

SCHEDULES

SCHEDULE 4

Section 48(5).

AMENDMENTS AND TRANSITIONAL PROVISIONS

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

National Assistance Act 1948 (c. 29)

- 1 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 the 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 ".

Maintenance Orders Act 1950 (c. 37)

- 2 In section 16(2)(b)(viii) of the Maintenance Orders Act 1950 (orders to which enforcement provisions of Part II apply) for the words " section 19(8)(b)" there are substituted the words " section 18 or 19(8) ".

Industrial Training Act 1964 (c. 16)

- 3 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 ".

Family Income Supplements Act 1970 (c. 55)

- 4 (1) Section 10 of the Family Income Supplements Act 1970 (regulation-making powers) is amended as follows.
- (2) After paragraph (f), in subsection (2), there is inserted the following paragraph—
- “(ii) as respects matters arising in connection with the making of interim payments (including provision for the recovery of such payments in whole or in part);”.
- (3) After subsection (5) there are inserted the following subsections—

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“(6) Where any amount is recoverable under regulations made by virtue of subsection (2)(7) above it may, without prejudice to any other method of recovery, be recovered by deduction from any family income supplement or from any benefit under the Social Security Act 1975 or the Child Benefit Act 1975.

- (7) In subsection (2)(7) above " interim payments " means payments made—
- (a) otherwise than in accordance with this Act, under arrangements made by the Secretary of State with the consent of the Treasury ; and
 - (b) pending the determination, whether in the first instance or on an appeal or reference and whether originally or on review, of any claim to family income supplement.”.

Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)

- 5 (1) In section 24(1)(a) of the Housing (Financial Provisions) (Scotland) Act 1972 (amount to be carried to credit of rent rebate account) for the words "under section 5 of this Act" there are substituted the words " under section 32 of the Social Security and Housing Benefits Act 1982 ".
- (2) In section 25(1)(a) of that Act (amount to be carried to credit of rent allowance account) for the words "under section 6 of this Act" there are substituted the words " under section 32 of the Social Security and Housing Benefits Act 1982 ".

Housing Finance Act 1972 (c. 47)

- 6 (1) In paragraph (1) (a) of schedule 1 to the housing finance Act 1972 (the Housing Revenue Account) the words "or water rates or charges " are hereby repealed.
- (2) For paragraph 1(1)(c) of that Schedule there is substituted the following—
- “(c) any of the following subsidies payable to the local authority for that year, namely—
 - (i) housing subsidy under the Housing Rents and Subsidies Act 1975 ;
 - (ii) expanding towns subsidy under that Act; and
 - (iii) rent rebate subsidy under the Social Security and Housing Benefits Act 1982 to the extent that it is calculated by reference to Housing Revenue Account rebates (within the meaning of Part II of that Act) and the cost of administering such rebates.”.
- (3) In paragraph 3(2) of that Schedule after the words "other than " there are inserted the words " water rates or charges or ".
- (4) In paragraph 6(a) of that Schedule, for the words " under section 3 of the Housing Rents and Subsidies Act 1975 " there are substituted the words " under section 32 of the Social Security and Housing Benefits Act 1982 ".

National Insurance Act 1974 (c. 14)

- 7 In section 6(1) of the National Insurance Act 1974 (power to make regulations providing, amongst other things, for the correction of accidental errors in decisions

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or records of decisions under relevant enactments) there are added, at the end, the words " or the Social Security and Housing Benefits Act 1982 ".

Social Security Act 1975 (c. 14)

8 In section 3 of the principal Act (meaning of " earnings ") there is inserted, at the end, the following subsection—

“(4) For the purposes of this section, regulations may make provision for treating as remuneration derived from an employed earner's employment any payment made by a body corporate to or for the benefit of any of its directors where that payment would, when made, not be earnings for the purposes of this Act.”.

9 In section 14 of the principal Act (unemployment and sickness benefit), in subsection (4), after the words " subsection (2)(a) above " there are inserted the words " (including a person entitled by virtue of that subsection and section 50A of this Act) ".

10 In section 15 of the principal Act (invalidity pension) the following subsection is inserted at the end—

“(6) Regulations may make provision in relation to entitlement to invalidity pension—

- (a) corresponding to that made by or under section 50A of this Act in relation to sickness benefit for persons who have attained pensionable age but have not retired from regular employment;
- (b) restricting entitlement to invalidity pension in cases where in respect of one or more of the 168 days mentioned in subsection (1) above the person claiming invalidity pension (whether or not he has attained pensionable age) would not have been entitled to sickness benefit but for the provisions of section 50A(1) of this Act.”.

