

SCHEDULES

SCHEDULE 1

Section 2.

APPROPRIATE PERSONAL PENSION SCHEMES

Interpretation

- 1 In this Schedule—
- " member " means a member of a scheme ;
 - " rules " means the rules of a scheme; and
 - " scheme " means a personal pension scheme.

Requirements: general

- 2 The Secretary of State may prescribe descriptions of persons by whom or bodies by which a scheme may be established and, if he does so, a scheme may only be established by a person or body of a prescribed description.
- 3 A scheme must comply with such requirements as may be prescribed as regards the investment of its resources and with any direction of the Occupational Pensions Board that—
- (a) no part, or no more than a specified proportion, of the scheme's resources shall be invested in investments of a specified class or description;
 - (b) there shall be realised, before the end of a specified period, the whole or a specified proportion of investments of a specified class or description forming part of the scheme's resources when the direction is given.
- 4 A scheme must comply with such requirements as may be prescribed as regards the part—
- (a) of any payment or payments that are made to the scheme by or on behalf of a member;
 - (b) of any income or capital gain arising from the investment of payments such as are mentioned in sub-paragraph (a) above ; or
 - (c) of the value of rights under the scheme,
- that may be used—
- (i) to defray the administrative expenses of the scheme;
 - (ii) to pay commission; or
 - (iii) in any other way which does not result in the provision of benefits for or in respect of members.
- 5 (1) Subject to sub-paragraph (2) below, all minimum contributions which are paid to a scheme in respect of one of its members must be applied so as to provide money purchase benefits for or in respect of that member, except so far as they are used—
- (a) to defray the administrative expenses of the scheme; or
 - (b) to pay commission.

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- (2) If regulations are made under paragraph 4 above, minimum contributions may be used in any way which the regulations permit, but not in any way not so permitted except to provide money purchase benefits for or in respect of the member.
- 6 A scheme must satisfy such other requirements as may be prescribed.

Requirements: protected rights

- 7 (1) Unless the rules make provision such as is mentioned in sub-paragraph (2) below, the protected rights of a member are his rights to money purchase benefits under the scheme.
- (2) Rules may provide that a member's protected rights are his rights under the scheme which derive from any payment of minimum contributions to the scheme, together with any rights of his to money purchase benefits which derive from protected rights under another personal pension scheme or protected rights (within the meaning of the Social Security Pensions Act 1975) under an occupational pension scheme which have been the subject of a transfer payment and such other rights as may be prescribed.
- (3) Where rules make such provision as is mentioned in sub-paragraph (2) above, they shall also make provision for the identification of the protected rights.
- (4) The value of protected rights such as are mentioned in sub-paragraph (2) above—
- (a) shall be calculated in a manner no less favourable than that in which the value of any other rights of the member to money purchase benefits under the scheme are calculated;
 - (b) subject to that, shall be calculated and verified in such manner as may be prescribed.
- (5) The power to make regulations conferred by sub-paragraph (4) above includes power to provide that protected rights such as are mentioned in sub-paragraph (2) above are to be calculated and verified in such manner as may be approved in particular cases—
- (a) by prescribed persons ; or
 - (b) by persons with prescribed professional qualifications or experience; or
 - (c) by persons approved by the Secretary of State,
- and power to provide that they shall be calculated and verified in accordance with guidance prepared by a prescribed body.
- 8 Rules must provide for effect to be given in a manner permitted by paragraph 9 below to the protected rights of every member and must not provide for any part of any member's protected rights to be discharged in any other way.
- 9 (1) Effect may be given to protected rights—
- (a) by the provision by the scheme of a pension which—
 - (i) complies with the requirements of sub-paragraph (7) below; and
 - (ii) satisfies such conditions as may be prescribed ; or
 - (b) in such circumstances and subject to such conditions as may be prescribed, by the making of a transfer payment—
 - (i) to another personal pension scheme; or
 - (ii) to an occupational pension scheme,
 where the scheme to which the payment is made satisfies such requirements as may be prescribed.

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- (2) If—
- (a) the rules of the scheme do not provide for a pension ; or
 - (b) the member so elects,
- effect may be given to protected rights by the purchase by the scheme of an annuity which—
- (i) complies with the requirements of sub-paragraphs (7) and (8) below; and
 - (ii) satisfies such conditions as may be prescribed.
- (3) Effect may be given to protected rights by the provision of a lump sum if—
- (a) the lump sum is payable on a date which is either the date on which the member attains pensionable age or such later date as has been agreed by him ; and
 - (b) the annual rate of a pension under sub-paragraph (1) above or an annuity under sub-paragraph (2) above giving effect to the protected rights and commencing on the date on which the lump sum is payable would not exceed the prescribed amount; and
 - (c) the circumstances are such as may be prescribed; and
 - (d) the amount of the lump sum is calculated in a manner satisfactory to the Occupational Pensions Board by reference to the amount of the pension or annuity.
- (4) If the member has died without effect being given to protected rights under sub-paragraph (1), (2) or (3) above, effect may be given to them in such manner as may be prescribed.
- (5) No transaction is to be taken to give effect to protected rights unless it falls within this paragraph.
- (6) Effect need not be given to protected rights if they have been extinguished by the payment of a personal pension protected rights premium.
- (7) A pension or annuity complies with this sub-paragraph if—
- (a) it commences.—
 - (i) on the date on which the member attains pensionable age ; or
 - (ii) on such later date as has been agreed by him, and continues until the date of his death;
 - (b) in a case where the member dies while it is payable to him and is survived by a widow or widower—
 - (i) it is payable to the widow or widower in prescribed circumstances and for the prescribed period at an annual rate which at any given time is one-half of the rate at which it would have been payable to the member if the member had been living at that time; or
 - (ii) where that annual rate would not exceed a prescribed amount and the circumstances are such as may be prescribed, a lump sum calculated in a manner satisfactory to the Occupational Pensions Board is provided in lieu of it.
- (8) An annuity complies with the requirements of this sub-paragraph if it is provided by an insurance company which—
- (a) satisfies prescribed conditions ;

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- (b) complies with such conditions as may be prescribed as to the calculation of annuities provided by it and as to the description of persons by or for whom they may be purchased; and
 - (c) subject to sub-paragraph (9) below, has been chosen by the member.
- (9) A member is only to be taken to have chosen an insurance company if he gives notice of his choice to the trustees or managers of the scheme within the prescribed period and in such manner and form as may be prescribed, and with any such supporting evidence as may be prescribed; and, if he does not do so, the trustees or managers may themselves choose the insurance company instead.
- 10 The Occupational Pensions Board must be satisfied that a scheme complies with any such requirements as may be prescribed for meeting the whole or a prescribed part of any liability in respect of protected rights under the scheme which the scheme is unable to meet from its own resources—
- (a) by reason of the commission by any person of a criminal offence;
 - (b) in such other circumstances as may be prescribed.
- 11 Rules must not allow, except in such circumstances as may be prescribed, the suspension or forfeiture of a member's protected rights or of payments giving effect to them.

General

- 12 Nothing in this Schedule shall be taken to prejudice any requirements with which a scheme must comply if it is to qualify for tax-exemption or tax-approval.

SCHEDULE 2

Section 6.

