



Social Security Act 1980

1980 CHAPTER 30

Amendments of certain enactments relating to social security

1 Amendments relating to up-rating

- (1) For the purposes of any review under section 125 of the Social Security Act 1975 (under which the Secretary of State is required in each tax year to review the sums mentioned in subsection (1) of that section and in section 23(1) of the Social Security Pensions Act 1975 for the purpose of determining whether they have retained their value in relation to the general level of earnings or prices obtaining in Great Britain) the Secretary of State shall have regard only to prices except that as respects the sum specified in section 30(1) (excluding paragraphs (a) and (b)) of the Social Security Act 1975 he shall have regard only to earnings; and accordingly in subsection (1) of the said section 125 for the words " earnings or prices obtaining in Great Britain " there shall be substituted the words " prices obtaining in Great Britain except that as respects the sum specified in section 30(1) (excluding paragraphs (a) and (b)) of this Act he shall instead have regard to the general level of earnings obtaining in Great Britain ".
- (2) In relation to a draft of an up-rating order which, in consequence of a review under the said section 125 made before the passing of this Act, falls to be prepared after the passing of this Act in pursuance of subsection (3) of that section (which provides for increasing reviewed sums which have not retained their value as mentioned in subsection (1) of that section), the restoration of value mentioned in the said subsection (3) shall be deemed to be a restoration of value by reference to prices except as respects the sum specified as aforesaid.
- (3) In section 126(5) of the Social Security Act 1975 (under which a draft order under section 125(3) of that Act to increase a sum must provide for the increase to come into force in certain cases not later than at the end of the period of 12 months beginning with the date on which the provision fixing the current amount of the sum came into force) for the words from " of 12 months " to " came into force " there shall be substituted the words " beginning with the date on which the provision fixing the current amount of that sum came into force and ending with the last day of the month in which the first anniversary of that date falls ".

2 Other amendments of Social Security Act 1975

The Social Security Act 1975 (hereafter in this Act referred to as " the principal Act ") shall have effect with the amendments specified in Schedule 1 to this Act, and references in that Schedule to sections and Schedules are to sections of and Schedules to that Act.

3 Amendments of Social Security Pensions Act 1975

- (1) In section 62(1) of the Social Security Pensions Act 1975 (which provides among other things that regulations under section 9(3) of that Act prescribing a maximum for the additional component of a Category A retirement pension are subject to the affirmative resolution procedure) the words " or 9(3)" shall be omitted; and accordingly a statutory instrument containing regulations under the said section 9(3) is subject to annulment in pursuance of a resolution of either House of Parliament by virtue of section 66(2) of that Act (hereafter in this Act referred to as " the Pensions Act ") and section 167(3) of the principal Act.
- (2) At the end of section 11 of the Pensions Act (which excludes certain sums from the rate of a pension mentioned in section 30(1) of the principal Act) there shall be inserted the words " ; but the preceding provisions of this section shall be disregarded for the purposes of section 27(3)(b)(ii) of that Act (which provides for a person to be treated as retired by reference to the said section 30(1)) " .
- (3) In subsection (3) of section 21 of the Pensions Act (which provides that if on a review under that section of the general level of earnings the Secretary of State concludes that certain earnings factors have not retained their value during the review period he shall prepare and lay before Parliament the draft of an order increasing the factors so as to make up the fall in their value together with falls made up by earlier orders) for the words from " prepare " to " draft of " there shall be substituted the word " make " ; and accordingly—
 - (a) the same amendment shall be made in subsection (5) of that section (which provides that where the Secretary of State determines that he is not required to prepare and lay such a draft he shall report to Parliament his reasons for the determination); and
 - (b) a statutory instrument containing an order under the said subsection (3) is subject to annulment as mentioned in subsection (1) of this section.
- (4) In section 21(1) of the Social Security (Miscellaneous Provisions) Act 1977 (which provides that, unless the prescribed person otherwise elects, section 35(5) of the Pensions Act shall have effect, in a case where pension rights are preserved under approved arrangements, without taking into account any orders under section 21 of the Pensions Act which were made in the five years ending with the year in which the scheme ceases to be contracted-out and as if relevant earnings factors were increased by 12 per cent, for each of the years there mentioned), for the words from " have effect" onwards there shall be substituted the words " in a case where one or more of the five tax years ending with the tax year in which the scheme ceases to be contracted-out is a relevant year in relation to the earner, have effect, unless the prescribed person otherwise elects in the prescribed manner, subject to the following provisions, that is to say—
 - (a) any order made under section 21 above in any of those five tax years increasing an earnings factor shall be disregarded (but without prejudice

