

Status: Point in time view as at 10/12/1998.

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

SCHEDULES

SCHEDULE 1

Section 1.

OPTICAL APPLIANCES

Modifications etc. (not altering text)

- C1** The text of Sch. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

PART I

AMENDMENTS OF NATIONAL HEALTH SERVICE ACT 1977

- 1 In section 39 of the ^{M1}National Health Service Act 1977 (regulations as to arrangements for general ophthalmic services)—
- (a) in paragraph (a), for the words “ophthalmic opticians and dispensing” there shall be substituted the words “and ophthalmic”;
 - (b) in paragraph (b), for the words “ophthalmic optician or dispensing” there shall be substituted the words “or ophthalmic”; and
 - (c) in paragraph (d), for the words “ophthalmic opticians or dispensing” there shall be substituted the words “or ophthalmic”.

Marginal Citations

M1 1977 c. 49.

- 2 In sub-paragraph (1) of paragraph 2 of Schedule 12 to that Act (regulations for the making and recovery of charges), the following entry shall be substituted for the words from “Glasses” to “cost”, in the first place where it occurs—

“Glasses.	Such sum as may be determined by or in accordance with directions given by the Secretary of State.”.
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- 3 The following paragraph shall be inserted after that paragraph—

“2A (1) It shall be the duty of the Secretary of State to provide by regulations for payments to be made by him or by any authority established under this Act to meet, or to contribute towards, the cost incurred (whether by way of charge under this Act or otherwise) for the supply of optical appliances for which a prescription has been given in consequence of a testing of sight under this Act—

- (a) for a child;

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- (b) for a person whose resources fall to be treated under the regulations as being less than his requirements; or
 - (c) for a person of such other description as may be prescribed.
- (2) In sub-paragraph (1) above "child" means-
- (a) a person who is under the age of 16 years; or
 - (b) a person who is under the age of 19 years and receiving qualifying full-time education.
- (3) Regulations under this paragraph may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this sub-paragraph, may direct that they shall be calculated—
- (a) by reference—
 - (i) to any enactment; or
 - (ii) to the person's being or having been entitled to payments under any enactment,
 either as it has effect at the time when the regulations are made or as amended subsequently; or
 - (b) by reference to a scale or an index or to any other data either in the form current when the regulations are made or in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.
- (4) If regulations under this paragraph provide for payments to be made by an authority established under this Act, it shall be the duty of the Secretary of State to pay to the authority, in respect of each financial year, the sum attributable to the authority's disbursements under the regulations.
- (5) Sums falling to be paid in pursuance of regulations made under this paragraph shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine."

PART II

AMENDMENTS OF NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

- 1 In subsection (1) of section 26 (general ophthalmic services) of the ^{M2}National Health Service (Scotland) Act 1978, for the words "with ophthalmic opticians and with dispensing opticians" there shall be substituted the words " and with ophthalmic opticians ".

Marginal Citations

M2 1978 c. 29.

- 2 In subsection (2)(a) of the said section, for the words " , ophthalmic optician's and dispensing optician's" there shall be substituted the words " and ophthalmic opticians ".
- 3 In subsection (2)(b), for the words "any ophthalmic optician or any dispensing optician" there shall be substituted the words " or any ophthalmic optician ".
- 4 In subsection (2)(d)—