MONEY PURCHASE CONTRACTED-OUT SCHEMES

- 1 The Social Security Pensions Act 1975 shall be amended as follows.
- 2 In subsection (1) of section 26 (contracting-out of full contributions and benefits) after the word " provides " there shall be inserted the words " or falls to be treated as providing " .
- 3 In section 29 (contracted-out rates of benefit) the following subsections shall be inserted after subsection (2)—
- “(2A) Subject to subsection (2B) below, where for any period minimum payments have been made in respect of an earner to an occupational pension scheme which, in relation to the earner's employment, is a money purchase contracted-out scheme, then, for the purposes of this section and sections 16(2B), 28(7A) and 59(1A) of the principal Act—
- (a) the earner shall be treated, as from the date on which he reaches pensionable age, as if he were entitled to a guaranteed minimum pension at a prescribed weekly rate arising from that period in that employment; and
 - (b) in prescribed circumstances, in relation to any widow or widower of the earner—
 - (i) if the earner died after reaching pensionable age, any widow or widower of the earner shall be treated as entitled to a

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guaranteed minimum pension at a rate equal to one-half of the rate prescribed under paragraph (a) above ; and

- (ii) if the earner died before reaching pensionable age, any widow or widower of the earner shall be treated as entitled to a guaranteed minimum pension at a prescribed weekly rate arising from that period.

(2B) Where the earner is a married woman or widow, subsection (2A) above shall not have effect in relation to any period during which an election that her liability in respect of primary Class 1 contributions shall be a liability to contribute at a reduced rate is operative.

(2C) The power to prescribe a rate conferred by subsection (2A)(a) above includes power to prescribe a nil rate.”.

4 In section 30 (contracted-out employment)—

- (a) in subsection (1)(a), after the word " scheme" there shall be inserted the words " or his employer makes minimum payments in respect of the earner's employment to a money purchase contracted-out scheme " ;
- (b) the following subsections shall be inserted after subsection (1)—

“(1A) The minimum payment in respect of an earner for any tax week shall be the rebate percentage of so much of the earnings paid to or for the benefit of the earner as exceeds the lower earnings limit for the tax week but does not exceed the upper earnings limit for it; and in this subsection " rebate percentage " means the percentage arrived at by adding—

- (a) the percentage by which for the time being under section 27(2) above the contracted-out percentage of primary Class 1 contributions is less than the normal percentage ; and
- (b) the percentage by which for the time being under that subsection the contracted-out percentage of secondary Class 1 contributions is less than the normal percentage.

(1B) The references to the upper and lower earnings limits in subsection (1A) above are references, in the case of an earner who is paid otherwise than weekly, to their prescribed equivalents under section 4(2) and (6) of the principal Act.

(1C) Regulations may make provision—

- (a) for the manner in which, and time at which or period within which, minimum payments are to be made;
- (b) for the recovery by employers of amounts in respect of the whole or part of minimum payments by deduction from earnings;
- (c) for calculating the amounts payable according to a scale prepared from time to time by the Secretary of State or otherwise adjusting them so as to avoid fractional amounts or otherwise facilitate computation;
- (d) for requiring that the liability in respect of a payment made in a tax week, in so far as the liability depends on any conditions as to a person's age on retirement, shall be

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determined as at the beginning of the week or as at the end of it;

- (e) for securing that liability is not avoided or reduced by a person following in the payment of earnings any practice which is abnormal for the employment in respect of which the earnings are paid;
- (f) without prejudice to sub-paragraph (e) above, for enabling the Secretary of State, where he is satisfied as to the existence of any practice in respect of the payment of earnings whereby the incidence of minimum payments is avoided or reduced by means of irregular or unequal payments of earnings, to give directions for securing that minimum payments are payable as if that practice were not followed ;
- (g) for the intervals at which, for the purposes of minimum payments, payments of earnings are to be treated as made ; and
- (h) for this section to have effect, in prescribed cases, as if for any reference to a tax week there were substituted a reference to a prescribed period.”.

5 In section 32 (contracted-out schemes)—

- (a) in subsection (2), the words " or it satisfies subsection (2A) below." shall be inserted after paragraph (b) (but not as part of it);
- (b) the following subsections shall be inserted after that subsection—

“(2A) An occupational pension scheme satisfies this subsection only if—

- (a) the requirements imposed by or by virtue of Schedule 1 to the Social Security Act 1986, modified under subsection (2B) below, are satisfied in its case ;
- (b) it complies with section 40(1) below; and
- (c) the rules of the scheme applying to protected rights are framed so as to comply with the requirements of any regulations prescribing the form and content of rules of contracted-out schemes and with such other requirements as to form and content (not inconsistent with regulations) as may be imposed by the Occupational Pensions Board as a condition of contracting-out, either generally or in relation to a particular scheme.

(2B) The modifications of Schedule 1 are—

- (a) that for the references to a personal pension scheme there shall be substituted references to an occupational pension scheme ;
- (b) that for the references in paragraph 5 to minimum contributions there shall be substituted references to minimum payments and any payments by the Secretary of State under section 7 of the Social Security Act 1986 ;
- (c) that for paragraph 7(2) there shall be substituted—

“(2) The rules of the scheme may provide that a member's protected rights are his rights under

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the scheme which derive from the payment of minimum payments (within the meaning of the Social Security Pensions Act 1975) together with any payments by the Secretary of State to the scheme under section 7 of this Act in respect of the member and any rights of the member to money purchase benefits which derive from protected rights (within the meaning of the Social Security Pensions Act 1975) under another occupational pension scheme or protected rights under a personal pension scheme which have been the subject of a transfer payment and such other rights as may be prescribed. ”;”;

- (d) that in paragraph 9—
 - (i) for the reference to an occupational pension scheme there shall be substituted a reference to a personal pension scheme; and
 - (ii) for the reference to a personal pension protected rights premium there shall be substituted a reference to a contracted-out protected rights premium ; and
- (e) that paragraph 10 shall not apply to public service pension schemes.

(2C) A contracting-out certificate shall state whether the scheme is contracted-out by virtue of subsection (2) or subsection (2A) above ; and where a scheme satisfies both of those subsections the employers, in their application for a certificate, shall specify one of the subsections as the subsection by virtue of which they desire the scheme to be contracted-out.

(2D) A scheme which has been contracted-out by virtue of one of those subsections may not become contracted-out by reason of the other, except in prescribed circumstances.”.

- 6 (1) The words " which is not a money purchase contracted-out scheme" shall be inserted after the words " occupational pension scheme " in—
- (a) section 33(1);
 - (b) section 36(1);
 - (c) section 40(3) and (4) ;
 - (d) section 41A(1);
 - (e) section 42(1);
 - (f) section 44(1);
 - (g) section 44A(1);
 - (h) section 45(1);
 - (j) section 51;
 - (k) paragraph 4(1) and (2) of Schedule 2.
- (2) If section 9 above comes into force after this paragraph, the amendment to section 36(1) made by sub-paragraph (1) above shall be made in the subsection both as amended by section 9 above and as unamended.

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- (3) The words " or a money purchase contracted-out scheme" shall be inserted after the words " public service pension scheme " in—
- (a) section 40(2);
 - (b) section 41(1);
 - (c) section 41E(1).

7 The following section shall be inserted after section 44—

“44ZA Money purchase schemes: contracted-out protected rights premium.