- to any increase made by the last order made under that section before the beginning of those five tax years); and
- (b) any relevant earnings factor derived from contributions in respect of any year (hereafter in this subsection referred to as 'the relevant contributions year') shall be treated as increased by 12 per cent, compound for each of those five tax years, other than any of those years which—
- (i) constitutes or begins before the relevant contributions year, or
 - (ii) begins after the final relevant year in relation to the earner."
- (5) In section 38(1) of the Pensions Act (which among other things provides that where a person leaves employment which is contracted-out by reference to a scheme, the scheme may provide for his rights to benefits under the scheme to be transferred to another scheme but, except in prescribed cases, only with his consent and to another contracted-out scheme) for the words "to another contracted-out scheme" there shall be substituted the words "if the other scheme is a contracted-out scheme in relation to an employment of his at the time of the transfer".
- (6) In section 41 of the Pensions Act, after subsection (1) (which provides that for an occupational pension scheme, other than a public service scheme, to be contracted-out the Occupational Pensions Board must be satisfied that the scheme's resources are sufficient for meeting claims in respect of guaranteed minimum pensions as mentioned in paragraph (a), for paying state scheme premiums as mentioned in paragraph (b) and for meeting on winding up the liabilities and expenses mentioned in paragraph (c) of that subsection) there shall be inserted the following subsection—
- “(1A) Regulations may—
- (a) provide for subsection (1) above to have effect, in cases specified in the regulations, with the omission of paragraphs (b) and (c) of that subsection or either of those paragraphs or with the substitution for those paragraphs or either of them of provisions so specified ; and
 - (b) make such amendments to section 22(9)(a) of the Social Security (Miscellaneous Provisions) Act 1977 (which refers to paragraphs (b) and (c) of subsection (1) above) as the Secretary of State considers appropriate in consequence of regulations made by virtue of paragraph (a) of this subsection.”
- (7) It is hereby declared—
- (a) that an approval of arrangements relating to a scheme may be withdrawn in pursuance of section 44(4) of the Pensions Act at any time notwithstanding that the scheme has been wound up ; and
 - (b) that on the withdrawal of such an approval after the winding up of the scheme a premium becomes payable in pursuance of section 44(2) of that Act;
- and in subsection (10) of section 22 of the Social Security (Miscellaneous Provisions) Act 1977 (which provides for the cancellation of a certificate issued under subsection (9) of that section if the Secretary of State considers that it was issued in consequence of a mistake and provides for the payment of a premium in pursuance of the said section 44(2) on the cancellation of such a certificate) after the word "considers" there shall be inserted the word "(a)" and after the word "mistake" there shall be inserted the words “; or
- (b) that the person upon whom an obligation to pay benefits in respect of an employment is imposed by the policy of insurance or annuity contract to which such a certificate relates is likely to fail to discharge the obligation.”.

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- (8) For subsection (6) of section 44 of the Pensions Act (which provides that the costs which an accrued rights premium or a pensioner's rights premium is to defray shall, unless the person liable for the premium elects otherwise, be calculated on the basis there mentioned) there shall be substituted the following subsection—

“(6) In determining the amount of any state scheme premium payable under this section where one or more of the five tax years ending with the tax year in which the scheme ceases to be contracted-out is a relevant year in relation to the earner, the costs referred to in subsection (5) (a) and (b) above shall, unless the person liable for the premium elects in the prescribed manner that this subsection shall not apply, be calculated as follows—

- (a) any order made under section 21 above in any of those five tax years increasing a relevant earnings factor shall be disregarded (but without prejudice to any increase made by the last order made under that section before the beginning of those five tax years); and
- (b) any relevant earnings factor derived from contributions in respect of any year (hereafter in this subsection referred to as " the relevant contributions year ") shall be treated as increased by 12 per cent, compound for each of those five tax years, other than any of those years which—

- (i) constitutes or begins before the relevant contributions year, or

- (ii) begins after the final relevant year in relation to the earner ;

and in this subsection " relevant year " and " final relevant year " have the same meanings as in section 35 above and references to the earner shall be construed as references to the earner in respect of whom or, as the case may be, in respect of whose widow the premium in question has become payable.”

- (9) In subsection (3) of section 45 of the Pensions Act (which provides that the costs the difference between which, a limited revaluation premium is to defray shall, unless the person liable for the premium elects otherwise, be calculated on the basis there mentioned) for the words from " be calculated " onwards there shall be substituted the words " unless the person liable for the premium elects in the prescribed manner that this subsection shall not apply, be calculated as follows—

- (a) any order made under section 21 above increasing an earnings factor and made in any of the five tax years ending with the tax year in which the scheme ceases to be contracted-out shall be disregarded (but without prejudice to any increase made by the last order made under that section before the beginning of those five tax years); and
- (b) any relevant earnings factor derived from contributions in respect of any year (hereafter in this subsection referred to as ' the relevant contributions year') shall be treated as increased by 12 per cent, compound for each of those five tax years, other than any of those years which constitutes or begins before the relevant contributions year."

- (10) Without prejudice to their powers apart from this subsection, the Occupational Pensions Board may withhold or cancel by virtue of this subsection a contracting-out certificate in respect of a scheme if they consider that the rules of the scheme are such that persons over particular ages may be prevented from participating in the scheme; and without prejudice to the effect apart from this subsection of subsections (1) and (2) of section 50 of the Pensions Act (which among other things provide that certain alterations of the rules of certain schemes are not to be made without the consent of the Board), those subsections shall apply to an alteration of the rules of a

scheme mentioned in subsection (1) of that section which would make the rules such as aforesaid as those subsections apply to an alteration mentioned in that subsection.

- (11) In Schedule 1 to the Pensions Act (into which a paragraph 4A providing for further increases of a retirement pension was inserted by the Social Security Act 1979), after the words " increase under paragraph 4 " in paragraph 2(4) there shall be inserted the words " or 4A ".
- (12) In paragraph 6 of Schedule 2 to the Pensions Act—
- (a) after paragraph (b) of sub-paragraph (3) (under which regulations may provide for treating a premium as actually paid in certain circumstances) there shall be inserted the following paragraph—
 - “(bb) for treating part of a premium payable in prescribed circumstances in respect of a person as actually paid and for modifying Part III of this Act in relation to a case in which such a part is so treated;”
 - (b) at the end of sub-paragraph (3) there shall be inserted the words " and the Secretary of State may accept payments in connection with a case in which a premium or part of it is treated as actually paid and shall pay into the National Insurance Fund any sums received by him by way of such payments. "; and
 - (c) after sub-paragraph (3) there shall be inserted the following sub-paragraph—
 - “(4) Without prejudice to sub-paragraph (3) above, regulations may provide—
 - (a) that for the purpose of extinguishing accrued rights to guaranteed minimum pensions and rights to receive such pensions a state scheme premium is to be treated as actually paid on a date determined under the regulations;
 - (b) for disregarding the effect of regulations made by virtue of paragraph (a) of this subparagraph in a case where the premium in question is not paid on or before the date when it becomes payable or such later date as may be determined under the regulations; and
 - (c) for obtaining repayment of benefits paid by virtue of regulations so made in a case where the effect of the regulations is to be disregarded, and, where the repayment is obtained from assets of the relevant scheme, for reducing the sums payable under the scheme to the beneficiary by the amount of the repayment.”

