

# Social Security and Housing Benefits Act 1982

#### **1982 CHAPTER 24**

An Act to make provision for the payment of statutory sick pay by employers; to make new provision with respect to the grant of, and the payment of subsidies in respect of, rate rebates, rent rebates and rent allowances; to amend the law relating to social security and war pensions; to amend section 44 of the National Assistance Act 1948; and for connected purposes. [28th June 1982]

## PART I

#### STATUTORY SICK PAY

# Modifications etc. (not altering text) C1 Power to modify Pt. I (ss. 1–27) conferred by Social Security Act 1986 (c. 50, SIF 113:1), s. 17(1) C2 Power to amend Pt. I (ss. 1–27) conferred by Social Security Act 1986 (c. 50, SIF 113:1), s. 54(1) C3 Pt. I modified by S.I. 1991/589, reg.2.



# **Textual Amendments**

F1 S. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

The qualifying conditions
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Text	ual Amendments
F2	S. 2 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)(7)</b> (with s. 118(1)(2)(4))).
<sup>73</sup> 3	•••••
Text	ual Amendments
F3	S. 3 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)(7)</b> (with s. 118(1)(2)(4))).
<sup>74</sup> 4	•••••
Text	ıal Amendments
F4	S. 4 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).
	Limitations on entitlement, etc.
<sup>75</sup> 5	
	ıal Amendments
Text	S. 5 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2),

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

# **Textual Amendments** S. 6 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))). Rate of payment, etc. F77 **Textual Amendments** S. 7 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))). F8 8 **Textual Amendments** S. 8 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11 **Textual Amendments** S. 9 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

Relationship with benefits and other payments, etc.

# 10.. Relationship with benefits and other payments, etc.

Schedule 2 to this Act has effect with respect to the relationship between statutory sick pay and certain benefits and payments and for the purpose of modifying other enactments.

Determination of questions

11—																																	F1	0
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16.																																		

	Ss. 11–16 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11
<sup>11</sup> 17	
Textua	ıl Amendments
F11	S. 17 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)(7)</b> (with s. 118(1)(2)(4))).
<sup>12</sup> 18	•••••
Textua	ıl Amendments
F12	S. 18 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)(7)</b> (with s. 118(1)(2)(4))).
19— 21.	F13
Textua F13	al Amendments Ss. 19–21 repealed by virtue of Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11
	Miscellaneous
F14 <b>22</b>	
Textua	al Amendments
F14	S. 22 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

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Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

Textual	Δ	men	dm	en	te

F15 S. 23 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

<sup>F16</sup>23A .....

#### **Textual Amendments**

F16 S. 23A inserted by Health and Social Security Act 1984 (c. 48), s. 21, Sch. 7 para. 8 and repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2) (4))).

24 .....<sup>F17</sup>

#### **Textual Amendments**

F17 S. 24 repealed by Social Security Act 1985 (c. 53, SIF 113:1), ss. 21, 29(2), Sch. 4 para. 5(a), Sch. 6

25 .....<sup>F18</sup>

#### **Textual Amendments**

**F18** S. 25 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11** 

F19**26** .....

#### **Textual Amendments**

F19 S. 26 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

F20**2**7 .....

#### **Textual Amendments**

F20 S. 27 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

	PART II
28— 36.	F21
	Pt. II (ss. 28–36) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11
	PART III
	MISCELLANEOUS
Modi C4 C5	fications etc. (not altering text)  Power to amend Pt. III (ss. 37–48) conferred by Social Security Act 1986 (c. 50, SIF 113:1), s. 54(1)  Power to modify Pt. III (ss. 37–48) conferred by Social Security Act 1986 (c. 50, SIF 113:1), s. 17(1)
F2237	
Textu F22	sal Amendments S. 37 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).
38	F23
Textu F23	ral Amendments Ss. 38, 41(1)(2), 42(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11
39	Industrial injuries.
	[1]
	3)
F24(	(4)

(5) Regulations may make such transitional or saving provision as the Secretary of State considers necessary or expedient in connection with the provisions of this section.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

#### **Textual Amendments**

F24 S. 39(1)-(4) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).