- (1) In the case of a scheme which is or has been a money purchase contracted-out scheme the Occupational Pensions Board may, for the event of, or in connection with, its ceasing to be contracted-out, approve any arrangements made or to be made in relation to the scheme, or for its purposes, for the preservation or transfer of protected rights under the scheme.
- (2) If the scheme ceases to be a contracted-out scheme (whether by being wound up or otherwise) and the Occupational Pensions Board either—
 - (a) have withdrawn their approval of previously approved arrangements relating to it; or
 - (b) have declined to approve arrangements relating to it,
 the Board may issue a certificate to that effect.
- (3) A certificate issued under subsection (2)(a) or (b) above shall be cancelled by the Board if they subsequently approve the arrangements.
- (4) If the scheme ceases to be a contracted-out scheme (whether by being wound up or otherwise), a state scheme premium shall be payable, except in prescribed circumstances.—
 - (a) in respect of each earner whose protected rights under the scheme are not subject to approved arrangements and have not been disposed of so as to discharge the trustees or managers of the scheme under section 52C of or paragraph 16 of Schedule IA to this Act; and
 - (b) in respect of each person who has become entitled to receive a pension under the scheme giving effect to protected rights which are not subject to approved arrangements.
- (5) A premium under subsection (4) above may be referred to as a "contracted-out protected rights premium"
- (6) A contracted-out protected rights premium shall be paid by the prescribed person, within the prescribed period, to the Secretary of State.
- (7) The amount of a contracted-out protected rights premium payable in respect of any person shall be the cash equivalent of the protected rights in question, calculated and verified in the prescribed manner.
- (8) Where a contracted-out protected rights premium is paid in respect of a person—
 - (a) the rights whose cash equivalent is included in the premium shall be extinguished ; and
 - (b) section 29(2) and (2A) above and section 4 of the Social Security Act 1986 shall have effect in relation to that person and a widow

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or widower of that person as if any guaranteed minimum pension to which that person or any such widow or widower is treated as entitled under those provisions and which derives from the minimum payments, minimum contributions (within the meaning of the Social Security Act 1986) or transfer payment or payments from which those rights derive were reduced by the appropriate percentage.

- (9) In subsection (8) above "the appropriate percentage" means, subject to the following provisions of this section,

$$\frac{X}{Y} \times 100$$

, where—

- (a) X = the amount of the premium together with, if the person in respect of whom it falls to be paid gives notice to the prescribed person within the prescribed period—
- (i) the cash equivalent, calculated and verified in the prescribed manner, and paid to the Secretary of State within the prescribed period, of any other rights which he has under the scheme and specifies in the notice ; and
 - (ii) the amount of any voluntary contribution paid to the Secretary of State within the prescribed period by, or in respect of, the person concerned; and
- (b) Y = the cost of providing any guaranteed minimum pension such as is mentioned in subsection (8) above.
- (10) If the appropriate percentage, as calculated under subsection (9) above would fall between two whole numbers, it is to be taken to be the lower number.
- (11) If it would be over 100, it is to be taken to be 100.
- (12) The remainder after the reduction for which subsection (8) above provides—
- (a) if it would contain a fraction of 1p, is to be treated as the nearest lower whole number of pence ; and
 - (b) if it would be less than a prescribed amount, is to be treated as nil.
- (13) The power to make regulations conferred by subsections (7) and (9) above includes power to provide that cash equivalents are to be calculated and verified in such manner as may be approved in particular cases—
- (a) by prescribed persons ;
 - (b) by persons with prescribed professional qualifications or experience ; or
 - (c) by persons approved by the Secretary of State,
- and power to provide that they shall be calculated and verified in accordance with guidance prepared by a prescribed body.
- (14) The cost of providing the appropriate percentage of the guaranteed minimum pension shall be certified by the Secretary of State, and in calculating and certifying it the Secretary of State—
- (a) shall apply whichever of the prescribed actuarial tables (as in force at the time when the scheme ceases to be appropriate) is applicable in accordance with the regulations prescribing the tables ; and

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- (b) may make such adjustments as he thinks necessary for avoiding fractional amounts.”.
- 8 In section 48 (guaranteed minimum pensions to be inalienable)—
- (a) in subsection (1)—
- (i) after the word " scheme ", in the first place where it occurs, there shall be inserted the words " or to payments giving effect to protected rights under such a scheme " ; and
- (ii) after the word " pension ", where it occurs in paragraphs (a) and (b), there shall be inserted the words " or those payments " ; and
- (b) in subsection (3), for the words from " any ", in the first place where it occurs, to " not" there shall be substituted the words " nothing whose assignment is or would be made void by that subsection shall "
- 9 In section 49 (supervision of schemes which have ceased to be contracted-out)—
- (a) the following paragraph shall be substituted for subsection (1)(b)—
- “(b) there has not been a payment—
- (i) of a premium under section 44 above in respect of each person entitled to receive, or having accrued rights to, guaranteed minimum pensions under the scheme ; or
- (ii) of a premium under section 44ZA above in respect of each person who has protected rights under it or is entitled to any benefit giving effect to protected rights under it;”;
- (b) in subsection (2)(a), after the word " above " there shall be inserted the words " or, by virtue of subsections (2A) and (2B) of section 32 above, paragraph 10(1) of Schedule 1 to the Social Security Act 1986 " ; and
- (c) in subsection (5), " 32 " shall be substituted for " 33 " .
- 10 At the end of subsection (3) of section 50 (alteration of rules of contracted-out schemes) there shall be added the words " or any person has protected rights under it or is entitled to any benefit giving effect to protected rights under it " .
- 11 In section 66(1) (interpretation)—
- (a) the following definition shall be inserted before the definition of " guaranteed minimum pension "—
- “" average salary benefits" means benefits the rate or amount of which is calculated by reference to a member's average salary over the period of service on which the benefits are based ;”;
- (b) the following definitions shall be inserted after the definition of " long-term benefit "—
- “" minimum payments " shall be construed in accordance with section 30 above;
- " money purchase benefits " in relation to an occupational pension scheme, means benefits the rate or amount of which is calculated by reference to a payment or payments made by a member of the scheme or by any other person in respect of a member, other than average salary benefits;
- " money purchase contracted-out scheme" means an occupational pension scheme which is contracted-out by virtue of satisfying section 32(2A) above ;”;

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- (c) the following definition shall be inserted after the definition of " the principal Act "—
 " "protected rights " has the meaning given by Schedule 1 to the Social Security Act 1986 with the substitution made by section 32(2B) above."
- 12 In paragraph 2 of Schedule 3 (priority in bankruptcy etc).—
 (a) the following sub-paragraph shall be inserted after sub-paragraph (1)—
 “(1A) This Schedule applies to any sum owed on account of an employer's minimum payments to a contracted-out scheme falling to be made in the period of twelve months immediately preceding the relevant date.”; and
 (b) in sub-paragraph (2)—
 (i) the words " or payments " shall be inserted after the word " contributions " ; and
 (ii) the words " or (1A) " shall be inserted after the words " sub-paragraph (1) " .

SCHEDULE 3

Section 39.

INDUSTRIAL INJURIES AND DISEASES

Social Security Act 1975 (c. 14)

- 1 The Social Security Act 1975 shall have effect as provided by this Schedule.
2 The following subsection shall be substituted for section 50(1)—
 “(1) Subject to the provisions of this Act, industrial injuries benefit shall be payable where an employed earner suffers personal injury caused after 4th July 1948 by accident arising out of and in the course of his employment, being employed earner's employment.”.
- 3 (1) In subsection (1) of section 57 (disablement benefit) " 14 per cent." shall be substituted for " 1 per cent " .
(2) The following subsections shall be inserted after that subsection—
 “(1A) In the determination of the extent of an employed earner's disablement for the purposes of this section there may be added to the percentage of the disablement resulting from the relevant accident the assessed percentage of any present disablement of his resulting from any other accident after 4th July 1948 which arose out of and in the course of his employment being employed earner's employment, and in respect of which a disablement gratuity was not paid to him under this Act after a final assessment of his disablement.
(1B) Subject to subsection (1C) below, where the assessment of disablement is a percentage between 20 and 100 which is not a multiple of 10, it shall be treated—
 (a) if it is a multiple of 5, as being the next higher percentage which is a multiple of 10; and

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- (b) if it is not a multiple of 5, as being the nearest percentage which is a multiple of 10,
and where it is a percentage of 14 or more but less than 20 it shall be treated as a percentage of 20.
- (1C) Where subsection (1A) above applies, subsection (1B) above shall have effect in relation to the aggregate percentage and not in relation to any percentage forming part of the aggregate.”.
- (3) Subsection (5) of that section shall cease to have effect except in relation to cases where the claim for benefit was made before this paragraph comes into force.
- (4) Subsection (6) shall have effect, except in relation to such cases, as if the words "Where disablement benefit is payable for a period, it shall be paid " were substituted for the words from the beginning to " payable ".
- 4 Sections 58 and 59 and 64 to 66 (unemployability supplement) shall cease to have effect, except in relation to beneficiaries in receipt of unemployability supplement immediately before this paragraph comes into force.
- 5 (1) The following section shall be inserted after section 59—

“59A Reduced earnings allowance.