4 Miscellaneous amendments

- (1) In the definitions of " public service pension scheme " in section 51(3) of the Social Security Act 1973 and section 66(1) of the Pensions Act (which provide among other things that the definition includes any scheme prescribed by such regulations as are there mentioned) after the word " includes " there shall be inserted the words " any occupational pension scheme established, with the concurrence of the Minister for the Civil Service, by or with the approval of another Minister of the Crown and ".
- (2) Subsection (3) of section 97 of the Social Security Act 1973 (which provides for orders made by the Secretary of State under that Act to be subject to annulment in pursuance of a resolution of either House of Parliament) shall have effect in relation to orders under section 65 of that Act (under which a public service pension scheme may be

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modified or wound up by an order made by an authority designated by the Minister for the Civil Service) as if the reference in that subsection to the Secretary of State were a reference to an appropriate authority within the meaning of the said section 65.

- (3) In section 6(2) of the Industrial Injuries and Diseases (Old Cases) Act 1975 (which provides that a scheme under section 5 of that Act shall not provide for benefit for or in respect of a person disabled or dying from byssinosis unless he was employed for five years in an occupation prescribed in relation to that disease and shall not provide for benefit for a person so disabled unless the disablement is likely to be permanent) the words from " shall " where it first occurs to " disease, and " shall be omitted and for the words " so disabled " there shall be substituted the words " disabled as a result of the disease of byssinosis ".
- (4) Regulations under subsection (1) of section 81 of the principal Act or subsection (5) of section 6 of the Child Benefit Act 1975 (which among other things enable regulations to be made about the manner of paying benefit) may provide that, in relation to payments of benefit under the principal Act, or as the case may be of child benefit, which in pursuance of regulations under the said subsection (1) or (5) have been credited to a bank account or other account under arrangements made with the agreement of the beneficiary, section 119 of the principal Act (which among other things provides for the repayment of overpayments of benefit under that Act and is applied to child benefit by section 8(1) of the other Act) shall have effect with such modifications as are prescribed by the regulations; but any modifications so prescribed shall not apply in relation to any payment of benefit unless notice of the effect of the modifications was given to the beneficiary in accordance with the regulations before he agreed to the arrangements.
- In this subsection " modifications" includes additions, omissions and amendments.
- (5) In section 2(3) of the Child Benefit Act 1975 (which among other things enables regulations to provide that a person who ceases in any week to be a child for the purposes of Part I of that Act shall be treated as continuing to be such a child for a prescribed period ending not more than 13 weeks after the end of that week) the words from " ending " to " that week " shall be omitted.
- (6) It is hereby declared that in paragraph (a) of section 18(1) of the Social Security (Miscellaneous Provisions) Act 1977 (which among other things enables regulations to provide that certain sums shall be deemed for the purposes of the principal Act to be such earnings as are mentioned in that paragraph) the reference to the purposes of the principal Act includes the purposes of the Pensions Act.

5 Maternity grant

- (1) Where—
- (a) the date of a woman's confinement is the same as or later than the appointed date ; or
 - (b) a woman claims a maternity grant by virtue of regulations under section 21(5) of the principal Act in a case where the week which is treated in pursuance of the regulations as that in which she is expected to be confined includes or begins after the appointed date,

the following provisions of the principal Act shall have effect in relation to the confinement or claim with the following amendments, namely—

- (i) in section 12, in subsection (1)(d) (under which maternity benefit comprising maternity grant and maternity allowance is a contributory benefit under

- Chapter I of Part II of that Act) for the words from the beginning to "allowance " there shall be substituted the words " maternity allowance " and in subsection (2) (which specifies the benefits which are short-term benefits for the purposes of that Part) the words " maternity grant" shall be omitted;
- (ii) in section 13(1) (which relates to contribution conditions) the words " Maternity grant. . . Class 1, 2 or 3 " shall be omitted;
- (iii) in section 21 (under subsections (1) and (2) of which certain contribution conditions are to be satisfied in order to confer entitlement to a maternity grant) for the words from " and either " onwards in subsection (1) there shall be substituted the words " and satisfies prescribed conditions as to residence and presence in Great Britain " and subsection (2) and in subsection (5) the words from " and may modify the contribution conditions " onwards shall be omitted ;
- (iv) at the end of section 135(2) (which specifies the benefits which are to be paid out of money provided by Parliament instead of from the National Insurance Fund) there shall be inserted the words " (g) a maternity grant ";
- (v) in Schedule 3, paragraphs 2 and 11 (which relate to contribution conditions for a maternity grant) and in paragraph 8(3) the words " a maternity grant" shall be omitted;
- (vi) in the definition of " short-term benefit" in Schedule 20 the words " maternity grant" shall be omitted.
- (2) In the preceding subsection " the appointed date " means such date as the Secretary of State may appoint for the purposes of that subsection by order made by statutory instrument; and subsection (1) of section 23 of the principal Act (which among other things defines the expression " confinement" for the purposes of the Chapter which contains that section) shall have effect as if paragraphs (a) and (b) of the preceding subsection were provisions of that Chapter.
- (3) References in any enactment to maternity benefit under the principal Act shall continue to be references to maternity grant and maternity allowance under that Act.
- (4) Nothing in subsection (1) of this section affects the operation of paragraphs 9, 10, 12 and 13 of Schedule 3 to the principal Act (which relate to entitlement to certain benefits by reference to other benefits which include a maternity grant) so far as they relate to a maternity grant to which that subsection does not apply.