#### 40 Refusal and cancellation of contracting out certificates.

In the MISocial Security Pensions Act 1975 the following section is inserted after section 51—

# "51A Refusal and cancellation of contracting out certificates.

- (1) This subsection applies in any case where—
  - (a) a contracting-out certificate (the "first certificate") has been surrendered by an employer or cancelled by the Occupational Pensions Board; and
  - (b) at any time before the expiry of the period of twelve months beginning with the date of the surrender or cancellation, that or any connected meployer, with a view to the issue of a further contracting-out certificate, makes an election in respect of any employment which was specified by virtue of section 31(1)(a) of this Act in the first certificate.
- (2) This subsection applies in any case where—
  - (a) a contracting-out certificate (the "first certificate") has been surrendered by an employer or cancelled by the Board;
  - (b) a further contracting-out certificate has been issued, after the surrender or cancellation of the first certificate but before the expiry of the period of twelve months beginning with the date of the surrender or cancellation, in respect of any employment which was specified by virtue of section 31(1)(a) of this Act in the first certificate; and
  - (c) the Board have formed the opinion that had they been aware of all the circumstances of the case at the time when the further contracting-out certificate was issued they would have been prevented by subsection (4) below from issuing it.
- (3) Subsections (1) and (2) above apply whether or not the occupational pension scheme by reference to which the employment concerned was contracted-out employment by virtue of the first certificate is the same as the scheme by reference to which the employment—
  - (a) would be contracted-out employment if the further contracting-out certificate were issued; or
  - (b) is contracted-out employment by virtue of the further contracting-out certificate.
- (4) In a case to which subsection (1) above applies, the Board shall not give effect to the election referred to in that subsection by issuing a further contracting-out certificate unless they consider that, in all the circumstances of the case, it would be reasonable to do so.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (5) In a case to which subsection (2) above applies, the Board may, before the expiry of the period of twelve months beginning with the date on which the further contracting-out certificate was issued, cancel the further contracting-out certificate.
- (6) Where a contracting-out certificate is cancelled under subsection (5) above the provisions of this Act and of any regulations and orders made under it shall have effect as if the certificate had never been issued.
- (7) This section does not apply in any case where the surrender or cancellation of the first certificate occurred before 22nd July 1981.
- (8) Where the further contracting-out certificate referred to in paragraph (b) of subsection (2) above was issued before the commencement of this section, then—
  - (a) paragraph (c) of that subsection shall have effect as if this section had been in force at the time when the further contracting-out certificate was issued; and
  - (b) subsection (5) above shall have effect as if the reference to the date of issue of that certificate were a reference to the commencement of this section.
- (9) Regulations may make such supplemental provision in relation to cases falling within subsection (1) or (2) above as the Secretary of State considers necessary or expedient.
- (10) Without prejudice to subsection (9) above, regulations may make provision, in relation to any case in which the Board have cancelled a contracting-out certificate under subsection (5) above, preventing the recovery by the employer concerned (whether by deduction from the emoluments or otherwise) of such arreasr which he is required to pay to the Secretary of State in respect of an earner's liability under section 4(3) of the principal Act as may be prescribed.
- (11) For the purposes of subsections (1) and (2) above an employment (the "second employment") in respect of which—
  - (a) an election of the kind referred to in subsection (1)(b) above has been made; or
  - (b) a further contracting-out certificate of the kind referred to in subsection (2)(b) above has been issued;

and an employment (the "first employment") which was specified by virtue of section 31(1)(a) of this Act in the first certificate shall be treated as one employment if, in the opinion of the Board,—

- (i) they are substantially the same, however described; or
- (ii) the first employment falls wholly or partly within the description of the second employment of the second employment falls wholly or partly within the description of the first employment.
- (12) Regulations shall prescribe the case in which employers are to be treated as connected for the purposes of this section.
- (13) Where the Secretary of State proposes to make regulations under subsection (10) above, section 10(1) of the Social Security Act 1980 (duty of Secretary of State to refer proposed regulations to the Social Security Advisory Committee) shall apply in relation to those proposals."

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

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

C6 The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

M1 1975 c. 60.