- (1) Subject to the provisions of this Part of this Act, an employed earner shall be entitled to reduced earnings allowance if—
- (a) he is entitled to a disablement pension or would be so entitled if that pension were payable where disablement is assessed at not less than 1 per cent.;
- (b) as a result of the relevant loss of faculty, he is either—
- (i) incapable, and likely to remain permanently incapable, of following his regular occupation; and
- (ii) incapable of following employment of an equivalent standard which is suitable in his case,
- or is, and has at all times since the end of the period of 90 days referred to in section 57(4) above been, incapable of following that occupation or any such employment.
- (2) The Secretary of State may by regulations provide that in prescribed circumstances employed earner's employment in which a claimant was engaged when the relevant accident took place but which was not his regular occupation is to be treated as if it had been his regular occupation.
- (3) In subsection (1) above—
- (a) references to a person's regular occupation are to be taken as not including any subsidiary occupation, except to the extent that they fall to be treated as including such an occupation by virtue of regulations under subsection (2) above ; and
- (b) employment of an equivalent standard is to be taken as not including employment other than employed earner's employment;
- and in assessing the standard of remuneration in any employment, including a person's regular occupation, regard is to be had to his reasonable prospect of advancement.

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- (4) For the purposes of this section a person's regular occupation is to be treated as extending to and including employment in the capacities to which the persons in that occupation (or a class or description of them to which he belonged at the time of the relevant accident) are in the normal course advanced, and to which, if he had continued to follow that occupation without having suffered the relevant loss of faculty, he would have had at least the normal prospects of advancement; and so long as he is, as a result of the relevant loss of faculty, deprived in whole or in part of those prospects, he is to be treated as incapable of following that occupation.
- (5) Regulations may for the purposes of this section provide that a person is not to be treated as capable of following an occupation or employment merely because of his working thereat during a period of trial or for purposes of rehabilitation or training or in other prescribed circumstances.
- (6) Reduced earnings allowance shall be awarded—
 - (a) for such period as may be determined at the time of the award ; and
 - (b) if at the end of that period the beneficiary submits a fresh claim for the allowance, for such further period as may be determined.
- (7) The award may not be for a period longer than the period to be taken into account under paragraph 4 or 4A of Schedule 8 to this Act.
- (8) Reduced earnings allowance shall be payable at a rate determined by reference to the beneficiary's probable standard of remuneration during the period for which it is granted in any employed earner's employments which are suitable in his case and which he is likely to be capable of following as compared with that in the relevant occupation, but in no case at a rate higher than 40 per cent, of the maximum rate of a disablement pension or at a rate such that the aggregate of disablement pension and reduced earnings allowance awarded to the beneficiary exceeds 140 per cent, of the maximum rate of a disablement pension.
- (9) In subsection (8) above " the relevant occupation " means—
 - (a) in relation to a person who is entitled to reduced earnings allowance by virtue of regulations under subsection (2) above, the occupation in which he was engaged when the relevant accident took place; and
 - (b) in relation to any other person who is entitled to reduced earnings allowance, his regular occupation within the meaning of subsection (1) above.
- (10) On any award except the first the probable standard of his remuneration shall be determined in such manner as may be prescribed ; and, without prejudice to the generality of this subsection, regulations may provide in prescribed circumstances for the probable standard of remuneration to be determined by reference—
 - (a) to the standard determined at the time of the last previous award of reduced earnings allowance ; and
 - (b) to scales or indices of earnings in a particular industry or description of industries or any other data relating to such earnings.
- (11) A person who—
 - (a) attains pensionable age after this section comes into force; and

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- (b) has retired from regular employment before that day; and
- (c) was entitled to reduced earnings allowance on the day immediately before he retired from regular employment,

shall be treated as entitled as from the day on which he retires from regular employment to reduced earnings allowance at a rate not higher at any time than that at which the allowance was payable to him immediately before he retired from regular employment.”.

- (2) Section 60 (increase of disablement pension for special hardship) shall cease to have effect.
 - (3) A person who—
 - (a) is over pensionable age on the day on which this paragraph comes into force ; and
 - (b) has retired from regular employment before that day ; and
 - (c) was entitled on the day immediately before that day to an increase under section 60,
 shall be treated as entitled as from the day on which this paragraph comes into force to reduced earnings allowance at a rate not higher at any time than that at which the increase was payable to him immediately before that day.
 - (4) Where for any period commencing before 6th April 1987 a person is entitled both to reduced earnings allowance under section 59A and to an additional pension of a long-term benefit or, if the long-term benefit is invalidity pension, to either an invalidity allowance or an additional pension, or both, his reduced earnings allowance shall be reduced in respect of any part of the period falling on or after 6th April 1987 by the amount of any increase in the additional pension or invalidity allowance as the result of an order under section 63 above taking effect on or after that date.
 - (5) Where for any period commencing on or after 6th April 1987 a person is entitled as mentioned in sub-paragraph (4) above, his reduced earnings allowance shall be reduced by the amount of any additional pension or invalidity allowance to which he is entitled.
 - (6) Where a reduction falls to be made under sub-paragraph (4) or (5) above, the person to whom it falls to be made shall be entitled to reduced earnings allowance only if there is a balance after the reduction and, if there is such a balance, of an amount equal to it.
 - (7) Where the weekly rate of a benefit is reduced under section 29 of the Social Security Pensions Act 1975, there shall be subtracted from the amount which would otherwise fall to be deducted under sub-paragraph (4) or (5) above an amount equal to the reduction under that section.
 - (8) In the preceding sub-paragraphs references to an additional pension are references to that pension after any increase under section 9(3) of the Social Security Pensions Act 1975 but without any increase under Schedule 1, paragraphs 1 and 2, to that Act.
- 6 The following subsections shall be inserted after subsection (2) of section 61 (constant attendance allowance)—
- “(3) The Secretary of State may by regulations direct that any provision of section 35 above shall have effect, with or without modifications, in relation to increases of pension under this section.