Amendments of enactments relating to supplementary benefit and family income supplement

6 Amendments of Supplementary Benefits Act 1976

- (1) The Supplementary Benefits Act 1976 shall have effect with the amendments specified in Part I of Schedule 2 to this Act, and except where the context otherwise requires references in that Part to sections and Schedules are to sections of and Schedules to that Act
- (2) The Supplementary Benefits Commission is hereby abolished.
- (3) In accordance with subsection (1) of this section but subject to section 14 of this Act, Parts I to III of the Supplementary Benefits Act 1976, except sections 31, 32, 35 and 36 (which relate to reciprocity and to transitional, consequential and supplemental matters), and Schedules 1 and 5 to that Act are to have effect, after the coming into force of subsection (1) of this section and Part I of Schedule 2 to this Act, as set out in

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Part II of that Schedule (which reproduces those provisions as amended by Part I of the said Schedule 2 and with consequential adjustments in headings and sidenotes).

- (4) Until the coming into force of subsection (1) of this section and Part I of Schedule 2 to this Act, section 34 of the said Act of 1976 (which provides for the interpretation of that Act) shall have effect as if after subsection (2) of that section there were inserted the following subsection—

“(3) In determining for the purposes of this Act whether a person (in this subsection referred to as " the provider ") has to provide for, or for the requirements of, another person to or in respect of whom any payments are made otherwise than by the provider, the other person shall not by reason only of the payments or the amount of them be treated as a person who is, or whose requirements are, provided for otherwise than by the provider.”

7 Amendments of Family Income Supplements Act 1970

- (1) In section 1 of the Family Income Supplements Act 1970 (of which subsection (1) specifies the persons who constitute a family for the purposes of that Act)—

- (a) for paragraphs (a) and (b) of subsection (1) there shall be substituted the following—

“(a) a man or woman engaged and normally engaged in remunerative full-time work; and

(b) if the person mentioned in the preceding paragraph is one of a married or unmarried couple, the other member of the couple ; and”

- (b) at the end of that subsection there shall be inserted the words " except that persons who include a married or unmarried couple shall not be a family for the purposes of this Act if one of the couple is engaged and normally engaged as aforesaid and the other member of the couple is receiving such payments as may be specified by regulations "; and

- (c) after that subsection there shall be inserted the following subsection—

“(1A) It shall be the duty of the Secretary of State to appoint persons to perform the functions conferred by this Act on supplement officers.”

- (2) For any reference to the Supplementary Benefits Commission in that Act, except section 7(1), there shall be substituted a reference to a supplement officer.

- (3) At the end of section 6(1) of that Act (which provides for the determination of certain questions relating to family income supplement) there shall be inserted the words " , and regulations may provide for different aspects of the same question to be dealt with by different supplement officers ".

- (4) In section 7(1) of that Act (which provides for an appeal from a determination of the Supplementary Benefits Commission) for the words from " the Supplementary " to " the Commission" there shall be substituted the words " a supplement officer including a refusal ".

- (5) In section 10 of that Act (which specifies the matters for which provision may be made by regulations)—

- (a) after paragraph (b) of subsection (2) there shall be inserted the following paragraph—

- “(bb) for determining the circumstances in which persons are to be treated as being or not being members of the same household.”
- (b) for subsection (3) there shall be substituted the following subsections—
- “(3) Regulations may also provide—
- (a) for specified questions to be referred to the Appeal Tribunal or other bodies or persons exercising functions under the Social Security Act 1975, the Child Benefit Act 1975, or the Supplementary Benefits Act 1976, and for the application of provisions of this Act or any of those Acts, with or without modifications, to the questions and to decisions given in consequence of references in pursuance of the regulations;
- (b) for such decisions, and any other specified decisions given in pursuance of any of those Acts, to be effective or conclusive for specified purposes of this Act; and
- (c) for dealing, by postponement or otherwise, with cases in which questions are referred by virtue of paragraph (a) of this subsection ;
- and section 6(1) of this Act shall have effect subject to any regulations made in pursuance of this subsection.
- (3A) Subsections (2) and (3) of section 166 of the Social Security Act 1975 (which among other things make provision about the extent of powers to make regulations) shall apply to powers to make regulations conferred by this Act as they apply to powers to make regulations conferred by that Act but as if for references to that Act there were substituted references to this Act.”
- (6) In section 17(1) of that Act (which defines expressions used in that Act) the following definitions shall be inserted at the appropriate places in alphabetical order—
- “"married couple" means a man and a woman who are married to each other and are members of the same household;
- "supplement officer " means a person appointed in pursuance of section 1(1 A) of this Act;
- "unmarried couple " means a man and a woman who are not married to each other but are living together as husband and wife ;”
- and the definition of "single woman " shall be omitted.

8 Provisions supplementary to ss. 6 and 7

- (1) The Secretary of State may by regulations make such provision as he considers appropriate for dealing with transitional matters connected with or arising out of the coming into force of any provision of section 6 or 7 of this Act or Schedule 2 or 5 to this Act including in particular, but without prejudice to the generality of the preceding provisions of this subsection.—
- (a) provision for modifying any enactment passed before this Act;
- (b) provision for treating anything done under an enactment which is altered or replaced by a provision of the sections or Schedules aforesaid as done under the enactment as so altered or replaced; and
- (c) provision for the payment of supplementary benefit, of an amount specified in or determined in pursuance of the regulations, to a person who, apart from the

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provision, would by virtue of this Act cease to be entitled to supplementary benefit or become entitled to supplementary benefit of an amount smaller than that to which he would have been entitled apart from this Act;

and regulations made by virtue of this subsection may be made so as to have effect from a date before that on which they are made but not before the date of the passing of this Act.