# 41 Recovery of sums due to Secretary of State.

- (3) In section 20 of M2Supplementary Benefits Act 1976 (recovery in cases of misrepresentation or non-disclosure) the following subsections are inserted after subsection (5)—
  - "(6) Any sum which is, by virtue of this section or regulations under section 14(2) (dd) of this Act, recoverable by the Secretary of State in pursuance of a decision made by a benefit officer, the Appeal Tribunal or a Social Security Commissioner shall, if the person from whom that sum is recoverable resides in England and Wales and the county court so order, be recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.
  - (7) Any such decision may, if the person from whom the sum in question is recoverable resides in Scotland, be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any court any sheriffdom in Scotland."

#### **Textual Amendments**

F25 Ss. 38, 41(1)(2), 42(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

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

C7 The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

# **Marginal Citations**

**M2** 1976 c. 71.

#### 42 Up-rating regulations.

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(3) Neither section 139 nor section 141 of the principal Act (consultation with the Council and with the Committee) shall be taken to have applied in relation to any regulations contained in the M3Social Security Benefits Up-rating Regulations 1979 or the M4Social Security Benefits Up-rating Regulations 1980.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

#### **Textual Amendments**

F26 Ss. 38, 41(1)(2), 42(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

#### **Marginal Citations**

**M3** S.I. 1979/1278.

**M4** S.I. 1980/1505.

# 43 War pensions.

- (1) In section 6 of the M5Pensions Appeal Tribunals Act 1943 (setting aside of Tribunal's decision and rehearing of appeal), after the words "Minister's decision" in subsection (2A) there are inserted the words " (the "original decision") " and after subsection (2B) there are inserted the following subsections—
  - "(2C) Where a direction for a rehearing is given under subsection (2A) above, the Minister may, before the expiry of the period of two months beginning with the date of the direction, review the original decision.
  - (2D) If, on any such review, the Minister is of the opinion that there are grounds for revising the original decision he shall—
    - (a) notify the appellant of his opinion and of the revision which he proposes to make; and
    - (b) if the appaellant withdraws his appeal against the original decision, revise it accordingly.".
- (2) In any case where, before the commencement of this section, an award has been made in respect of a claim for a war pension, the validity of that award shall not be called into question on the ground that it was made—
  - (a) in consequence of the review of a decision made in respect of the claim (whether or not following an appeal against that decision); and
  - (b) at a time when there was no provision in force authorising that review.
- (3) The Secretary of State may by order make provision for determining the date from which any award made before the commencement of this section in respect of a claim for a war pension is to be taken to have had effect in a case where—
  - (a) at the time when the award was made there was no provision in force for determining that date; or
  - (b) the award was made following—
    - (i) an appeal to the High Court, Court of Session or Court of Appeal; or
    - (ii) the rehearing of any appeal;

and the date from which payment under the award was first made was later than the date from which payment was, by virtue of any provision in force at the time when the award was made, required to be first made.

(4) An order under subsection (3) above may provide that in any case where the date from which an award is, by virtue of the order, to be taken to have had effect is earlier than the date from which payment under the award was first made, any arrears due to a person in respect of the award shall be limited to those payable in respect of a specified period of not more than six years.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (5) In this section "war pension" means—
  - (a) such pensions and other benefits as are referred to in section 12 of the <sup>M6</sup>Social Security (Miscellaneous Provisions) Act 1977 (exercise by Order in Council of existing powers relating to benefits for death or disablement through service in the armed forces);
  - (b) any pension or benefit awarded under the M7Personal Injuries (Emergency Provisions) Act 1939, the M8Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 or the M9Polish Resettlement Act 1947; and
  - (c) such other pensions and benefits as may be specified in an order made by the Secretary of State for the purposes of this section.

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

C8 The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

# **Marginal Citations**

**M5** 193 c. 39.

**M6** 1977 c. 5.

M7 1939 c. 82.

M8 1939 c. 83.

**M9** 1947 c. 19.

F2744 .....