11 For subsection (2) of section 48 of the principal Act (priority of reductions under earnings rules) there are substituted the following subsections—

“(2) Sections 45 and 46 above, as they relate to the amount of the increase of a Category A retirement pension, have effect subject to section 30(1) above (earnings rule).

(3) In any case where a reduction in the amount of a Category A retirement pension falls to be made under section 30(1), then—

- (a) if a reduction in an increase in that pension under section 45 or 46 above falls to be made under section 45(3) or, as the case may be, under regulations made under section 46(4), the reduction under section 30(1) shall be made first;
- (b) the reduction under section 30(1) shall be made, so far as is necessary—
 - (i) initially against so much of the pension (other than any increase falling within sub-paragraph (ii) or (iii) below) as is subject to section 30(1);
 - (ii) then against any increase in the pension under section 45 or, as the case may be, 46 ; and

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- (iii) finally against any increase in the pension under section 41 above.”.
- 12 (1) Section 50 of the principal Act (descriptions of industrial injuries benefits) is amended as follows.
- (2) For subsection (4) there is substituted the following subsection—
- “(4) Regulations may make provision as to the day which, in the case of night workers and other special cases, is to be treated for the purposes of industrial injuries benefit as the day of the accident.”.
- (3) The following subsection is inserted at the end—
- “(6) In this Chapter 'work', in the contexts 'incapable of work' and 'incapacity for work', means work which the person in question can reasonably be expected to do.”.
- 13 In section 60(1) of the principal Act (increase of disablement pension for special hardship) for the words " injury benefit period " there are substituted the words " period of ninety days referred to in section 57(4) of this Act " .
- 14 (1) Section 79 of the principal Act is amended as follows.
- (2) In subsection (3)(a) (regulations about claims for benefits) for the words "non-contributory invalidity pension or injury benefit" there are substituted the words " or non-contributory invalidity pension " .
- (3) In subsection (3)(b) (award of benefit in respect of period after date of claim) for the words " 13 weeks " there are substituted the words " 26 weeks " .
- 15 In section 91(1)(b)(i) of the principal Act (regulations as to adjusting injury benefit in certain circumstances) for the word " either " there are substituted the words " that benefit " .
- 16 In section 141 of the principal Act (Industrial Injuries Advisory Council) the following subsection is inserted at the end—
- “(4) The Council may also give advice to the Secretary of State on any other matter relating to industrial injuries benefit or its administration.”
- 17 In paragraph 4 of Schedule 8 to the principal Act (period to be taken into account in assessing extent of disablement for purposes of industrial injuries benefit) for the words " injury benefit period " there are substituted the words " period of ninety days referred to in section 57(4) of this Act " .

Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16)

- 18 (1) Section 7 of the Industrial Injuries and Diseases (Old Cases) Act 1975 (nature and amount of benefit under industrial diseases benefit schemes) is amended as follows.
- (2) In subsection (3), in paragraph (a), for the words " 55 " and " 55 and 56" there are substituted respectively " 58 " and " 58 and 59 " ; and that paragraph shall have effect as if it had been enacted as so amended.
- (3) In subsection (3), for paragraphs (c) and (d) there are substituted the following paragraphs—

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- “(c) where the person is entitled to child benefit in respect of a child or children, by an amount equal to any increase which would be payable under section 41 of that Act in respect of that child or those children if he were entitled to sickness benefit;
- (d) where the person is treated under the provisions of the scheme as residing with his wife or contributing at a weekly rate of not less than the relevant amount towards her maintenance, by the relevant amount (that is to say an amount equal to any increase which would be payable under section 44 of that Act in respect of her if he were entitled to sickness benefit).”.

(4) For subsection (4) there is substituted the following subsection—

“(4) Where under this section an allowance comprises such an increase as is mentioned in paragraph (a) of subsection (3) above, that subsection shall have effect as if for paragraphs (c) and (d) there were substituted the following paragraph—

- “(c) where the person is entitled to child benefit in respect of a child or children, by an amount equal to any increase which would be payable under section 64 of that Act in respect of that child or those children if he were entitled to disablement pension plus unemployability supplement;
- (d) where the person is treated under the provisions of the scheme as residing with his wife or contributing at a weekly rate of not less than the relevant amount towards her maintenance, by the relevant amount (that is to say an amount equal to any increase which would be payable under section 66 of that Act in respect of her if he were entitled to disablement pension plus unemployability supplement).”.