- (2) An order under section 21(5) of this Act which brings into force a provision of this Act which is mentioned in the preceding subsection—
- (a) may contain such transitional provisions, including savings, as the Secretary of State considers appropriate in connection with or arising out of the coming into force of that provision; and
 - (b) may, without prejudice to the generality of the preceding paragraph, provide that the provision shall come into force in relation to such cases only as are specified in the order and accordingly that in relation to other cases the law shall remain unaffected by that provision;
- and the Secretary of State may by order made by statutory instrument vary or revoke any provision which by virtue of this subsection is included in another order.
- (3) Nothing in either of the preceding subsections shall be construed as derogating from the other of them.
- (4) The power to make regulations conferred by subsection (1) of this section shall be exercisable by statutory instrument and a statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Advisory Committees

9 The Social Security Advisory Committee

- (1) There shall be a committee, to be known as the Social Security Advisory Committee (and hereafter in this section and in the following section referred to as "the Committee").—
- (a) to give (whether in pursuance of a reference under this Act or otherwise) advice and assistance to the Secretary of State in connection with the discharge of his functions under the relevant enactments;
 - (b) to give (whether in pursuance of a reference under this Act or otherwise) advice and assistance to the Department of Health and Social Services for Northern Ireland (hereafter in this section and in the following section referred to as "the Northern Ireland Department") in connection with the discharge of its functions under the relevant Northern Ireland enactments ; and
 - (c) to perform such other duties as may be assigned to the Committee by or under this Act, any of the relevant enactments or relevant Northern Ireland enactments or any other enactment;
- and the National Insurance Advisory Committee is hereby abolished.
- (2) Part I of Schedule 3 to this Act shall have effect with respect to the constitution of the Committee and the other matters there mentioned.
- (3) The Secretary of State may from time to time refer to the Committee for consideration and advice such questions relating to the operation of any of the relevant enactments

as he thinks fit (including questions as to the advisability of amending any of them); and the Northern Ireland Department may from time to time refer to the Committee for consideration and advice such questions relating to the operation of any of the relevant Northern Ireland enactments as the Department thinks fit (including questions as to the advisability of amending any of them).

- (4) The Secretary of State and the Northern Ireland Department shall furnish the Committee with such information as the Committee may reasonably require for the proper discharge of its functions.
- (5) The Secretary of State may by regulations make transitional provision in connection with the abolition of the National Insurance Advisory Committee and the establishment of the Social Security Advisory Committee; and, without prejudice to the generality of the preceding provisions of this subsection, such regulations may contain provision—
 - (a) for treating anything done by or in relation to the National Insurance Advisory Committee as having been done by or in relation to the other Committee; and
 - (b) for repealing section 11(1) of this Act.

The power to make regulations conferred by this subsection shall be exercisable by statutory instrument and a statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (6) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (which list the bodies of which all the members are disqualified under those Acts) there shall be inserted at the appropriate place in alphabetical order the words " The Social Security Advisory Committee ".
- (7) In this section and the following section—
 - " the relevant enactments " means the Family Income Supplements Act 1970, the Social Security Acts 1975 to 1979, Part I of Schedule 3 to the Social Security (Consequential Provisions) Act 1975, the Child Benefit Act 1975 and the Supplementary Benefits Act 1976; and
 - " the relevant Northern Ireland enactments" means the Family Income Supplements Act (Northern Ireland) 1971, the Social Security (Northern Ireland) Acts 1975 to 1979, Part I of Schedule 3 to the Social Security (Consequential Provisions) Act 1975, the Child Benefit (Northern Ireland) Order 1975 and the Supplementary Benefits (Northern Ireland) Order 1977;

but in the preceding provisions of this subsection references to the Social Security Acts 1975 to 1979 and to the Social Security (Northern Ireland) Acts 1975 to 1979 shall be construed as excluding those Acts as they apply to industrial injuries benefit within the meaning respectively of the principal Act and of the Social Security (Northern Ireland) Act 1975 and as excluding respectively Parts III and IV of the Pensions Act and Parts IV and V of the Social Security Pensions (Northern Ireland) Order 1975.

10 Consultation with Committee on proposals for regulations

- (1) Subject to the following subsection, where—
 - (a) the Secretary of State proposes to make regulations under any of the relevant enactments or under section 123(2) or (3) of the Social Security (Northern Ireland) Act 1975 (which contains provision for modifying that Act in its application to members of Her Majesty's forces); or

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- (b) the Northern Ireland Department proposes to make regulations under any of the relevant Northern Ireland enactments,
the Secretary of State or, as the case may be, the Department shall refer the proposals, in the form of draft regulations or otherwise, to the Committee.
- (2) The preceding subsection shall not apply to the regulations specified in Part II of Schedule 3 to this Act; and nothing in that subsection shall require any proposals to be referred to the Committee if—
- (a) it appears to the Secretary of State or, as the case may be, the Northern Ireland Department that by reason of the urgency of the matter it is inexpedient so to refer the proposals ; or
- (b) the Committee has agreed that the proposals should not be referred to it.
- (3) The Committee shall consider any proposals referred to it by the Secretary of State or the Northern Ireland Department under this section and shall make to the Secretary of State or, as the case may be, the Department a report containing such recommendations with regard to the subject-matter of the proposals as the Committee thinks appropriate.
- (4) If after receiving a report of the Committee the Secretary of State lays before Parliament any regulations or draft regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations or draft regulations a copy of the Committee's report and a statement showing—
- (a) the extent (if any) to which he has, in framing the regulations, given effect to the Committee's recommendations ; and
- (b) in so far as effect has not been given to them, his reasons why not.
- (5) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of the preceding subsection shall be satisfied as respects either House of Parliament if a copy of the report and statement there referred to are laid before that House not later than the second day on which the House sits after the laying of the regulations.
- (6) If after receiving a report of the Committee the Northern Ireland Department lays before the Northern Ireland Assembly any regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, the Department shall lay with the regulations a copy of the Committee's report and a statement showing—
- (a) the extent (if any) to which the Department has, in framing the regulations, given effect to the Committee's recommendations; and
- (b) in so far as effect has not been given to them, the Department's reasons why not.
- (7) Where by virtue only of paragraph (a) of subsection (2) of this section regulations are made without proposals in respect of the regulations having been referred to the Committee, then, unless the Committee agrees that this subsection shall not apply, the Secretary of State or, as the case may be, the Northern Ireland Department shall, as soon as practicable after making the regulations, refer them to the Committee, which shall consider them and make a report to the Secretary of State or, as the case may be, to the Northern Ireland Department containing such recommendations with regard to the regulations as the Committee thinks appropriate ; and—
- (a) a copy of any report made to the Secretary of State in pursuance of this subsection shall be laid by him before each House of Parliament together, if

the report contains recommendations, with a statement of the extent (if any) to which the Secretary of State proposes to give effect to the recommendations ;