#### **Textual Amendments**

F27 S. 44 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

#### 45 Regulations.

- (1) Subsections (2), (3) and (5) of section 166 of the principal Act (which among other things make provision about the extent of powers to make orders and regulations) shall apply to any power to make orders or regulations conferred by this Act as they apply to any power to make orders or regulations conferred by that Act; . . . F28
- [F29(2) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory instrument; and any statutory instrument—
  - (a) which contains (whether alone or with other provisions) any such orders or regulations, other than an order under section 48(3) of this Act, and
  - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

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

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Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

#### **Textual Amendments**

- F28 Words repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11
- F29 S. 45(2) substituted by Social Security Act 1990 (c. 27, SIF 113:1), s. 21(1), Sch. 6 para. 8(7)
- **F30** S. 45(3) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

#### 46 Expenses.

- (1) There shall be paid out of money provided by Parliament—
  - (a) any administrative expenses of the Secretary of State incurred under this Act; and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

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(3).																F32

#### **Textual Amendments**

- F31 S. 46(2) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).
- F32 S. 46(3) repealed by Social Security Act 1990 (c. 27, SIF 113:1), s. 21(2), Sch. 7

# 47 Interpretation.

In this Act—

"benefit", except in . . . F33 section 43, has the same meaning as in the principal Act;

"principal Act" means the M10 Social Security Act 1975;

"regulations" means regulations made by the Secretary of State;

"tax year" means the period of twelve months beginning with 6th April in any year.

#### **Textual Amendments**

**F33** Words repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

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

C9 In the definition of "regulations" certain functions are transferred by S.I. 1984/1818, art. 2(c), Sch.

## **Marginal Citations**

M10 1975 c. 14.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

#### 48 Short title etc.

(1) This Act may be cited as the Social Security and Housing Benefits Act 1982, and Parts I and III of this Act and the Social Security Acts 1975 to 1981 may be cited together as the Social Security Acts 1975 to 1982.

- (3) The following provisions come into force on the passing of this Act—
  - (a) sections 7, 26, 40, 42 and 44 to 47;
  - (b) paragraphs 1 to 4, 7, 11, 14(1) and (3), 16, 21, 23 to 25, 30 to 34, 37 and 38 of Schedule 4; and
  - (c) subsections (1) to (4) and (7) of this section and subsection (5) of this section so far as it relates to the provisions mentioned in paragraph (b) above:

and the other provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different provisions, different purposes or different areas.

- (4) An order under subsection (3) above may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force.
- (5) The enactments mentioned in Part I of Schedule 4 to this Act shall have effect subject to the minor and consequential amendments specified in that Part; and the transitional provisions in Part II of that Schedule shall have effect.
- (6) The enactments mentioned in Schedule 5 to this Act (which include some that are spent) are hereby repeald to the extent specified in the third column of that Schedule.
- (7) This Act, except sections 42(2), 43 and 45 and this section and paragraphs 2 and 30, 32 and 33 of Schedule 4, does not extend to Northern Ireland.

#### **Textual Amendments**

F34 S. 48(2) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

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

- C10 Power of appointment conferred by s. 48(3) partly exercised: S.I. 1982/893 and 1982/906
- C11 The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

# SCHEDULES

# F35SCHEDULE 1

Section 3(3).

Textu	al Amendments
F35	Sch. 1 repealed (1.7.1992) Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).
<sup>F36</sup> 1	
Textu	al Amendments
F36	Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)(7)</b> (with s. 118(1)(2)(4))).
F372	
Textu	al Amendments
F37	Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).
F383	
Textu	al Amendments
F38	Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)(7)</b> (with s. 118(1)(2)(4))).
<sup>F39</sup> 4	
Textu	al Amendments
	Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2),

Textu: F40	al Amendments  Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2),  Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).
<sup>F41</sup> 6	
Textu	al Amendments
F41	Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)(7)</b> (with s. 118(1)(2)(4))).
F427	
TD 4	
F42	al Amendments  Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2),  Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).
F438	
Textu	al Amendments
F43	Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)(7)</b> (with s. 118(1)(2)(4))).
	SCHEDULE 2 Section 10
	RELATIONSHIP WITH BENEFITS AND OTHER PAYMENTS, ETC.
	The general principle
<sup>F44</sup> 1	
Toytu	al Amendments
F44	Sch. 2 para. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).
F451A	