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- (a) for the words “ophthalmic opticians or dispensing opticians” there shall be substituted the words “ or ophthalmic opticians ”; and
- (b) for the words “ophthalmic optician or dispensing optician” there shall be substituted the words “ or ophthalmic optician ”.
- 5 In sub-paragraph (1) of paragraph 2 of Schedule 11 to that Act (charges for dental or optical appliances) the following entry shall be substituted for the words from “Glasses” to the end—
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- | | |
|-----------|--|
| “Glasses. | Such sum as may be determined by or in accordance with directions given by the Secretary of State.”. |
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- 6 In paragraph 2 of Schedule 11, in sub-paragraph (7), for the words from the beginning to “testing” there shall be substituted—
- “(7) In sub-paragraph (4), “the relevant time” means—
- (a) in relation to a dental appliance supplied otherwise than under Part II, the time of the examination leading to the supply of the appliance, or the first such examination;”.
- 7 The following paragraph shall be inserted after that paragraph—
- “2A (1) It shall be the duty of the Secretary of State to provide by regulations for payments to be made by him or by a Health Board to meet, or to contribute towards, the cost incurred (whether by way of charge under this Act or otherwise) for the supply of optical appliances for which a prescription has been given in consequence of a testing of sight under this Act—
- (a) for a child;
- (b) for a person whose resources fall to be treated under the regulations as being less than his requirements; or
- (c) for a person of such other description as may be prescribed.
- (2) In sub-paragraph (1) above “child” means—
- (a) a person who is under the age of 16 years; or
- (b) a person who is under the age of 19 years and receiving qualifying full-time education.
- (3) Regulations under this paragraph may direct how a person’s resources and requirements are to be calculated and, without prejudice to the generality of this sub-paragraph, may direct that they shall be calculated—
- (a) by reference—
- (i) to any enactment; or
- (ii) to the person’s being or having been entitled to payments under any enactment,
- either as it has effect at the time when the regulations are made or as amended subsequently; or
- (b) by reference to a scale or an index or to any other data either in the form current when the regulations are made or in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.

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- (4) If regulations under this paragraph provide for payments to be made by a Health Board, it shall be the duty of the Secretary of State to pay to the Board, in respect of each financial year, the sum attributable to the Board’s disbursements under the regulations.
- (5) Sums falling to be paid in pursuance of regulations made under this paragraph shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.”.

SCHEDULE

2.
F1

Textual Amendments
F1 Sch. 2 repealed (16.2.1990) by Opticians Act 1989 (c. 44), s. 37, Sch. 2

SCHEDULE 3

Section 5.

FAMILY PRACTITIONER COMMITTEES

Modifications etc. (not altering text)
C2 The text of Sch. 3 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

1 The ^{M3}National Health Service Act 1977 shall have effect subject to the following amendments.

Marginal Citations
M3 1977 c. 49.

F2₂

Textual Amendments
F2 Sch. 3 para. 2 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

- 3 In section 22 (co-operation between health authorities and local authorities)—
- ^{F3}(a)
 - (b) in subsection (2), for the words from “advise” to “below” there shall be substituted the words “ bodies represented on them ”;
 - ^{F3}(c)

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^{F3}(d)

Textual Amendments

F3 Sch. 3 para.3(a)(c)(d) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)

^{F4}4

Textual Amendments

F4 Sch. 3 para. 4 repealed (10.12.1998) by 1997 c. 46, s. 41(12), **Sch. 3 Pt. I**; S.I. 1998/2840, art. 2, **Sch.**

5 (1) Section 36 (regulations as to arrangements for general dental services) shall be re-numbered so as to become section 36(1).

(2) At the end of the resulting subsection (1) there shall be added as subsection (2)—

“(2) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the list kept by any Family Practitioner Committee unless he satisfies the Committee that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general dental services in the Committee’s locality.”.

6 In subsection (1) of section 44 (recognition of local representative committees)—

(a) for the words from “area”, in the first place where it occurs, to “Authority”, in the second place where it occurs, there shall be substituted the words “locality of any Family Practitioner Committee”;

^{F5}(b)

Textual Amendments

F5 Sch. 3 para. 6(b) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)

^{F6}7

Textual Amendments

F6 Sch. 3 para. 7 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)

8 The following paragraph shall be substituted for paragraph (i) of section 56 (inadequate services)—

“(i) he may authorise the Family Practitioner Committee to make such other arrangements as he may approve, or may himself make such other arrangements, and”.