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- (4) In subsection (3) above " modifications " includes additions and omissions.”.
- 7 Section 62 (increase during hospital treatment) shall cease to have effect, except in relation to a period during which a person is receiving medical treatment as an in-patient in a hospital or similar institution and which—
- (a) commenced before the coming into force of this paragraph ; or
 - (b) commenced after it but within a period of 28 days from the end of the period during which he last received an increase of benefit under that section in respect of such treatment for the relevant injury or loss of faculty.
- 8 The following provisions (which all relate to industrial death benefit)—
- (a) sections 67 and 68 ;
 - (b) sections 70 to 75 ; and
 - (c) Schedule 9,
- shall cease to have effect.
- 9 (1) This paragraph shall have effect in relation to widows who on the day before paragraph 8 above comes into force are entitled to death benefit under section 67.
- (2) A widow who is entitled to a pension at the initial rate specified in Schedule 4, Part V, paragraph 13(a) shall be treated as satisfying the conditions of entitlement to a widow's allowance specified in subsection (1) of section 24 and her entitlement to the allowance under that section shall, subject to the proviso to subsection (2) of that section, continue for so long as she would have been entitled to a pension under section 67 at the initial rate.
- (3) A widow who—
- (a) is not entitled to a pension at the initial rate but has one or more dependent children ; or
 - (b) is pregnant on the day before paragraph 8 above comes into force,
- shall be treated as satisfying the conditions of entitlement to a widowed mother's allowance under section 25 and her entitlement to the allowance shall, subject to the proviso to subsection (3) of that section, continue for so long as she satisfies either of the conditions specified in paragraph (a) or (b) of subsection (1) of that section.
- (4) A widow who—
- (a) is under 60 ; and
 - (b) has no dependent child ; and
 - (c) does not fall to be treated as entitled to a widow's allowance or a widowed mother's allowance,
- shall be treated as satisfying the conditions of entitlement to a widow's pension under section 26 and the pension shall be payable for any period during which she satisfies the provisions of subsection (3) of that section.
- (5) Subject to sub-paragraph (6) below, the rate of a widow's pension under sub-paragraph (4) above shall be—
- (a) in the case of a widow who was entitled to an allowance under section 70 after her husband died, but has ceased to be so entitled, the rate for a widow of the age she was when she so ceased;
 - (b) in the case of a widow who was not so entitled, the rate for a widow of the age she was when her late husband died,

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and for the purposes of this subsection a woman who was under the age of 40 at the relevant time shall be treated as having been of the age of 40 at that time.

- (6) The rate of pension for a widow who is entitled under section 68(2) to a pension at the higher permanent rate specified in Schedule 4, Part V, paragraph 13(b), shall be the rate specified in section 13 of the Social Security Pensions Act 1975 and shall be that rate notwithstanding anything in subsection (3) of that section.
- (7) Regulations may provide that a widow who on the day before paragraph 8 above comes into force is entitled to death benefit under section 67 shall be entitled to a prescribed benefit at a prescribed rate.
- (8) In this paragraph " dependent child " means a child in respect of whom the widow is entitled to child benefit if one of the conditions specified in section 43(1) is for the time being satisfied with respect to the child and the child is either—
- (a) a son or daughter of the widow and her late husband ; or
 - (b) a child in respect of whom her late husband was immediately before his death entitled to child benefit; or
 - (c) if the widow and her late husband were residing together immediately before his death, a child in respect of whom she was then entitled to child benefit.
- 10 In any case where—
- (a) an employed earner who is married dies as a result—
 - (i) of a personal injury of a kind mentioned in section 50(1); or
 - (ii) of a disease or injury such as is mentioned in section 76(1);
 - (b) the contribution conditions are not wholly satisfied in respect of him;
- those conditions shall be taken to be satisfied for the purposes of his widow's entitlement to—
- (i) a widow's allowance or widow's payment;
 - (ii) a widowed mother's allowance ;
 - (iii) a widow's pension ; or
 - (iv) a Category B retirement pension at the same weekly rate as her widow's pension.
- 11 Section 69 (widower's death benefit) shall cease to have effect, except in relation to widowers in receipt of death benefit immediately before this paragraph comes into force.
- 12 The Secretary of State may by regulations provide for the payment of prescribed amounts in prescribed circumstances to persons who immediately before the repeal of sections 71 to 73 were entitled to any benefit by virtue of any of those sections, but in determining the amount which is to be payable in any case or class of cases the Secretary of State may take into account—
- (a) the extent to which the weekly rate of industrial death benefit has been modified in that case or class of cases by virtue of section 74 ;
 - (b) the age of the beneficiary and of any person or persons formerly maintained by the deceased ; and
 - (c) the length of time that entitlement to the benefit would have been likely to continue if those sections had not been repealed.
- 13 In section 77 (regulations as to industrial diseases) the following subsections shall be inserted after subsection (3)—

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- “(4) The regulations may also provide—
- (a) that in the determination of the extent of an employed earner's disablement resulting from a prescribed disease or injury there may be added to the percentage of that disablement the assessed percentage of any present disablement of his resulting from—
 - (i) any accident after 4th July 1948 arising out of and in the course of his employment, being employed earner's employment;
 - (ii) any other prescribed disease or injury due to the nature of that employment and developed after 4th July 1948, and in respect of which a disablement gratuity was not paid to him under this Act after a final assessment of his disablement;
 - (b) that in the determination of the extent of an employed earner's disablement for the purposes of section 57 above there may be added to the percentage of disablement resulting from the relevant accident the assessed percentage of any present disablement of his resulting from any prescribed disease or injury due to the nature of his employment and developed after 4th July 1948 and in respect of which a disablement gratuity was not paid to him under this Act after a final assessment of his disablement
- (5) Where the regulations make provision such as is mentioned in subsection (4) above and also make provision corresponding to subsection (1B) of section 57 above, they may also make provision to the effect that the corresponding provisions shall have effect in relation to the aggregate percentage and not in relation to any percentage forming part of the aggregate.”.

14 In section 108 (disablement questions)—

- (a) in subsection (1) the following words shall be added at the end, but not as part of paragraph (b)—

“but questions relating to the aggregation of percentages of disablement resulting from different accidents are not disablement questions.”; and
- (b) the following subsection shall be inserted after subsection (4)—

“(4A) In the case of a claimant for disablement benefit the adjudication officer may refer to one or more adjudicating medical practitioners for determination any question as to the extent of any present disablement of his resulting from an accident other than the accident which is the basis of the claim.”.

15 In Schedule 8 (assessment of extent of disablement)—

- (a) paragraph 4 shall be renumbered as sub-paragraph (1) of that paragraph; and
- (b) the following sub-paragraph shall be inserted after that sub-paragraph—

“(2) Where—

 - (a) the assessed extent of a claimant's disablement amounts to 13 per cent, or less ;
 - (b) it seems likely that the assessed extent of a claimant's disablement will be aggregated with the assessed extent

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of any present disablement of his and the likely aggregate amounts to 13 per cent, or less,
the period to be taken into account by the assessment of the disablement shall not end earlier than any date by which it seems likely that the extent of the disablement or the aggregate will be at least 1 per cent.”.

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

- 16 For the purposes of section 159 and of section 7 of the Industrial Injuries and Diseases (Old Cases) Act 1975 paragraph 4 of this Schedule shall be deemed not to have been enacted.

Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c. 41)

- 17 (1) Section 2 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (conditions of entitlement to lump sum payments) shall be amended as follows.
- (2) At the end of subsection (1)(a) there shall be added the words " or, subject to subsection (3A) below, would be payable to him in respect of it but for his disablement amounting to less than the appropriate percentage ".
- (3) At the end of subsection (2)(b) there shall be added the words " or, subject to subsection (3A) below, would have been so payable to him—
- (i) but for his disablement amounting to less than the appropriate percentage; or
 - (ii) but for his not having claimed the benefit; or
 - (iii) but for his having died before he had suffered from the disease for the appropriate period ".
- (4) In subsection (3) the following definitions shall be inserted before the definition of " death benefit "—
- “the appropriate percentage " means, in the case of any disease, the percentage specified in subsection (1) of section 57 of the Social Security Act 1975 or, if regulations have been made under section 77 of that Act specifying a different percentage in relation to that disease, the percentage specified in the regulations ;
- " the appropriate period " means, in the case of any disease, the period specified in subsection (4) of the said section 57 or, if regulations have been made under the said section 77 specifying a different period in relation to that disease, the period specified in the regulations;”.
- (5) The following subsection shall be inserted after that subsection—
- “(3A) No amount is payable under this Act in respect of disablement amounting to less than 1 per cent”.

SCHEDULE 4

Section 49.

STATUTORY MATERNITY PAY ETC.

