) at the end of paragraph (d) there shall be added the words “or proceedings under Part I of Schedule 5 to the Social Security Act 1989”.
- (2) In section 6 of that Act, in subsection (4) (disapplication of certain provisions in relation to death or retirement) for the words from “except” to “retirement, they” there shall be substituted the words “except as provided in subsections (4A) and (4B) below.
- (4A) Subsection (4) does not prevent the application of subsections (1)(b) and (2) to provision in relation to retirement in so far as those subsections”.
- (3) After subsection (4A) of that section there shall be inserted—
- “(4B) Subsection (4) does not prevent the application of subsections (1)(b) and (2) to provision in relation to death or retirement in so far as those subsections render it unlawful for a person to discriminate against a woman—
- (a) in such of the terms on which he offers her employment as make provision in relation to the way in which he will afford her access to any benefits, facilities or services under an occupational pension scheme; or
 - (b) in the way he affords her access to any such benefits, facilities or services; or
 - (c) by refusing or deliberately omitting to afford her access to any such benefits, facilities or services; or
 - (d) by subjecting her to any detriment in connection with any such scheme;
- but an act of discrimination is rendered unlawful by virtue of this subsection only to the extent that the act relates to a matter in respect of which an occupational pension scheme has to comply with the principle of equal treatment in accordance with Part I of Schedule 5 to the Social Security Act 1989.
- (4C) In the application of subsection to discrimination against married persons of either sex, Part I of Schedule 5 to the Social Security Act 1989 shall be taken to apply to less favourable treatment of married persons on the basis of their marital status as it applies in relation to less favourable treatment of persons on the basis of sex, and references to persons of either sex shall be construed accordingly.”
- (4) At the end of that section there shall be added—
- “(8) In this section “occupational pension scheme” means an occupational pension scheme, within the meaning of the Social Security Pensions Act 1975, which is also an employment-related benefit scheme, within the meaning of Schedule 5 to the Social Security Act 1989.”

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Employment Protection (Consolidation) Act 1978 (c.44)

15 In section 45 of the Employment Protection (Consolidation) Act 1978 at the end of subsection (2) (rights on return to work after maternity absence) there shall be added the words “but subject to the requirements of paragraph 5 of Schedule 5 to the Social Security Act 1989 (credit for the period of absence in certain cases).”

SCHEDULE 6

Section 24.

OCCUPATIONAL AND PERSONAL PENSIONS

Social Security Act 1973 (c.38)

F14₁

Textual Amendments

F14 Sch. 6 para. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F15₂

Textual Amendments

F15 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F16₃

Textual Amendments

F16 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F17₄

Textual Amendments

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

Social Security Pensions Act 1975 (c. 60)

F18₅

Textual Amendments

F18 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

6,7. F19

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F19 Sch. 6 paras. 6 and 7 which had textually amended (21.7.1989) ss.41A and 41B respectively of the [Social Security Pensions Act 1975 \(c. 60\)](#), were repealed retrospectively w.e.f. 21.7.1989 by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 4 para. 8\(1\)](#) and Sch. 7

F20₈

Textual Amendments

F20 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

F21₉

Textual Amendments

F21 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

F22₁₀

Textual Amendments

F22 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

F23₁₁

Textual Amendments

F23 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

F24₁₂

Textual Amendments

F24 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

F25₁₃

Textual Amendments

F25 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

F26₁₄

Textual Amendments

F26 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Social Security (Miscellaneous Provisions) Act 1977 (c. 5)

F27 15

Textual Amendments

F27 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

Social Security Act 1986 (c. 50)

F28 16

Textual Amendments

F28 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F29 17

Textual Amendments

F29 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F30 18

Textual Amendments

F30 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F31 19

Textual Amendments

F31 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F32 20

Textual Amendments

F32 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

The Occupational Pension Schemes (Contracting-out) Regulations 1984 (S.I.1984/380)

21 (1) In regulation 22 of the Occupational Pension Schemes (Contracting-out) Regulations 1984 (additional requirement alternative to limited revaluation premium) in paragraphs (3A) and (7A) (which were inserted by regulation 2 of the^{M3} Contracting-out (Miscellaneous Amendments) Regulations 1988 and which provide for the rate of increase to be 7½ per cent. in certain cases) for the words “and in relation to another scheme,” there shall be substituted the words “ (and whether in relation to the same or another scheme) ”.

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) The amendment by sub-paragraph (1) above of a provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision.
- (3) This paragraph shall be deemed to have come into force on 6th April 1988.

Marginal Citations

M3 [S.I. 1988/475](#).

SCHEDULE 7

Section 26.