^{F7}9

Textual Amendments

F7 Sch. 3 para. 9 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)

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F8 10

Textual Amendments
F8 Sch. 3 para. 10 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

F9 11

Textual Amendments
F9 Sch. 3 para. 11 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

12 For Part II of Schedule 5 there shall be substituted the following Part—

“PART II

FAMILY PRACTITIONER COMMITTEES

- 6 (1) Subject to paragraph 7 below, a Family Practitioner Committee shall consist of a chairman and 30 other members.
- (2) The chairman shall be appointed by the Secretary of State.
- (3) The other members shall be appointed by the Secretary of State, as follows—
 - (a) 8 shall be appointed from persons nominated by the Local Medical Committee for the locality of the Family Practitioner Committee, and one of them shall be, a medical practitioner having the qualifications prescribed in pursuance of section 38 above;
 - (b) 3 shall be appointed from persons nominated by the Local Dental Committee for that locality;
 - (c) 2 shall be appointed from persons nominated by the Local Pharmaceutical Committee for that locality;
 - (d) 1 shall be an ophthalmic optician appointed from persons nominated by such members of the Local Optical Committee for that locality as are ophthalmic opticians;
 - (e) 1 shall be a dispensing optician appointed from persons nominated by such members of the Local Optical Committee as are dispensing opticians;
 - (f) 4 shall be appointed from persons nominated by local authorities any part of whose area is in the locality of the Family Practitioner Committee;
 - (g) 4 shall be appointed from persons nominated by District Health Authorities any part of whose district is in the locality of the Family Practitioner Committee; and
 - (h) 7 shall be appointed after such consultations with such bodies as the Secretary of State considers appropriate.
- (4) One member must be a person who—

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- (a) is registered in the register of qualified nurses, midwives and health visitors—
 - (i) as a nurse recorded in the register as having an additional qualification in district nursing;
 - (ii) as a midwife; or
 - (iii) as a health visitor; and
 - (b) has recent experience of providing services to patients (other than patients resident in hospital) in any such capacity.
- (5) If a nomination required for the purposes of sub-paragraph (3) above is not made before such date as the Secretary of State may determine, he may appoint a member without waiting any longer for the nomination.
- (6) No person—
- (a) shall be nominated for appointment to a Family Practitioner Committee under sub-paragraph (3)(f) or (g) above or sub-paragraph (5) above; or
 - (b) shall be appointed to such a Committee under sub-paragraph (3)(f), (g) or (h) above,
- if he is—
- (i) a medical practitioner;
 - (ii) a dental practitioner;
 - (iii) an ophthalmic optician;
 - (iv) a dispensing optician;
 - (v) a registered pharmacist; or
 - (vi) a person conducting a business providing any service for the purposes of Part II of this Act.
- (7) If a Local Medical Committee so require, the Secretary of State shall appoint from among medical practitioners having the qualifications prescribed in pursuance of section 38 above and nominated by the Local Medical Committee under sub-paragraph (3)(a) above a medical practitioner to be the deputy of such a practitioner appointed from among persons nominated by them under sub-paragraph (3)(a) above.
- (8) If a Local Optical Committee so require, the Secretary of State shall appoint from among ophthalmic opticians nominated by the Committee under sub-paragraph (3)(d) above an ophthalmic optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(d) above.
- (9) If a Local Optical Committee so require, the Secretary of State shall appoint from among dispensing opticians nominated by the Committee under sub-paragraph (3)(e) above a dispensing optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(e) above.
- (10) A deputy may, while the member for whom he is deputy is absent from any meeting of the relevant Family Practitioner Committee, act as a member of that Committee in the place of the absent member.
- (11) The Committee shall appoint one of their members to be vice-chairman.

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- 7 (1) If it appears to the Secretary of State that, by reason of special circumstances affecting a locality, it is appropriate that the Family Practitioner Committee for that locality should not be in accordance with paragraph 6 above, he may by order provide that that paragraph shall apply in relation to the Committee for that locality with such modifications as are specified in the order.
- (2) Subject to sub-paragraph (3) below, it is the Secretary of State’s duty, before he makes an order under sub-paragraph (1) above, to consult the Family Practitioner Committee for the locality and any District Health Authority any part of whose district is in the locality of the Family Practitioner Committee with respect to the order.
- (3) It shall also be his duty, in making any such order, to have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between members falling to be appointed in pursuance of paragraph 6 above as there would be if no modification were made.
- 7A (1) Any member of a Family Practitioner Committee appointed by virtue of paragraph 6(3)(e) above shall cease to be a member of the Committee on the day on which the repeal of that paragraph by section 24 of the Health and Social Security Act 1984 comes into force.
- (2) The following paragraph shall be substituted on that day for paragraph 6(3)(e) above—
 - (e) 1 shall be appointed from persons nominated—
 - (i) by the Local Medical Committee for the locality of the Family Practitioner Committee;
 - (ii) by the Local Dental Committee for that locality;
 - (iii) by the Local Pharmaceutical Committee for that locality; or
 - (iv) by the Local Optical Committee for that locality;”