Textu	al Amendments
F45	Sch. 2 para. 1A inserted by Social Security Act 1985 (c. 53), s. 18(6)(b) and repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).
	Contractual remuneration
T.44	Contractaat remaneration
F462	
Textu	al Amendments
F46	Sch. 2 para. 2 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).
	Sickness and unemployment benefit
	Sickness and unemployment benefit
F473	
Toutu	al Amondments
F47	al Amendments  Sch. 2 mars. 2 manufact (1.7.1002) by Social Socymity (Consequential Provisions) Act 1002 (2.6), as 2
F4/	Sch. 2 para. 3 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)
	(7) (with s. 118(1)(2)(4))).
F484	
Textu	al Amendments
F48	Sch. 2 para. 4 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)</b> (7) (with s. 118(1)(2)(4))).
5	F49
Textu	al Amendments
F49	Sch. 2 para. 5 repealed by Social Security Act 1985 (c. 53, SIF 113:1), s. 29(2), <b>Sch. 6</b>
6	F50
Toyt	al Amendments
F50	Sch. 2 para. 6 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11
7—11	. F51

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Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

#### **Textual Amendments**

F51 Sch. 2 paras. 7–11 repealed by Social Security Act 1985 (c. 53, SIF 113:1), ss. 21, 29(2), Sch. 4 para. 5(b), Sch. 6

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

12 F52

#### **Textual Amendments**

F52 Sch. 2 para. 12 repealed by Insolvency Act 1985 (c. 65, SIF 66), s. 235(3)(4), Sch. 10 Pt. IV

In paragraphs 2(2) and 3(3) of Schedule 3 to the Act of 1978 (sick pay etc. treated as discharging employer's liability towards employee in period of notice terminating contract of employment) in each case, after the words "sick pay" there are inserted the words "statutory sick pay".

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

C12 The text of Sch. 2 para. 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1 2 1991

# **SCHEDULE 3**

. . . F53

#### **Textual Amendments**

F53 Sch. 3 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

#### **SCHEDULE 4**

Section 48(5).

#### AMENDMENTS AND TRANSITIONAL PROVISIONS

#### PART I

#### MINOR AND CONSEQUENTIAL AMENDMENTS

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

C13 The text of Sch. 4 Pt. I (paras. 1–37) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

# f<sup>F54</sup> National Assistance Act 1948 (c. 29)

#### **Textual Amendments**

**F54** Sch. 4 para. 1 repealed (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(4), **Sch. 4** (with s. 33(2), Sch. 3 paras. 1, 6)

- In section 44 of the National Assistance Act 1948 (affiliation orders)—
  - (a) in subsection (4) for the words "the mother or a person appointed to have custody of the child" there are substituted the words "a person entitled thereunder"; and
  - (b) in subsection (6) for the words from "the mother or a person" to the end there are substituted the words "a person entitled as mentioned in subsection (4) above ".]
- 2 F5:

#### **Textual Amendments**

F55 Sch. 4 paras. 2, 4, 5 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

#### Industrial Training Act 1964 (c. 16)

- Section 10 of the Industrial Training Act 1964 (accidents in connection with training), as it applies otherwise than in relation to the Agricultural Training Board, shall have effect as if after the word "board" in subsection (1) and in each place where it occurs in subsection (3) there were inserted the words "the Commission or the Minister".
- 4, 5.

# **Textual Amendments**

F56 Sch. 4 paras. 2, 4, 5 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

**Changes to legislation:** There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

	Housing Fiannce Act 1972 (c. 47)
6	(1) In paragraph 1(1)(a) of Schedule 1 to the Housing Finance Act 19772 (the Housing Revenue Account) the words "or water rates or charges" are hereby repealed.
	(2)
Toytu	nal Amendments
F57	
	National Insurance Act 1974 (c. 14)
F587	
Textu	ial Amendments
F58	
	Social Security Act 1975 (c. 14)
F598	
F59	sch. 4 para. 8 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).
F609	
Textu	ial Amendments
F60	Sch. 4 para. 9 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).
<sup>F61</sup> 10	
Textu	ial Amendments
F61	Sch. 4 para. 10 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)

11 F

(7) (with s. 118(1)(2)(4))).