PRE-CONSOLIDATION AMENDMENTS

Social Security Act 1973 (c. 38)

F33¹

Textual Amendments

F33 [Sch. 7 para. 1](#) repealed (7.2.1994) by [1993 c. 48, s. 188, Sch. 5 Pt.I](#); [S.I. 1994/86, art. 2](#)

2–13 **F34**

Textual Amendments

F34 [Ss. 1–3](#); [4\(1\)–\(4\)](#); [5\(1\)–\(4\)](#); [6\(1\)](#); [7\(1\)–\(5\)](#); [9–19](#); [21](#); [22\(1\)–\(6\)](#) and [\(8\)](#); [27](#); words in [s. 28\(2\)](#); [ss. 28\(3\)](#) and [\(4\)](#); [29\(2\)](#) and [\(5\)](#); words in [s.30\(1\)](#); [s.32](#); [Sch. 1, paras. 1–10](#); [Schs. 2](#) and [3](#); [Sch. 4, paras. 1–21, 24](#)(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); [Sch. 7](#) except [paras 1, 14, 21](#) and [27](#); [Sch. 8, paras. 1–7, 9, 10\(1\), 11, 12\(2\), \(5\)](#) and [\(6\), 14–18, 19\(a\)](#) and [\(b\)](#) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

14 **F35**

Textual Amendments

F35 [Sch. 7 para. 14](#) repealed by [DLA and DWA Act 1991 \(c. 21\)](#), [Sch. 4](#)

15–20 **F36**

Textual Amendments

F36 [Ss. 1–3](#); [4\(1\)–\(4\)](#); [5\(1\)–\(4\)](#); [6\(1\)](#); [7\(1\)–\(5\)](#); [9–19](#); [21](#); [22\(1\)–\(6\)](#) and [\(8\)](#); [27](#); words in [s. 28\(2\)](#); [ss. 28\(3\)](#) and [\(4\)](#); [29\(2\)](#) and [\(5\)](#); words in [s.30\(1\)](#); [s.32](#); [Sch. 1, paras. 1–10](#); [Schs. 2](#) and [3](#); [Sch. 4, paras. 1–21, 24](#)(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); [Sch. 7](#) except [paras 1, 14, 21](#) and [27](#); [Sch. 8, paras. 1–7, 9, 10\(1\), 11, 12\(2\), \(5\)](#) and [\(6\), 14–18, 19\(a\)](#) and [\(b\)](#) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F37 21

Textual Amendments

F37 Sch. 7 para. 21 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

22–26 F38

Textual Amendments

F38 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

27 In section 61 of that Act (consultations about subordinate legislation) for subsection (3) there shall be substituted the following—

“(3) Where the Secretary of State has referred proposals to the Committee, the Council or the Board, he may make the proposed regulations before they have made their report, or, in the case of the Council, given their advice, only if after the reference it appears to him that by reason of the urgency of the matter it is expedient to do so.”

Modifications etc. (not altering text)

C5 The text of Sch. 7 para. 27 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 1.7.1992

28 F39

Textual Amendments

F39 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

SCHEDULE 8

Section 31(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

1–7 F40

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F40 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

8 (1) F41

(2) F42

Textual Amendments

F41 Sch. 8 para. 8(1) repealed (1.2.1991) by Employment Act 1990 (c. 38, SIF 43:5), Sch. 3
F42 Sch. 8 para. 8(2) repealed (13.3.1990) by Social Security Act 1990 (c. 27, SIF 113:1), Sch.7

9 F43

Textual Amendments

F43 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Transitional and consequential provision in regulations

10 (1) F44

(2) In section 89 of the 1986 Act (transitional regulations in connection with coming into force of provisions of that Act) after subsection (1) there shall be inserted—

“(1A) Without prejudice to any other powers conferred on him, the Secretary of State—

- (a) may, for the purpose of making provision with respect to persons falling within subsection (1B) below, modify or revoke any regulations made under this section if he considers it necessary or expedient to do so in consequence of, or otherwise in connection with, provisions of Acts, schemes, arrangements or other instruments coming into force after the passing of this Act; and
- (b) may, for the purpose of consolidation, revoke and re-enact, with any modifications which he considers necessary or desirable, any regulations under this section.

(1B) The persons referred to in subsection (1A)(a) above are any persons—

- (a) to whom regulations under subsection (1) above apply; or

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) to whom regulations made under Part II of this Act relating to income support applied at any time before the passing of the Social Security Act 1989.”

Textual Amendments

F44 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Modifications etc. (not altering text)

C6 The text of Sch. 8 para. 10(2) 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 1.7.1992

Restriction on first up-rating of additional pension

11 F45

Textual Amendments

F45 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Consultations about subordinate legislation

12 (1) In section 61(2) of the Pensions Act—

^{F46}(a)

^{F46}(b)

(c) for the word “(other” there shall be substituted the words “or

(c) Schedule 5 to the Social Security Act 1989,

(other ”.