F10 13

Textual Amendments
F10 Sch. 3 para. 13 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

F11 14

Textual Amendments
F11 Sch. 3 para. 14 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

- 15 The following sub-paragraphs shall be substituted for paragraph 2(d) to (g) of Schedule 7 (additional provisions as to Community Health Councils)—
 - “(d) the consultation of Councils by District Health Authorities or relevant Family Practitioner Committees with respect to such matters, and on such occasions, as may be prescribed;

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- (e) the furnishing of information to Councils by such Authorities and Committees, and the right of members of Councils to enter and inspect premises controlled by such Authorities;
- (f) the consideration by Councils of matters relating to the operation of the health service within their districts, and the giving of advice by Councils to such Authorities and Committees on such matters;
- (g) the preparation and publication of reports by Councils on such matters, and the furnishing and publication by such Authorities or Committees of comments on the reports; and⁷.

^{F12}16

Textual Amendments

F12 Sch. 3 para. 16 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)

^{F13}17

Textual Amendments

F13 Sch. 3 para. 17 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)

SCHEDULES 4,

5.

^{F14}

Textual Amendments

F14 Schs. 4, 5 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6)

^{F15}SCHEDULE 6

Textual Amendments

F15 Sch. 6 repealed (7.2.1994) by 1993 c. 48, ss. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

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SCHEDULE 7

Section 21.

MISCELLANEOUS SOCIAL SECURITY AMENDMENTS

Modifications etc. (not altering text)

C3 The text of Sch. 7 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

1, 2. **F16**

Textual Amendments

F16 Sch. 7 paras. 1–3, 6–8 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Social Security Pensions Act 1975 (c. 60)

3 **F17**

Textual Amendments

F17 Sch. 7 paras. 1–3, 6–8 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

F184

Textual Amendments

F18 Sch. 7 para. 4 repealed (7.2.1994) by [1993 c. 48, ss. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2](#)

F195

Textual Amendments

F19 Sch. 7 para. 5 repealed (7.2.1994) by [1993 c. 48, ss. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2](#)

6–8 **F20**

Textual Amendments

F20 Sch. 7 paras. 1–3, 6–8 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Health and Social Services and Social Security Adjudications Act 1983 (c. 41)

9 In Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 (social security adjudications)—

- (a) in sub-paragraph (1) of paragraph 31 (transitional regulations) for the words “and this Schedule” there shall be substituted the words “ this Schedule and section 16 of the Health and Social Security Act 1984 ”; and

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- (b) in sub-paragraph (3), for the words from “and this Schedule”, in the first place where they occur, to the end of the sub-paragraph there shall be substituted the words “ this Schedule and section 16 of the Health and Social Security Act 1984 and before the expiry of the period of six months beginning with their commencement ”.

SCHEDULE 8

Section 24.

REPEALS

Modifications etc. (not altering text)

- C4** The text of Sch. 8 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

PART I

HEALTH

Chapter	Short title	Extent of repeal
6 & 7 Eliz. 2 c. 32.	Opticians Act 1958.	In section 13(3), the words from “and” onwards.
1971 c. 62.	Tribunals and Inquiries Act 1971.	In Schedule 1, in paragraph 17(a) the words from “or established” to “1980”.
1977 c. 49.	National Health Service Act 1977.	In section 12(b), the words “or under section 2 of the Health Services Act 1980”. In section 15, in subsection (1), the words from “This subsection” to the end and subsection (2). In section 19(1)(e), the words “and dispensing”. In section 39(c), the words “and the ophthalmic or dispensing optician who is to supply the appliances”. In section 44(1)(c), the words “and dispensing opticians”. In section 45(2) and (3), the words “with the Secretary of State’s approval”. Section 46(1)(e). In section 72(5)(a), the words “or dispensing”. In section 81(b), the words “or general ophthalmic services”