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

Textu	al Amendments
F62	Sch. 4 para. 11 repealed by Social Security Act 1989 (c. 24, SIF 113:1), s. 31(2), Sch. 9
E(2	
F6312	
	al Amendments
F63	Sch. 4 para. 12 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3,
	7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)</b>
	(7) (with s. 118(1)(2)(4))).
F6413	
13	
Textu	al Amendments
F64	Sch. 4 para. 13 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3,
10.	7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)
	(7) (with s. 118(1)(2)(4))).
	(*) (With 5: 110(1)(2)(1))).
14	F65
Textu	al Amendments
F65	Sch. 4 para. 14 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11
F6615	
Textu	al Amendments
F66	Sch. 4 para. 15 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3,
	7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)
	(7) (with s. 118(1)(2)(4))).
n	
<sup>F67</sup> 16	
	al Amendments
F67	Sch. 4 para. 16 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3,
	7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)</b>
	(7) (with s. 118(1)(2)(4))).
F6817	
1/	
Tovt	al Amendments
F68	Sch. 4 para. 17 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3,
_ 00	

7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)

(7) (with s. 118(1)(2)(4)).

**Changes to legislation:** There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

<sup>F69</sup> 18	
Textu F69	sal Amendments Sch. 4 para. 18 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).
19	F70
Textu F70	ral Amendments Sch. 4 paras. 19, 22–28, 35(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11
	Social Security Pensions Act 1975 (c. 60)
20	Social Security Pensions Act 1975 (c. 60)  In section 32 of the Social Security Pensions Act 1975 (contracted-out schemes) the following subsection is added at the end—
20	In section 32 of the Social Security Pensions Act 1975 (contracted-out schemes) the following subsection is added at the end—  "(7) An occupational pension scheme which—  (a) at any time before the coming into operation of the first regulations made under paragraph (a) of subsection (2) above did not satisfy that paragraph; but
20	In section 32 of the Social Security Pensions Act 1975 (contracted-out schemes) the following subsection is added at the end—  "(7) An occupational pension scheme which—  (a) at any time before the coming into operation of the first regulations made under paragraph (a) of subsection (2) above did not satisfy that paragraph; but  (b) would have satisfied if it those regulations had then been in operation; shall, for the purpose of determining whether the scheme satisfied that
20	In section 32 of the Social Security Pensions Act 1975 (contracted-out schemes) the following subsection is added at the end—  "(7) An occupational pension scheme which—  (a) at any time before the coming into operation of the first regulations made under paragraph (a) of subsection (2) above did not satisfy that paragraph; but  (b) would have satisfied if it those regulations had then been in operation; shall, for the purpose of determining whether the scheme satisfied that paragraph, be treated as if those regulations had been in operation at that

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

In section 132(4)(b) of the Employment Protection (Consolidation) Act 1978 (which provides that certain provisions of the Supplementary Benefits Act 1976 relating to the recovery of benefit shall not apply to supplementary beenfit recouped by virtue of that section) for the words "section 12(1), (2) or (3)" there are substituted the words "section 12(1) or (2)".

**Changes to legislation:** There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

	Social Security Act 1980 (c. 30)
F7230	
Textu	nal Amendments
F72	Sch. 4 para. 30 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), <b>Sch.1</b> (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), <b>s. 118(5)</b> (7) (with s. 118(1)(2)(4))).
<sup>F73</sup> 31	
Т4	nal Amendments
F73	Sch. 4 para. 31 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).
F7432	
Toytu	al Amendments
F74	Sch. 4 para. 32 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).
F7533	
Toytu	al Amendments
F75	
	Social Security (No. 2) Act 1980 (c. 39)
F7634	
Textu F76	sch. 4 para. 34 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)
	(7) (with s. 118(1)(2)(4))).
	Local Government, Planning and Land Act 1980 (c. 65)
35	(1) F77
	(3) In subsection (6) of that section (excluded items) paragraph (c) and the word "and"

immediately preceding that paragraph are hereby repealed.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

#### **Textual Amendments**

F77 Sch. 4 paras. 19, 22–28, 35(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

- For section 154 of the said Act of 1980 (grant of rent rebates by urban development corporations) there is substituted the following section—
  - "154(1) If the Secretary of State so provides by order, such provisions of Part II of the Social Security and Housing Benefits Act 1982 relating to rent rebates as may be specified in the order shall have effect in relation to an urban development corporation—
    - (a) as if the corporation were a housing authority; and
    - (b) with such other modifications (if any) as may be so specified.
    - (2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.".