(2) F47

(3) In section 61 of the 1986 Act (consultations about subordinate legislation) for subsections (5) and (6) there shall be substituted—

“(5) Except to the extent that this subsection is excluded by any enactment passed after this Act, nothing in any enactment shall require the reference to the Committee, the Council or the Board of any regulations contained in either—

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a statutory instrument made before the end of the period of 6 months beginning with the coming into force of the enactment under which those regulations are made, or
 - (b) a statutory instrument—
 - (i) which states that it contains only regulations made by virtue of, or consequential upon, a specified enactment, and
 - (ii) which is made before the end of the period of 6 months beginning with the coming into force of that specified enactment.”
- (4) In subsection (10) of that section (definitions) after the definition of “the Council” there shall be added—
- ““regulations” means regulations under this Act or under any other enactment, whenever passed.”
- (5) F47
- (6) F47

Textual Amendments

F46 Sch. 8 para. 12(1)(a)(b) repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F47 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; **Sch. 1, paras. 1–10**; **Schs. 2** and 3; **Sch. 4, paras. 1–21, 24**(added by **Social Security Act 1990 (c. 27, SIF 113:1)**, **Sch. 1 para. 6**); **Sch. 7** except paras 1, 14, 21 and 27; **Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b)** were repealed (1.7.1992) by the **Social Security (Consequential Provisions) Act 1992 (c. 6)**

Modifications etc. (not altering text)

C7 The text of Sch. 8 para. 12(1) 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 1.7.1992

C8 The text of Sch. 8 para. 12(3)–(4) 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 1.7.1992

Regulations relating to home responsibilities

- 13 (1) Paragraph (a) of section 62(1) of the Pensions Act (affirmative, instead of negative, procedure for regulations under paragraph 5(6) of Schedule 3 to the principal Act relating to contributors who were precluded from regular employment by responsibilities at home) shall cease to have effect.
- (2) The following regulations, namely—
- (a) the ^{M4}Social Security Pensions (Home Responsibilities and Graduated Retirement Benefit) Amendment Regulations 1981, and
 - (b) the ^{M5}Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Amendment Regulations 1988,
- shall have effect, and be taken always to have had effect, as if sub-paragraph (1) above had come into force immediately after the passing of the Pensions Act.

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

- M4 S.I. 1981/330.
- M5 S.I. 1988/623.

14–18 F48

Textual Amendments

- F48** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Joint citations

- 19 In the following enactments, for the words “the Social Security Acts 1975 to 1986” in each place where they occur there shall be substituted the words “the Social Security Acts 1975 to 1989” —
- (a) F49
 - (b) F49
 - (c) section 4(5) of the ^{M6}Forfeiture Act 1982;
 - (d) section 5(1)(a) of the ^{M7}Social Security Act 1985;
 - (e) paragraph (b) of the definition of “the benefit Acts” in section 84(1) of the 1986 Act.

Textual Amendments

- F49** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Modifications etc. (not altering text)

- C9** The text of Sch. 8 para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not (except as specified) reflect any amendments or repeals which may have been made prior to 1.7.1992

Marginal Citations

- M6 1982 c. 34.
- M7 1985 c. 53.

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 9

Section 31(2).

REPEALS

Modifications etc. (not altering text)

C10 The text of Sch. 9, Table 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 1.7.1992

11 & 12 Geo.5 c. 49.	War Pensions Act 1921.	Sections 1 and 2.
11 & 12 Geo.6 c. 41.	Law Reform (Personal Injuries) Act 1948.	Section 2(2).
1970 c. 36.	Merchant Shipping Act 1970.	In section 17(10), the words from “but any application” onwards.
1973 c. 38.	Social Security Act 1973.	Section 51(7). F50 ...
1975 c. 14.	Social Security Act 1975.	In section 1, in subsection (1) the words from “together with” onwards, and subsections (5) and (5A). In section 4(6F), the words “primary or”. In section 7A(3), the words “Class 2” wherever occurring. In section 14(6), the words following paragraph (c). In section 15(6)(a), the words “but have not retired from regular employment”. In section 20(1A) the words “longer or”. Section 27(3), (4) and (5). In section 28(1)(a), the words “and has retired from regular employment”. Section 29(5)(a). In section 30, subsection (1), in subsection (3), in paragraph (a), the words “retired from regular employment or has otherwise” and the