Local Government (Scotland) Act 1975 (c. 30)

19 In section 8(4) of the Local Government (Scotland) Act 1975 (payment of rates by instalments) for the words from " the standard " to " that Act " there are substituted the words " section 28(1)(a) of the Social Security and Housing Benefits Act 1982 (whether or not modified under section 30(1)(a) of that Act) ".

Social Security Pensions Act 1975 (c. 60)

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 it if 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 time.”

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- 21 In section 61(2) of the Act of 1975 (duty of Secretary of State to refer proposed regulations to the Occupational Pensions Board) after the words "other than" there are inserted the words "regulations under section 51A(10) above".

Supplementary Benefits Act 1976 (c. 71)

- 22 In section 12 of the Supplementary Benefits Act 1976 (prevention of duplication of payments)—

- (a) subsection (3) is hereby repealed ; and
- (b) in subsection (5) for the words " subsection (1), (2) or (3)" there are substituted the words " subsection (1) or (2) ".

- 23 (1) Section 14 of the Act of 1976 (administration of supplementary benefit) is amended as follows.

- (2) After paragraph (d), in subsection (2), there is inserted the following paragraph—

“(dd) as respects matters arising in connection with the making of interim payments (including provision for the recovery of such payments in whole or in part);”.

- (3) After subsection (2) there are inserted the following subsections—

“(2A) Where any amount is recoverable under regulations made by virtue of subsection (2)(dd) above, it may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.

(2B) In subsection (2)(dd) above ' interim payments' means payments made—

- (a) otherwise than in accordance with this Act, under arrangements made by the Secretary of State with the consent of the Treasury ; and
- (b) pending the determination, whether in the first instance or on an appeal or reference and whether originally or on review, of any claim for supplementary benefit.”.

- 24 In section 15A(4) of the Act of 1976 (powers of Commissioners on hearing appeals from Appeal Tribunals) for paragraph (b) there is substituted—

“(b) to refer the case to an Appeal Tribunal, with directions (which may include directions as to the constitution of the tribunal);”.

- 25 In section 19 of the Act of 1976 (affiliation orders)—

- (a) in subsection (4) for the words "the mother or a person having custody of the child" there are substituted the words " a person entitled under section 5 of the said Act of 1957 "; and
- (b) in subsection (6) for the words from " the mother or a per son " to the end there are substituted the words " a person entitled under section 5 of the said Act of 1957 ".

- 26 In section 20 of the Act of 1976 (recovery in cases of misrepresentation or non-disclosure), in subsection (5), for the words "subsection (4) " there are substituted the words " subsections (4). (6) and (7) ".

Rating (Disabled Persons) Act 1978 (c. 40)

- 27 In section 1(6) of the Rating (Disabled Persons) Act 1978 (rebates for hereditaments with special facilities for disabled persons) for the words " section 11 or 12 of the Local Government Act 1974 " there are substituted the words " section 28(1)(a) of

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the Social Security and Housing Benefits Act 1982 (whether or not modified under section 30(1)(a) of that Act) ".

- 28 In section 4(9) of the Act of 1978 (rebates for lands and heritages with special facilities for disabled persons) for the words " section 112 of the Local Government (Scotland) Act 1973 (whether or not varied under section 114 of that Act)" there are substituted the words " section 28(1)(a) of the Social Security and Housing Benefits Act 1982 (whether or not modified under section 30((1)(a)) of that Act) ".

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

- 29 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 benefit 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) ".