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and the words “or optical”. In section 82(b), the words “or general ophthalmic services” and the words “or optical”. In section 83(b), the words “or the general ophthalmic services”. In section 97(1)(a) and (c) and (2), the words “or further allotted”. In section 98(2), the second paragraph. In section 128(1), the definition of “dispensing optician”. In Schedule 5, in paragraph 1(2)(c), the words “and dispensing”, in paragraph 2(2)(a), the words “and dispensing”, in paragraph 6, as originally enacted, sub-paragraph (1)(g) and in sub-paragraph (3)(a), the words “or, as the case may be, a dispensing”, in paragraph 6, as substituted by paragraph 12 of Schedule 3 above, sub-paragraph (3)(e), sub-paragraph (5)(iv) and sub-paragraph (8), in paragraph 9, in sub-paragraph (1), the words “other than a Family Practitioner Committee” and in sub-paragraphs (2) and (3), the words “other than such a Committee” and in paragraph 10, the words “other than a Family Practitioner Committee”. In Schedule 9, paragraph 4(e). In Schedule 12, in paragraph 2(1), the words from “In this sub-paragraph” to the end, in paragraph 2, sub-paragraph (2)(iii), sub-paragraph (5), in sub-paragraph (6), the words “or sub-paragraph (5)” and in sub-paragraph (7), the words “and (5)”, in paragraph (a), the words “or to an optical appliance supplied under this Act”, the words “or testing of sight” and the words “or testing” and in sub-

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1978 c. 29.	National Health Service (Scotland) Act 1978.	<p>paragraph (8), the words “or lenses” and in paragraph 5, the words “or optical”.</p> <p>In section 9(1)(e), the words “and dispensing”. In section 26, subsection (1) (b) and the word “and” immediately preceding it and in subsection (2) (c), the words “and the ophthalmic or dispensing optician who is to supply the appliances”. In section 29(1), paragraph (e). In section 64(5) (a), the words “or dispensing”. In section 73(b), the words “or general ophthalmic services” and the words “or optical”. In section 74(b), the words “or general ophthalmic services” and the words “or optical”. In section 75(b), the words “or the general ophthalmic services”. In section 85(1), the words “or further allotted”. In section 108(1), the definition of “dispensing optician”. In Schedule 8, paragraph 5(e). In Schedule 11, in paragraph 2, sub-paragraph (2)(iii), sub-paragraph (5), in sub-paragraph (6), the words “or sub-paragraph (5)” and in sub-paragraph (8), the words “or lenses”, and in paragraph 5, the words “or optical”.</p>
1980 c. 53.	Health Services Act 1980.	<p>In section 1, in subsection (6) the words “Subject to section 2 below”. Section 2. Section 18. In Schedule 1, paragraph 30, in paragraph 35, the words from “and in subsection (2)” to the end, paragraph 37, paragraphs 56 and 57, in paragraph 69, sub-paragraph (b) and the word “and” immediately preceding it, paragraph 77(b), paragraph 79, paragraph 82(2) and (3), and paragraphs 87 to 99. In Schedule 5, paragraph 2(2)</p>

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and (4) and paragraph 6(2)
and (4).

PART II

SOCIAL SECURITY

Chapter	Short title	Extent of repeal
1975 c.14.	Social Security Act 1975.	In section 12(1)(d), the words “and child”.Section 41(2)(d) and (3).Section 57(2).In Schedule 4, Part IV, in paragraph 1(a) and (c) and in paragraph 3, the entries relating to increases for qualifying children.
1975 c. 60.	Social Security Pensions Act 1975.	In section 4(1), the words “in respect of any period”.In section 38, in subsection (3), the definition of “transfer credits” and subsection (4).
1975 c. 61.	Child Benefit Act 1975.	In Schedule 4, paragraph 25.
1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	In section 22(2), the words “36(2)(b)”.
1980 c.30.	Social Security Act 1980.	Section 3(5).
1982 c.24.	Social Security and Housing Benefits Act 1982.	In Schedule 4, paragraph 18(4).

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