Industrial Training Act 1982 (c. 10)

In section 18 of the Industrial Training Act 1982 (industrial injuries benefit for accidents in training) after the word "board" in subsection (1) and in each place where it occurs in subsection (3) there shall be inserted the words ", the Commission or the Secretary of State".

#### PART II

# TRANSITIONALS F78

#### **Textual Amendments**

F78 Sch. 4 para. 38 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

<sup>F79</sup>39 .....

### **Textual Amendments**

F79 Sch. 4 para. 39 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5) (7) (with s. 118(1)(2)(4))).

**Changes to legislation:** There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

# SCHEDULE 5

Section 48(6).

# **REPEALS**

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

C14 The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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115.
paragraph 23.
sections (1) absection (3) ection (1) or".
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12.
aragraphs 4

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

1975 c. 6.

The Housing Rents and Subsidies Act 1975.

In section 1(1) the words from "but without prejudice" to the end.

Section 3.

Section 12.

In section 16(1), the definition of "rate fund contribution" and "standard amount of rent rebates".

In Schedule 5, paragraphs 3 to 5 and 8(3).

1975 c. 14.

The Social Security Act 1975.

In section 4(2), the words "Subject to section 6 below".

Section 50(2)(a).

Section 56.

In section 64(1) and (2), paragraph (a).

In section 65(4) the words "injury benefit or", "benefit or" and "paragraph 11 or as the case may be,".

In section 66, in subsection (1), the words "of injury benefit and" and subsection (2)(a).

In section 77(2)(a) the words "injury benefit and".

Section 78(4)(a).

In section 81(3) the words "injury benefit".

In section 87(3) the words "injury benefit or".

In section 89(1) the words "unjury benefit or".

In section 90, subsection (1), in subsection (2) the words from "disqualifying", in the first place, to "provide for", in the second place, and in subsection (4)(a) the words "subsection (1) above, or those of".

In section 91(1), in paragraph (a) the words from

		"either" to "or pensions or" and in paragraph (b) the words "injury benefit or".
		In section 92(2) the words "injury benefit, and".
		In Schedule 4, in Part V, paragraphs 1, 9 and 11.
		In Schedule 11, paragraph 2.
1975 c. 28.	The Housing Rents and Subsidies (Scotland) Act 1975.	In Schedule 3, paragraphs 6 and 8.
1975 c. 60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraph 22.
1975 c. 61.	The Child Benefit Act 1975.	In Schedule 4, paragraph 39.
1976 c. 71.	The Supplementary Benefits Act 1976.	Section 12(3).
		In Schedule 7, paragraphs 26 to 28 and 32.
1976 c. 75.	The Development of Rural Wales Act 1976.	Sections 19 and 20.
		In section 22 the words "19 or" and "or for Part II of the Housing Finance Act 1972 (as extended to the Board by section 20 of this Act)".
		In Schedule 5, Part III.
1976 c. 80.	The Rent (Agriculture) Act 1976.	Section 32.
		Schedule 7.
1977 c. 42.	The Rent Act 1977.	In Schedule 23, paragraphs 52 to 54, 56 and 57.
1978 c. 14.	The Housing (Financial Provisions) (Scotland) Act 1978.	Sections 12 and 13.
		In Schedule 2, paragraphs 8 to 10 and 34 to 36.
1980 c. 30.	The Social Security Act 1980.	In Schedule 1, in paragraph 1(1)(b) the words "benefit or" and "paragraph 11, or as the case may be," and in paragraph 6 the words "of injury benefit and".
1980 c. 39.	The Social Security (No. 2) Act 1980.	Section 3(2).

1980 c. 51.	The Housing Act 1980.	Sections 117 to 119.
		Schedule 15.
1980 c. 52.	The Tenants' Rights, Etc. (Scotland) Act 1980.	Sections 78 and 79.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Section 45.
		In section 54(6), paragraph (c) and the words "and" immediately preceding that paragraph.

#### **Status:**

Point in time view as at 01/07/1992.

# **Changes to legislation:**

There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982.