PART I

PROVISIONS SUPPLEMENTARY TO PART V

Recovery of amounts paid by way, of statutory maternity pay

- 1 Regulations shall make provision—
- (a) entitling, except in prescribed circumstances, any person who has made a payment of statutory maternity pay to recover the amount so paid by making one or more deductions from his contributions payments ; and
 - (b) for the payment, in prescribed circumstances, by the Secretary of State or by the Commissioners of Inland Revenue on behalf of the Secretary of State, of sums to persons who are unable so to recover the whole, or any part, of any payments of statutory maternity pay which they have made ;
 - (c) giving any person who has made a payment of statutory maternity pay a right, except in prescribed circumstances, to an amount, determined in such manner as may be prescribed—
 - (i) by reference to secondary Class 1 contributions paid in respect of statutory maternity pay ; or
 - (ii) by reference to secondary Class 1 contributions paid in respect of statutory sick pay ; or
 - (iii) by reference to the aggregate of secondary Class 1 contributions paid in respect of statutory maternity pay and secondary Class 1 contributions paid in respect of statutory sick pay ;
 - (d) providing for the recovery, in prescribed circumstances, of the whole or any part of any such amount from contributions payments ;
 - (e) for the payment, in prescribed circumstances, by the Secretary of State or by the Commissioners of Inland Revenue on behalf of the Secretary of State, of the whole or any part of any such amount.
- 2 Regulations under paragraph 1 above may, in particular provide for any deduction made in accordance with the regulations to be disregarded for prescribed purposes.
- 3 The power to make regulations conferred by paragraph 5 of Schedule 1 to the Social Security Act 1975 (power to combine collection of contributions with collection of income tax) shall include power to make such provision as the Secretary of State considers expedient in consequence of any provision made by or under this Schedule.
- 4 Provision made in regulations under paragraph 5 of Schedule 1, by virtue of paragraph 3 above, may in particular require the inclusion—
- (a) in returns, certificates and other documents ; or
 - (b) in any other form of record ;
- which the regulations require to be kept or produced or to which those regulations otherwise apply, of such particulars relating to statutory maternity pay or deductions or payments made by virtue of paragraph 1 above as may be prescribed by those regulations.

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- 5 Where, in accordance with any provision of regulations made under this Schedule, an amount has been deducted from an employer's contributions payments, the amount so deducted shall (except in such cases as may be prescribed) be treated for the purposes of any provision made by or under any enactment in relation to primary or secondary Class 1 contributions as having been—
- (a) paid (on such date as may be determined in accordance with the regulations); and
 - (b) received by the Secretary of State,
- towards discharging the employer's liability in respect of such contributions.

Provision of information by women and their employers and / or former employers

- 6 A woman shall provide the person who is liable to pay her statutory maternity pay—
- (a) with evidence as to her pregnancy and the expected date of confinement in such form and at such time as may be prescribed ; and
 - (b) where she commences work after her confinement but within the maternity pay period, with such additional information as may be prescribed.

- 7 Where a woman asks an employer or former employer of hers to provide her with a written statement, in respect of a period before the request is made, of one or more of the following—

- (a) the weeks within that period which he regards as weeks in respect of which he is liable to pay statutory maternity pay to the woman ;
- (b) the reasons why he does not so regard the other weeks in that period ; and
- (c) his opinion as to the amount of statutory maternity pay to which the woman is entitled in respect of each of the weeks in respect of which he regards himself as liable to make a payment,

the employer or former employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

- 8 Regulations—
- (a) may require employers to maintain such records in connection with statutory maternity pay as may be prescribed ;
 - (b) may provide for—
 - (i) any woman claiming to be entitled to statutory maternity pay; or
 - (ii) any other person who is a party to proceedings arising under this Act relating to statutory maternity pay,to furnish to the Secretary of State, within a prescribed period, any information required for the determination of any question arising in connection therewith ; and
 - (c) may require persons who have made payments of statutory maternity pay to furnish to the Secretary of State such documents and information, at such time, as may be prescribed.

Provision of information by Secretary of State

- 9 Where the Secretary of State considers that it is reasonable for information held by him to be disclosed to a person liable to make payments of statutory maternity pay for the purpose of enabling that person to determine—
- (a) whether a maternity pay period exists in relation to a woman who is or has been an employee of his; and

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- (b) if it does, the date of its commencement and the weeks in it in respect of which he may be liable to pay statutory maternity pay, he may disclose the information to that person.

Statutory maternity pay to count as remuneration for purposes of Social Security Act 1975

- 10 For the purposes of section 3 of the Social Security Act 1975 (meaning of "earnings"), any sums paid to, or for the benefit of, a woman in satisfaction (whether in whole or in part) of any entitlement of hers to statutory maternity pay shall be treated as remuneration derived from employed earner's employment.

Relationship with benefits and other payments etc.

- 11 Any day which falls within the maternity pay period shall not be treated for the purposes of the Social Security Act 1975 or the Social Security Pensions Act 1975 as a day of unemployment or of incapacity for work for the purpose of determining whether it forms part of a period of interruption of employment.
- 12 (1) Subject to sub-paragraphs (2) and (3) below, any entitlement to statutory maternity pay shall not affect any right of a woman in relation to remuneration under any contract of service ("contractual remuneration").
- (2) Subject to sub-paragraph (3) below—
- (a) any contractual remuneration paid to a woman by an employer of hers in respect of a week in the maternity pay period shall go towards discharging any liability of that employer to pay statutory maternity pay to her in respect of that week ; and
- (b) any statutory maternity pay paid by an employer to a woman who is an employee of his in respect of a week in the maternity pay period shall go towards discharging any liability of that employer to pay contractual remuneration to her in respect of that week.
- (3) Regulations may make provision as to payments which are, and those which are not, to be treated as contractual remuneration for the purposes of sub-paragraphs (1) and (2) above.

PART II

AMENDMENTS OF SOCIAL SECURITY ACT 1975

- 13 For sections 22 and 23 there shall be substituted—

“22 State maternity allowance.

- (1) A woman shall be entitled to a maternity allowance at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 4, if—
- (a) she satisfies the condition specified in section 46(2)(c) of the Social Security Act 1986; and
- (b) she has been engaged in employment as an employed or self-employed earner for at least 26 weeks in the 52 weeks immediately preceding the 14th week before the expected week of confinement; and

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- (c) she satisfies the contribution condition for a maternity allowance specified in Schedule 3, Part I, paragraph 3 ; and
 - (d) she is not entitled to statutory maternity pay for the same week in respect of the same pregnancy.
- (2) Subject to the following provisions of this section, a maternity allowance shall be payable for the period ("the maternity allowance period") which, if she were entitled to statutory maternity pay, would be the maternity 'pay period under section 47 of the Social Security Act 1986.
- (3) Regulations may provide—
- (a) for disqualifying a woman for receiving a maternity allowance if—
 - (i) during the maternity allowance period she does any work in employment as an employed or self-employed earner or fails without good cause to observe any prescribed rules of behaviour ; or
 - (ii) at any time before she is confined she fails without good cause to attend for, or submit herself to, any medical examination required in accordance with the regulations ;
 - (b) that this section and Schedule 3, Part I, paragraph 3 shall have effect subject to prescribed modifications in relation to cases in which a woman has been confined and—
 - (i) has not made a claim for a maternity allowance in expectation of that confinement (other than a claim which has been disallowed) ; or
 - (ii) has made a claim for maternity allowance in expectation of that confinement (other than a claim which has been disallowed), but she was confined more than 11 weeks before the expected week of confinement.
- (4) Any day which falls within the maternity allowance period shall be treated for the purposes of this Part of this Act as a day of incapacity for work.
- (5) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of a maternity allowance—
- (a) Sunday or such other day in each week as may be prescribed shall be disregarded ; and
 - (b) the amount payable by way of that allowance for any other day shall be taken as $\frac{1}{7}$ th of the weekly rate of the allowance.
- (6) In this section " confinement" and " confined " are to be construed in accordance with section 50 of the Social Security Act 1986.
- (7) The fact that the mother of a child is being paid maternity allowance shall not be taken into consideration by any court in deciding whether to order payment of expenses incidental to the birth of the child.”.

