



# Health and Social Security Act 1984

## 1984 CHAPTER 48

### PART II

#### SOCIAL SECURITY

11–14 .....<sup>F1</sup>

#### Textual Amendments

**F1** Ss. 11–14 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

#### 15 Attendance allowance: daily entitlement.

(1) In this section—

“the 1975 Regulations” means the <sup>M1</sup>Social Security (Claims and Payments) Regulations 1975;

“the 1977 amendment Regulations” means the <sup>M2</sup>Social Security (Attendance Allowance) Amendment Regulations 1977

“the 1979 Regulations” means the <sup>M3</sup>Social Security (Claims and Payments) Regulations 1979

;

“the 1980 amendment Regulations” means the <sup>M4</sup>Social Security (Attendance Allowance) Amendment Regulations 1980;

“regulation 16A” means regulation 16A of the 1975 Regulations, which was added by regulation 9 of the 1977 amendment Regulations;

“regulation 18” means regulation 18 of the 1979 Regulations, both as originally made and as substituted by regulation 6(2) of the 1980 amendment Regulations;

“appropriate pay day” means a day for payment under regulation 15(7) of the 1975 Regulations or regulation 16(7) of the 1979 Regulations of weekly sums on account of an attendance allowance; and

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part II. (See end of Document for details)*

“13 week period” means the period mentioned in regulation 16A or regulation 18.

- (2) Regulation 16A and regulation 18 shall be deemed always to have had effect as if—
  - (a) the words “Notwithstanding anything in the foregoing provisions of these regulations” were inserted at the beginning;
  - (b) any reference to attendance allowance being payable for a period were a reference to attendance allowance which would have been payable for that period but for—
    - (i) regulation 15(9) or (10) of the 1975 Regulations; or
    - (ii) regulation 16(10) or (11) of the 1979 Regulations; and
  - (c) in relation to any case where a 13 week period does not end on an appropriate pay day, any reference to a 13 week period in paragraph (1) were a reference to that period together with any days after its end but before the next appropriate pay day.

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

**C1** The text of s. 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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**Marginal Citations**

**M1** [S.I. 1975/560.](#)

**M2** [S.I. 1977/1361.](#)

**M3** [S.I. 1979/628](#)

**M4** [S.I. 1980/1136](#)

**16–18** ..... **F2**

**Textual Amendments**

**F2** [Ss. 16–18](#) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**19 Accrued rights and entitlement to benefits under occupational pension schemes.**

(1) The following subsections shall be substituted for section 38(1) and (2) of the <sup>M5</sup>Social Security Pensions Act 1975—

- “(1) Regulations may prescribe circumstances in which and conditions subject to which—
  - (a) an earner’s accrued rights to the requisite benefits under a contracted-out scheme; or
  - (b) the liability for the payment of such benefits to or in respect of any person who has become entitled to them,
 may be transferred to another occupational pension scheme.

(1A) Any such regulations may be made so as to apply to earners who are not in employment at the time of the transfer.

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- (1B) Regulations under subsection (1) above may provide that any provision of this Part of this Act shall have effect, where there has been a transfer to which they apply, subject to such modifications as may be specified in the regulations.
- (1C) Regulations under subsection (1) above shall have effect in relation to transfers whenever made unless they provide that they are only to have effect in relation to transfers which take place after they come into force.
- (1D) The power conferred by subsection (1) above is without prejudice to the generality of section 166(2) of the principal Act.”.
- (2) In section 44 of that Act (premium on termination of contracted-out scheme)—
- (a) the following subsections shall be inserted after subsection (1)—
- “(1A) Regulations may provide that any provision of this Part of this Act shall have effect where the Occupational Pensions Board have approved arrangements under subsection (1) above subject to such modifications as may be specified in the regulations.
- (1B) Any such regulations shall have effect in relation to arrangements whenever approved, unless they provide that they are only to have effect in relation to arrangements approved after they come into force.”; and
- (b) the following subsection shall be inserted after subsection (9)—
- “(10) Any reference to earners in this section includes, in relation to any particular time, not only a reference to earners who are in employment at that time but also a reference to earners who are not in employment at that time but who have been in employment before it or will be in employment after it.”.

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

**C2** The text of ss. 19–21 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** 1975 c. 60.

**20 Protection of pensions.**

The <sup>M6</sup>Security Pensions Act 1975 shall be amended in accordance with Schedule 6 to this Act for the purpose of protecting pensions under occupational pension schemes which are or have been contracted-out.

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

**C3** The text of ss. 19–21 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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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part II. (See end of Document for details)*

**Marginal Citations**

**M6** 1975 c. 60.

**21 Miscellaneous social security amendments.**

The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments there specified.

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

**C4** The text of ss. 19–21 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

**22** ..... **F3**

**Textual Amendments**

**F3** S. 22 repealed (11.4.1988) by [Social Security Act 1986 \(c. 50\)](#), [Sch. 11](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Security Act 1984, Part II.