- (b) a copy of any report made to the Northern Ireland Department in pursuance of this subsection shall be laid by the Department before the Northern Ireland Assembly together, if the report contains recommendations, with a statement of the extent (if any) to which the Department proposes to give effect to the recommendations.
- (8) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 (which specifies the procedure for laying statutory instruments or statutory documents before the Northern Ireland Assembly) shall apply in relation to any document which by virtue of subsection (6) or (7) of this section is required to be laid before that Assembly as if it were a statutory document within the meaning of that Act.
- (9) In relation to regulations required or authorised to be made by the Secretary of State in conjunction with the Treasury or by the Northern Ireland Department in conjunction with the Department of Finance for Northern Ireland, any reference in this section to the Secretary of State or the Northern Ireland Department shall be construed as a reference to the authorities making or proposing to make the regulations.

11 Exclusion of requirements to consult Advisory Committees

- (1) Section 139(1) of the principal Act (which requires the Secretary of State to seek the advice of the National Insurance Advisory Committee on certain proposals to make regulations under that Act) shall, while it remains in force, not apply to—
- (a) regulations contained in a statutory instrument which states that it contains only provisions in consequence of an order under section 126A of that Act (which provides for the up-rating of certain increments); and
 - (b) regulations made during the period of six months beginning with the date of the passing of this Act if the regulations are contained in a statutory instrument which states that it contains only regulations to make provision consequential on the passing of this Act.
- (2) Section 141(2) of the principal Act (which requires the Secretary of State to seek the advice of the Industrial Injuries Advisory Council on certain proposals to make regulations under that Act) shall not apply to—
- (a) regulations contained in a statutory instrument which states that the only provision with respect to industrial injuries benefit or its administration that is made by the regulations is the same or substantially the same as provision made by the instrument with respect to other benefit under Part II of that Act or the administration of such benefit; and
 - (b) regulations made during the period of six months beginning with the date of the passing of this Act and contained in a statutory instrument which states that it contains only regulations to make provision consequential on the passing of this Act.

Commissioners

12 Change of title of National Insurance Commissioners

National Insurance Commissioners shall, instead of being so called, be called Social Security Commissioners; and accordingly—

- (a) any enactment or instrument passed or made before the coming into force of this section shall have effect, so far as may be necessary in consequence of the change of title made by this section, as if for any reference to a Chief or other National Insurance Commissioner there were substituted respectively a reference to a Chief or other Social Security Commissioner ; and
- (b) documents and forms printed or duplicated for use in connection with functions of National Insurance Commissioners may be used notwithstanding that they contain references to such Commissioners and those references shall be construed as references to Social Security Commissioners.

13 Tenure of office of Commissioner

- (1) Subject to subsections (2), (3) and (5) of this section, a Social Security Commissioner appointed after the coming into force of this section shall vacate his office at the end of the completed year of service in which he attains the age of seventy-two.
- (2) Where the Lord Chancellor considers it desirable in the public interest to retain a Commissioner in office after the time at which he would be required by the preceding subsection to vacate it, the Lord Chancellor may from time to time authorise the continuance of the Commissioner in office until any date not later than that on which the Commissioner attains the age of seventy-five.
- (3) A Social Security Commissioner appointed after the coming into force of this section may be removed from office by the Lord Chancellor on the ground of misbehaviour or incapacity.
- (4) Subject to the following subsection, a person who holds office as a Social Security Commissioner shall not practise as a barrister or advocate or act for any remuneration to himself as arbitrator, arbiter or referee or be directly or indirectly concerned in any matter as a conveyancer, notary public or solicitor.
- (5) If the Lord Chancellor considers that, in order to facilitate the disposal of the business of Social Security Commissioners, he should make an appointment in pursuance of this subsection, he may appoint a barrister, advocate or solicitor of not less than ten years standing to be a Social Security Commissioner (but to be known as a deputy Commissioner) for such period or on such occasions as the Lord Chancellor thinks fit; but—
 - (a) nothing in subsection (1), (2) or (4) of this section or paragraph 5 or 6 of Schedule 10 to the principal Act (which relate to pensions for Commissioners) shall apply to a person by virtue of his appointment in pursuance of this subsection; and
 - (b) any reference to a Social Security Commissioner in Part I of Schedule 1 to the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975 as amended by section 12 of this Act shall be construed as excluding a person appointed in pursuance of this subsection.
- (6) When the Lord Chancellor proposes to exercise a power conferred on him by subsection (2), (3) or (5) of this section otherwise than in relation to Northern Ireland, it shall be his duty to consult the Lord Advocate with respect to the proposal.
- (7) In relation to a Social Security Commissioner appointed for Northern Ireland after the coming into force of this section—

- (a) paragraph 5(1) of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (which provides for retirement) shall not apply;
- (b) in paragraph 6(1)(a) of that Schedule (which relates to pensions on retirement in pursuance of paragraph 5 of that Schedule) for the reference to paragraph 5 there shall be substituted a reference to this section; and
- (c) for the reference in subsection (5) of this section to the paragraph 5 or 6 there mentioned there shall be substituted a reference to paragraph 6 or 7 of that Schedule.