Social Security Act 1980 (c. 30)

- 30 In section 9 of the Social Security Act 1980 (functions etc. of the Social Security Advisory Committee) in the definition of " relevant enactments " in subsection (7) there are inserted, after the words " Act 1976 " , the words " and Parts I and II of the Social Security and Housing Benefits Act 1982."
- 31 In section 18(1) of the Act of 1980 (computation of age in Scotland for purposes of certain enactments including the Social Security Acts 1975 to 1979) for the words " 1979 " there are substituted the words " 1982 ".
- 32 (1) Part I of Schedule 3 to the Act of 1980 (constitution etc. of Social Security Advisory Committee) is amended as follows.
- (2) In paragraph 1 for the words " not less than 8 nor more than 11 " there are substituted the words " not less than 10 nor more than 13 ".
- (3) In paragraph 2 for the words from the beginning to " but any member— " there is substituted the following—
- “2 (1) Each member of the Committee shall be appointed to hold office for such period of not more than 5 years, nor less than 3 years, as the Secretary of State shall determine.
- (2) The Secretary of State may, at any time before the expiration of the term of office of any member, extend or further extend that member's term of office; but no one extension shall be for a period of more than 5 years from the date when the term of office would otherwise expire.
- (3) Any member—”.
- 33 (1) Part II of Schedule 3 to the Act of 1980 (regulations not requiring prior submission to the Committee) is amended as follows.
- (2) In paragraph 13(2) after the words " Part III " there are inserted the words " (other than regulations made under section 51A(10) of that Act) ".
- (3) After paragraph 15 there is inserted—

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“Statutory sick pay

- 15A Regulations under section 9 of the Social Security and Housing Benefits Act 1982 and corresponding regulations applying to Northern Ireland.

Housing benefits

- 15B Regulations under section 28(1) of the Social Security and Housing Benefits Act 1982 of which the effect is to increase any amount specified in regulations previously made.”.

Social Security (No. 2) Act 1980 (c. 39)

- 34 (1) Section 5 of the Social Security (No. 2) Act 1980 (abatement of unemployment benefit on account of payments of occupational pension) is amended as follows.
- (2) The following subsection is inserted after subsection (1)—
- “(1A) Where a reduction in the rate of unemployment benefit payable to a person falls to be made under this section the reduction shall be made, so far as is necessary—
- (a) initially against so much of the benefit as falls to be paid by virtue of subsection (4) or (6) of section 14 of the principal Act (basic rates) or of regulations under section 33 of that Act (lower rate where contribution conditions partially satisfied);
- (b) then against so much of the benefit as falls to be paid by way of earnings-related supplement under subsection (7) of section 14 ;
- (c) then against any increase in the benefit payable under section 44 of the principal Act (dependent adults); and
- (d) finally against any increase in the benefit payable under section 41 of the principal Act (dependent children).”.
- (3) In subsection (2)(b) for the words "the preceding subsection " there are substituted the words " subsection (1) above ".

Local Government, Planning and Land Act 1980 (c. 65)

- 35 (1) In section 54 of the Local Government, Planning and Land Act 1980 (rate support grant) in subsections (1) and (2) after the words "section 8 of the Local Government Act 1974" there are inserted the words " and subsidies under section 32(1)(a) of the Social Security and Housing Benefits Act 1982 ".
- (2) For paragraph (d) of subsection (5) of that section there is substituted—
- “(d) to subsection (2) of section 34 of the Social Security and Housing Benefits Act 1982 (power to exclude rate fund contributions under subsection (1) of that section and certain other items);”.
- (3) In subsection (6) of that section (excluded items) paragraph (c) and the word " and" immediately preceding that paragraph are hereby repealed.
- 36 For section 154 of the said Act of 1980 (grant of rent rebates by urban development corporations) there is substituted the following section—

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- “~~154~~(1) If the Secretary of State so provides by order, such of the 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)

- 37 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

- 38 (1) Neither section 141(2) of the principal Act nor section 10(1) of the Social Security Act 1980 (duty of Secretary of State to refer proposals for regulations to Industrial Injuries Advisory Council and Social Security Advisory Committee) shall apply to any regulations contained in a statutory instrument which states that it satisfies the requirements of this paragraph.
- (2) A statutory instrument satisfies the requirements of this paragraph if it contains only one or more of the following—
- (a) regulations made under or by virtue of any provision of this Act and before the expiry of the period of six months beginning with the commencement of that provision;
 - (b) regulations made under any enactment in consequence of a provision of this Act, or in consequence of any provision made by virtue of a provision of this Act, and before the expiry of the period of six months beginning with the commencement of the relevant provision of this Act;
 - (c) regulations proposals for which are not subject to the requirements of section 141(2) or section 10(1).
- 39 Regulations may make provision with respect to the date from which a period of entitlement is to be taken to have begun in any case where, on the date on which section 3 of this Act comes into force, a period of incapacity for work which began before that date has not come to an end.