14 The following paragraph shall be substituted for paragraph 3 of Part I of Schedule 3—

- “3 The contribution condition for a maternity allowance is—
- (a) that the claimant must in respect of at least 26 weeks in the 52 weeks immediately preceding the 14th week before the

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- expected week of confinement have actually paid contributions of a relevant class ; and
- (b) in the case of Class 1 contributions, that they were not secondary contributions and were not paid at the reduced rate.”.

PART III

ABOLITION OF MATERNITY PAY AND WINDING-UP OF MATERNITY PAY FUND

- 15 The provisions of Part III of the Employment Protection (Consolidation) Act 1978 shall cease to have effect so far as they relate to maternity pay.
- 16 A woman who is entitled to maternity pay on the coming into force of paragraph 15 above shall continue to be so entitled notwithstanding that paragraph; but a woman who continues to be entitled to maternity pay by virtue of this paragraph shall not be entitled to statutory maternity pay in respect of any week as respects which she is entitled to maternity pay.
- 17 (1) The assets and liabilities of the Maternity Pay Fund (including, in particular, liabilities of the Secretary of State in respect of sums advanced under section 38 of the Employment Protection (Consolidation) Act 1978 or claims under section 39 or 40 of that Act) immediately before the relevant date shall become assets and liabilities of the National Insurance Fund ; and on that date the Maternity Pay Fund shall cease to exist.
- (2) Not later than such date as the Treasury may direct the Secretary of State shall prepare an account in such form as the Treasury may direct showing the state of the Maternity Pay Fund on the relevant date.
- (3) The Secretary of State shall send to the Comptroller and Auditor General a copy of the account prepared under sub-paragraph (2) above; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.
- (4) In this paragraph " the relevant date " means such date in the period of 12 months ending on 5th April 1988 as the Secretary of State may, with the consent of the Treasury, determine.

SCHEDULE 5

Section 52.

ADJUDICATION

PART I

AMENDMENT OF ENACTMENTS

Social Security Act 1973 (c. 38)

- 1 In section 67(2) of the Social Security Act 1973 (review of determinations by Occupational Pensions Board) the words "or was erroneous in point of law " shall be inserted at the end of paragraph (a).

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Social Security Act 1975 (c. 14)

- 2 Section 95 of the Social Security Act 1975 (other questions for Secretary of State) shall cease to have effect.
- 3 The following subsection shall be substituted for subsection (1) of section 96 of that Act (review of certain decisions of Secretary of State)—
- “(1) Subject to subsection (2) below, the Secretary of State may review any decision given by him on any question within section 93(1) above if—
- (a) new facts have been brought to his notice; or
 - (b) he is satisfied that the decision—
 - (i) was given in ignorance of some material fact;
 - (ii) was based on a mistake as to some material fact; or
 - (iii) was erroneous in point of law.”.
- 4 The following subsections shall be substituted for subsection (2) of section 98 of that Act (claims and questions to be submitted to adjudication officer)—
- “(2) Subsection (1) above does not apply to any question which falls to be determined otherwise than by an adjudication officer.
- (2A) If—
- (a) a person submits a question relating to the age, marriage or death of any person ; and
 - (b) it appears to the adjudication officer that the question may arise if the person who has submitted it to him submits a claim for benefit, the adjudication officer may determine the question.”.

5 The following subsection shall be substituted for subsection (2) of section 99 of that Act (decision of adjudication officer)—

“(2) Subject to section 103 below (reference of special questions), the adjudication officer may decide a claim or question himself or refer it to a social security appeal tribunal.”.

6 In section 100 of that Act (appeal to social security appeal tribunal)—

 - (a) in subsection (1), the words " adversely to the claimant" shall be omitted;
 - (b) in subsection (2), for the words from " notified " to the end there shall be substituted the words " given any such notification of a decision and of his right of appeal under this section as may be prescribed. " ;
 - (c) for the words from the beginning of subsection (3) to the end of paragraph (b) there shall be substituted the words " Where in connection with the decision of the adjudication officer there has arisen any question which under or by virtue of this Act falls to be determined otherwise than by an adjudication officer " ;
 - (d) the following subsection shall be substituted for subsection (4)—

“(4) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought.”;
 - (e) the following subsection shall be substituted for subsection (7)—

“(7) Where an adjudication officer has determined that any amount is recoverable under or by virtue of section 27 or 53 of the Social Security Act 1986 (over payments) any person from whom he has

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determined that it is recoverable shall have the same right of appeal to a social security appeal tribunal as a claimant.”.

7 (1) At the end of subsection (1) of section 101 of that Act (appeal from tribunal to Commissioner) there shall be added the words " on the ground that the decision of the tribunal was erroneous in point of law. ".

(2) The following paragraph shall be substituted for paragraph (d) of subsection (2) of that section—

“(d) a person from whom it is determined that any amount is recoverable under or by virtue of section 27 or 53 of the Social Security Act 1986.”.

(3) The following subsections shall be substituted for subsection (5) of that section—

“(5) Where the Commissioner holds that the decision was erroneous in point of law—

(a) he shall have power—

(i) to give the decision which he considers the tribunal should have given, if he can do so without making fresh or further findings of fact; or

(ii) if he considers it expedient, to make such findings and to give such decision as he considers appropriate in the light of them ; and

(b) in any other case he shall refer the case to a tribunal with directions for its determination.

(5A) No appeal lies under this section without the leave—

(a) of the person who was the chairman of the tribunal when the decision was given or, in a case prescribed by regulations, the leave of some other chairman of a social security appeal tribunal; or

(b) subject to and in accordance with regulations, of a Commissioner.

(5B) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.”.

8 The following subsection shall be substituted for subsection (2) of section 102 of that Act (question first arising on appeal)—

“(2) Subsection (1) above does not apply to any question which under or by virtue of this Act falls to be determined otherwise than by an adjudication officer.”.

9 The following section shall be substituted for section 103 of that Act—

“103 Reference of special questions.

(1) Subject to subsection (2) below—

(a) if on consideration of any claim or question an adjudication officer is of opinion that there arises any question which under or by virtue of this Act falls to be determined otherwise than by an adjudication officer, he shall refer the question for such determination; and

(b) if on consideration of any claim or question a social security appeal tribunal or a Commissioner is of opinion that any such question

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arises, the tribunal or Commissioner shall direct it to be referred by an adjudication officer for such determination.

- (2) The person or tribunal making the reference shall then deal with any other question as if the referred question had not arisen.
- (3) The adjudication officer, tribunal or Commissioner may—
 - (a) postpone the reference of, or dealing with, any question until other questions have been determined ;
 - (b) in cases where the determination of any question disposes of a claim or any part of it make an award or decide that an award cannot be made, as to the claim or that part of it, without referring or dealing with, or before the determination of, any other question.”.