14 Appeal from Commissioners etc on point of law

- (1) Subject to subsections (2) and (3) of this section, an appeal on a question of law shall lie to the appropriate court from any decision of a Commissioner.
- (2) No appeal under this section shall lie from a decision except—
 - (a) with the leave of the Commissioner who gave the decision or, in a case prescribed by regulations, with the leave of a Commissioner selected in accordance with regulations; or
 - (b) if he refuses leave, with the leave of the appropriate court.
- (3) An application for leave under this section in respect of a Commissioner's decision may only be made by—
 - (a) a person who, before the proceedings before the Commissioner were begun, was entitled to appeal to the Commissioner from the decision to which the Commissioner's decision relates;
 - (b) any other person who was a party to the proceedings in which the first decision mentioned in the preceding paragraph was given;
 - (c) the Secretary of State or the Department of Health and Social Services for Northern Ireland in a case where he or the Department is not entitled to apply for leave by virtue of either of the preceding paragraphs; and
 - (d) any other person who is authorised by regulations to apply for leave;and regulations may make provision with respect to the manner in which and the time within which applications must be made to a Commissioner for leave under this section and with respect to the procedure for dealing with such applications.
- (4) On an application to a Commissioner for leave under this section it shall be the duty of the Commissioner to specify as the appropriate court—
 - (a) the Court of Appeal if it appears to him that the relevant place is in England or Wales ;
 - (b) the Court of Session if it appears to him that the relevant place is in Scotland ; and
 - (c) the Court of Appeal in Northern Ireland if it appears to him that the relevant place is in Northern Ireland,except that if it appears to him, having regard to the circumstances of the case and in particular to the convenience of the persons who may be parties to the proposed appeal, that he should specify a different court mentioned in paragraphs (a) to (c) of this subsection as the appropriate court it shall be his duty to specify the different court as the appropriate court.
- (5) In this section—

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" the appropriate court", except in subsection (4), means the court specified, in pursuance of that subsection;

" Commissioner ". except in subsections (7) and (8), has the meanings assigned to it by the principal Act and the Social Security (Northern Ireland) Act 1975 ; and

" the relevant place ". in relation to an application for leave to appeal from a decision of a Commissioner, means the premises where the authority whose decision was the subject of the Commissioner's decision usually exercises its functions.

- (6) Regulations may provide for the preceding provisions of this section to have effect, with such modifications as may be prescribed by the regulations, in relation to a decision of a medical appeal tribunal appointed under the Social Security (Northern Ireland) Act 1975.
- (7) In relation to a decision of a Commissioner within the meaning of the principal Act which was given in consequence of a reference under subsection (4) of section 112 of that Act (which enables a medical appeal tribunal to refer a question of law to a Commissioner), subsections (3) and (5) of this section shall have effect with such modifications as may be prescribed by regulations.
- (8) The powers to make regulations conferred by this section shall be exercisable—
- (a) so far as they relate to a Commissioner within the meaning of the principal Act, by the Secretary of State by statutory instrument; and
 - (b) so far as they relate to a Commissioner within the meaning of the Social Security (Northern Ireland) Act 1975, or a medical appeal tribunal appointed under that Act, by the Department of Health and Social Services for Northern Ireland by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ;

and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament and any statutory rule so made shall be subject to negative resolution as defined by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.

15 Leave required for appeal from local tribunal to Commissioner

- (1) No appeal shall lie to a Commissioner within the meaning of the principal Act from a decision which is given after the coming into force of this subsection by a local tribunal appointed under section 97 of that Act and is the unanimous decision of the members of the tribunal except—
- (a) with the leave of the person who was the chairman of the tribunal when the decision was given or, in a case prescribed by regulations, with the leave of a person appointed to act as chairman of such a local tribunal who is selected in accordance with regulations ; or
 - (b) if he refuses leave, with the leave of such a Commissioner,
- and regulations may make provision with respect to the manner in which and the time within which applications must be made for leave under this subsection and with respect to the procedure for dealing with such applications.
- (2) The powers to make regulations conferred by the preceding subsection shall be exercisable by the Secretary of State by statutory instrument; and any statutory

instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (3) Subsection (5) of section 101 of the principal Act (under which, among other things, an appeal to a Commissioner from a decision of a local tribunal must be brought within 3 months beginning with the date when notice of the decision is given to the claimant) shall have effect, in relation to an appeal for which leave is required by virtue of this section, as if for the reference to that date there were substituted a reference to the date when leave under subsection (1) of this section is given for the appeal.

Miscellaneous

16 Amendments of Pensions Appeal Tribunals Act 1943

- (1) Her Majesty may by Order in Council provide for an appeal under any provision of the Pensions Appeal Tribunals Act 1943 (hereafter in this section referred to as " the Act") in respect of a claim for benefit under any instrument mentioned in the Act to be brought or continued by another person after the death of the claimant; and—
- (a) such an Order may make such modifications of the Act as Her Majesty considers appropriate for the purposes of this subsection ; but
 - (b) nothing in this subsection shall be construed as prejudicing the generality of the power to make rules which is conferred by paragraph 5 of the Schedule to the Act.
- (2) An Order in Council under this section—
- (a) may contain such incidental and supplemental provisions as Her Majesty considers appropriate; and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament
- (3) In section 5(1) of the Act (which enables a Pensions Appeal Tribunal to uphold an interim assessment by the Minister of a degree of disablement or to assess the disablement at such degree higher or lower than that specified by the Minister as they think proper) for the words from " assess " to " proper " there shall be substituted the words " alter the assessment in one or both of the following ways, namely—
- (a) by increasing or reducing the degree of disablement it specifies; and
 - (b) by reducing the period for which the assessment is to be in force."
- (4) In section 6 of the Act (which relates to the jurisdiction and procedure of a Tribunal) after subsection (2A) there shall be inserted the following subsection—
- “(2B) Rules made under the Schedule to this Act may provide that where an appeal under this Act is struck out in pursuance of such rules no further appeal under this Act shall be brought in respect of the matters to which the struck-out appeal related except with leave given in pursuance of such rules.”
- (5) Section 8(3)(a) of the Act (which is spent) shall be omitted.
- (6) For paragraph (b) of paragraph 5(4) of the Schedule to the Act (which requires rules to provide for payments by the Tribunal of certain expenses of an appellant) there shall be substituted the following paragraph—
- “(b) sums, in respect of expenses, allowances and fees connected with appeals to the Tribunal, to such persons and in such circumstances