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

		words “retired or” and subsection (6)(a).
		In section 36(7), the word “and” at the end of paragraph (c).
		In section 39(1)(b), the words “and has retired from regular employment”.
1975 c. 14. (contd.)	Social Security Act 1975 (contd.)	In section 41(1), the words “section 30(1) of this Act and to”.
		Section 48(2) and (3).
		In section 100(3), the words from “without leave” onwards.
		Section 101(6) and (7).
		In section 112, subsection (4) and, in subsection (5), the words “or reference” and the words from “and the medical” onwards.
		Section 122(5).
		Section 134(3).
		In section 167(1)(b), the words “section 1(5A)”.
		In Schedule 10, paragraphs 1(7) and 2(2).
		In Schedule 11, paragraph 4.
		In Schedule 13, paragraphs 8 and 9.
		In Schedule 20, the definition of “local office” and, in the definition of “week”, the words “midnight between Saturday and” and “30(1)”.
1975 c. 60.	Social Security Pensions Act 1975.	In section 8(1), the words “who has retired from regular employment”.
		Section 11.
		Section 27(6).
		In section 41A(1C), the word “and” at the end of paragraph (b).

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

		In section 41B(1A), the word “and” at the end of paragraph (b).
		Section 41C(3)(a)(ii).
		In section 45(3), the words from “unless the person” to “shall not apply”.
		F50
		...
		Section 62(1)(a).
		In Schedule 4, paragraph 39(a).
1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	In section 21(1), the words “unless the prescribed person otherwise elects in the prescribed manner”.
		In section 22(2) the words “25(3), 26(3)”.
1979 c. 18.	Social Security Act 1979.	In Schedule 1, paragraph 17.
1980 c. 30.	Social Security Act 1980.	Section 10(2)(b).
		Section 14(7).
1981 c. 1.	Social Security (Contributions) Act 1981.	Section 2(2).
		Section 4(5)(a).
1982 c. 2.	Social Security (Contributions) Act 1982.	Section 2.
		Section 4(4).
		In Schedule 1, paragraph 1(4).
1982 c. 24.	Social Security and Housing Benefits Act 1982.	Section 44(3) and (4).
		In Schedule 1, in paragraph 7, the words “participate in, or”.
		In Schedule 4, paragraph 11.
1985 c. 53.	Social Security Act 1985.	In Schedule 5, paragraph 32.
1986 c. 50.	Social Security Act 1986.	In section 26(3), the word “and” at the end of paragraph (b).
		In section 30(2), the words following paragraph (b), other than those added by

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

		the Local Government and Housing Act 1989.
		In section 50(1), in the definition of “week”, the words “midnight between Saturday and”.
		Section 63(1)(a)(ii).
		In Schedule 1, in paragraph 7(4) and (5) the words “such as are mentioned in sub-paragraph (2) above”.
		In Schedule 3, paragraph 15(b).
		In Schedule 6, in paragraph 3, in sub-paragraph (3) (b), the words “30(1)”, sub-paragraph (3)(c), sub-paragraph (4)(b) and the word “or” immediately preceding it.
		In Schedule 9, paragraph 11(b).
		In Schedule 10, paragraph 96.
1988 c. 7.	Social Security Act 1988.	Section 2(9).
1988 c. 43.	Housing (Scotland) Act 1988.	Section 70(4).
1988 c. 50.	Housing Act 1988.	Section 121(5).

Textual Amendments

F50 Words in [Sch. 9](#) repealed (7.2.1994) by [1993 c. 48, s. 188, Sch. 5 Pt.I](#); [S.I. 1994/86, art. 2](#)

The repeal in section 1(1) ^{X1} of the principal Act and the repeal ^{X2} of sections 1(5) and (5A) and 134(3) of that Act, section 27 of the Pensions Act, section 2 of the Social Security (Contributions) Act 1981 and section 2 of the Social Security (Contributions) Act 1982 have effect in relation to payments by way of supplement, or adjustment of supplement, under section 1(5) of the principal Act in respect of any contributions whether paid before, on or after 31st March 1989.

Editorial Information

- X1** This refers to the repeal, under the Table of repeals in [Sch. 9](#) above, of the words from “together with” onwards in section 1(1) of the [Social Security Act 1975 \(c. 14\)](#)
- X2** This refers to the repeal, under the Table of repeals in [Sch. 9](#) above, of sections 1(5) and (5A) and 134(3) of the [Social Security Act 1975 \(c. 14\)](#), [section 27\(6\)](#) of the [Social Security \(Pensions\) Act 1975 \(c. 60\)](#), [section 2\(2\)](#) of the [Social Security Contributions Act 1981 \(c. 1\)](#) and section 2 of the [Social Security \(Contributions\) Act 1982 \(c. 2\)](#). (all relating to Treasury Supplement)

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

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The repeal in section 20(1A) ^{X3} of the principal Act does not affect the continuing operation of the Unemployment Benefit (Disqualification Period) Order 1988.

.....
Editorial Information

X3 This refers to the repeal, under the Table of repeals in Sch. 9 above, of the words “longer or” in section 20(1A) of the [Social Security Act 1975 \(c. 14\)](#)

Status:

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

Changes to legislation:

Social Security Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.