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as are specified in the rules and of such amounts as are determined by the Lord Chancellor with the consent of the Minister for the Civil Service; and”

and accordingly in section 14 of the Act (under which the Act has effect, in its application to Northern Ireland, with the substitution of a reference to the Lord Chief Justice for Northern Ireland for any reference to the Lord Chancellor except in paragraph 7A of the Schedule to the Act) for the words " paragraph 7A " there shall be substituted the words " paragraph 5(4)(6) ".

17 Proof of decisions of statutory authorities

- (1) A document bearing a certificate which—
- (a) is signed by a person authorised in that behalf by the Secretary of State; and
 - (b) states that the document, apart from the certificate, is a record of a decision of a relevant authority,
- shall be conclusive evidence of the decision; and a certificate purporting to be signed as aforesaid shall be deemed to be so signed unless the contrary is proved.
- (2) In the preceding subsection " a relevant authority " means each of the following, namely a Commissioner within the meaning of the principal Act, a local tribunal appointed in pursuance of section 97 of that Act, an insurance officer so appointed, a tribunal constituted in accordance with Schedule 4 to the Supplementary Benefits Act 1976, a benefit officer within the meaning of that Act and a supplement officer within the meaning of the Family Income Supplements Act 1970.

18 Computation of age in Scotland

- (1) For the purposes of this Act and the following enactments, namely—
- the Family Income Supplements Act 1970;
 - the Social Security Act 1973 ;
 - the Social Security Acts 1975 to 1979 ;
 - the Industrial Injuries and Diseases (Old Cases) Act 1975;
 - the Child Benefit Act 1975 ; and
 - the Supplementary Benefits Act 1976,
- the time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.
- (2) This section applies only to Scotland.

General

19 Expenses

- (1) Any expenses under this Act of a Minister of the Crown shall be paid out of money provided by Parliament.
- (2) Any increase attributable to this Act in the sums which under any other Act are payable out of money provided by Parliament or into the Consolidated Fund shall be paid out of such money or, as the case may be, into that Fund.

- (3) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct, such sums as the Secretary of State may estimate (in accordance with directions given by the Treasury) to be the amount of any expenses incurred by a Minister of the Crown by virtue of this Act in connection with benefits payable out of the National Insurance Fund, excluding any such expenses which the Treasury direct shall be disregarded for the purposes of this subsection ; and nothing in the preceding subsection prejudices the operation of subsection (5) of section 135 of the principal Act (which contains provisions corresponding to this subsection in connection with certain expenses).

20 Consequential and minor amendments of enactments

- (1) The enactments specified in Schedule 4 to this Act shall have effect with the amendments specified in that Schedule.
- (2) An order under section 21(5) of this Act which brings into force a provision of the said Schedule 4 may contain such transitional provisions, including savings, as the Secretary of State considers appropriate in connection with or arising out of the coming into force of that provision; and the Secretary of State may by order made by statutory instrument vary or revoke any provision which by virtue of this subsection is included in another order.
- (3) Section 26 of the Supplementary Benefit Act 1966 (which contained provision corresponding to section 20 of the Supplementary Benefits Act 1976 for the recovery of payments in cases of misrepresentation or non-disclosure) shall have effect and be deemed always to have had effect as if the said Act of 1976 had not been passed; but subsections (2) to (4) of the said section 26 shall not apply to any question to which subsections (2) to (4) of the said section 20 apply by virtue of this Act.

21 Supplemental

- (1) This Act may be cited as the Social Security Act 1980 and this Act and the Social Security Acts 1975 to 1979 may be cited together as the Social Security Acts 1975 to 1980.
- (2) In this Act " the principal Act " means the Social Security Act 1975 and " the Pensions Act " means the Social Security Pensions Act 1975.
- (3) Subsections (2) and (3) of section 166 of the principal Act (which among other things make provision about the extent of powers to make regulations and orders) shall apply to powers to make regulations and orders conferred by sections 8 and 20(2) of this Act and by subsection (5) of this section as extended by the said sections 8 and 20(2) as they apply to powers to make regulations and orders conferred by that Act but as if for references to that Act there were substituted references to the said sections 8 and 20(2) and the said subsection (5) as so extended.
- (4) The enactments and instruments mentioned in the first and second columns of Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (5) The following provisions of this Act, namely, section 6 (except subsection (4)) and sections 7 to 10, 14 and 15, Part I and paragraphs 10 and 14 of Schedule 1, Schedules 2 to 4 and Part II of Schedule 5, shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may

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be appointed in pursuance of this subsection for different provisions of this Act; and accordingly the other provisions of this Act come into force on the passing of this Act.

- (6) The following provisions only of this Act shall extend to Northern Ireland, namely—
- sections 9 to 16, except sections 11, 13(6) and 15 ;
 - section 20(1) and (2) and Schedule 4 so far as they relate to the Polish Resettlement Act 1947 and the Maintenance Orders Act 1950;
 - this section; Schedule 3 ; and
 - Schedule 5 so far as it relates to the Pensions Appeal Tribunals Act 1943, the Polish Resettlement Act 1947, the Merchant Shipping Act 1970, section 142(5) of the principal Act, the House of Commons Disqualification Act 1975, the Northern Ireland Assembly Disqualification Act 1975, section 36(2) of the Supplementary Benefits Act 1976 and Part III of Schedule 2 to the Administration of Justice Act 1977.