10 In section 104 of that Act (review of decisions of adjudication officers, tribunals or Commissioner)—

- (a) the following subsection shall be substituted for subsection (1)—
 - “(1) Any decision under this Act of an adjudication officer, a social security appeal tribunal or a Commissioner may be reviewed at any time by an adjudication officer, or, on a reference by an adjudication officer, by a social security appeal tribunal, if—
 - (a) the officer or tribunal is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact; or
 - (b) there has been any relevant change of circumstances since the decision was given; or
 - (c) the decision was based on a decision of a question which under or by virtue of this Act falls to be determined otherwise than by an adjudication officer, and the decision of that question is revised,
 but regulations may provide that a decision may not be reviewed on the ground mentioned in paragraph (a) above unless the officer or tribunal is satisfied as mentioned in that paragraph by fresh evidence.”;
 - (b) in subsection (1A), the words " in prescribed circumstances " shall cease to have effect;
 - (c) the following subsection shall be inserted after subsection (3)—
 - “(3A) Regulations may provide for enabling or requiring, in prescribed circumstances, a review under this section notwithstanding that no application under subsection (2) has been made.”; and
 - (d) the following subsection shall be added after subsection (4)—
 - “(5) Regulations—
 - (a) may prescribe what are, or are not, relevant changes of circumstances for the purposes of subsection (1)(b) above; and
 - (b) may make provision restricting the payment of any benefit, or any increase of benefit, to which a person would, but for this subsection, be entitled by reason of a review in respect of any period before the review.”.

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- 11 (1) In section 106(1) of that Act (review of decision of Attendance Allowance Board) in paragraph (b) before the word " within " there shall be inserted the words " on an application made ".
- (2) The following paragraph shall be inserted after that paragraph—
“(bb) without an application review such a determination on any ground within the prescribed period ;”.
- 12 In section 107(6) of that Act (declaration that accident is an industrial accident)—
(a) the words " or was not" shall be inserted after the words " accident was " ; and
(b) the words " by fresh evidence " and paragraph (b) shall cease to have effect.
- 13 In section 109(3) of that Act (medical appeals and references) after the words " by a medical appeal tribunal," there shall be inserted the words " or, if the adjudication officer is of the opinion that any such decision ought to be so considered, ".
- 14 In section 110 of that Act (review of medical decisions)—
(a) in subsection (1), the words " by fresh evidence " shall cease to have effect; and
(b) the following subsections shall be inserted after that subsection—
“(1A) Any decision under this Part of this Act of an adjudicating medical practitioner may be reviewed at any time by such a practitioner if he is satisfied that the decision was erroneous in point of law.

(1B) Regulations may provide that a decision may not be reviewed under subsection (1) above unless the adjudicating medical practitioner is satisfied as mentioned in that subsection by fresh evidence.”.
- 15 In section 112 of that Act (appeal etc. on question of law to Commissioner)—
(a) in subsection (1), the following paragraph shall be inserted before paragraph (a)—
“(za) an adjudication officer ; or”; and
(b) in subsection (3), for the words from " without the leave " to " and regulations" there shall be substituted—
“without the leave—
(a) of the person who was the chairman of the medical appeal tribunal when the decision was given or, in a case prescribed by regulations, the leave of some other chairman of a medical appeal tribunal; or
(b) subject to and in accordance with regulations, of a Commissioner,
and regulations”.
- 16 In section 114 of that Act (regulations as to determination of questions)—
(a) the following subsections shall be inserted after subsection (2A)—
“(2B) Regulations under subsection (1) above may provide for the review by the Secretary of State of decisions on questions determined by him.

(2C) The Lord Chancellor may by regulations provide—

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- (a) for officers authorised—
 - (i) by the Lord Chancellor ; or
 - (ii) in Scotland, by the Secretary of State,
 to determine any question which is determinable by a Commissioner and which does not involve the determination of any appeal, application for leave to appeal or reference;
- (b) for the procedure to be followed by any such officer in determining any such question;
- (c) for the manner in which determinations of such questions by such officers may be called in question.

(2D) A determination which would have the effect of preventing an appeal, application for leave to appeal or reference being determined by a Commissioner is not a determination of the appeal, application or reference for the purposes of subsection (2C) above.”; and

(b) subsections (3) and (4) shall cease to have effect.

17 The following subsection shall be inserted after section 166(5) of that Act (regulations)—

“(5A) Where the Lord Chancellor proposes to make regulations under this Act it shall be his duty to consult the Lord Advocate with respect to the proposal.”.

18 In paragraph 2(2) of Schedule 12 to that Act (appointment of members of medical appeal tribunals) for the words " Secretary of State " there shall be substituted the word " President ".

19 In Schedule 13 to that Act (provision which may be made by procedure regulations)

(a) the following paragraph shall be inserted after paragraph 1—

“1A Provision as to the striking out of proceedings for want of prosecution.”;

(b) in paragraph 10, for the words from " the determination " to the end there shall be substituted the words " a determination. ".

20 In Schedule 20 to that Act (glossary of expressions), for the definition of " Regulations " there shall be substituted the following definition—

“"Regulations"

In relation to regulations with respect to proceedings before the Commissioners (whether for the determination of any matter or for leave to appeal to or from the Commissioners) and to regulations under section 114(2C) above regulations made by the Lord Chancellor under this Act and in relation to other regulations, regulations made by the Secretary of State under this Act.”.

PART II

QUESTIONS FOR DETERMINATION BY THE SECRETARY OF STATE

The questions referred to in section 52(2) above are—

- (a) any question arising in connection with—
 - (i) minimum contributions;
 - (ii) any state scheme premium under Part I of this Act; or
 - (iii) payments under section 7 above,other than a question which is required under or by virtue of this Act or the Social Security Pensions Act 1975 to be determined by the Occupational Pensions Board ;
- (b) any question arising under any provision of Part I of the Social Security and Housing Benefits Act 1982, or of regulations under that Part of that Act, as to—
 - (i) whether a person is, or was, an employee or employer of another;
 - (ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under section 9 of that Act;
 - (iii) whether a payment falls to be made to an employer in accordance with the regulations ;
 - (iv) the amount that falls to be so deducted or paid ; or
 - (v) whether two or more employers or two or more contracts of service are, by virtue of regulations made under section 26(5) of that Act, to be treated as one;
- (c) any question arising under Part V of this Act (including Schedule 4 to this Act) or regulations under it as to—
 - (i) whether a person is, or was, an employee or employer of another;
 - (ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under Part I of Schedule 4 ;
 - (iii) whether a payment falls to be made to an employer in accordance with the regulations ;
 - (iv) the amount that falls to be so deducted or paid ;
 - (v) whether two or more employers or two or more contracts of service are, by virtue of regulations made under section 50(2) above, to be treated as one,and any question arising under regulations made by virtue of paragraph (c), (d) or (f) of section 46(8) above.

SCHEDULE 6

Section 66.

CHRISTMAS BONUS FOR PENSIONERS

Interpretation

- 1 (1) In this Schedule "qualifying benefit" means—
- (a) any of the following benefits under the Social Security Act 1975.—
 - (i) a retirement pension;
 - (ii) an invalidity pension ;
 - (iii) a widowed mother's allowance or widow's pension ;
 - (iv) a severe disablement allowance;
 - (v) an invalid care allowance;

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- (vi) an industrial death benefit by way of widow's or widower's pension;
- (b) an attendance allowance ;
- (c) an unemployability supplement or allowance ;
- (d) a war disablement pension ;
- (e) a war widow's pension;
- (f) income support.

(2) In this Schedule—

" attendance allowance " means—

- (a) an attendance allowance under section 35 of the Social Security Act 1975 ;
- (b) an increase of disablement pension under section 61 or 63 of that Act (increases in respect of the need for constant attendance);
- (c) a payment under regulations made in exercise of the power in section 159(3X6) of that Act (constant attendance allowance and an increase for exceptionally severe disablement for certain pre-1948 cases) ;
- (d) an increase of allowance under Article 8 of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983 (constant attendance allowance for certain persons to whom that Scheme applies) or under the corresponding provision of any Scheme which may replace that Scheme ;
- (e) an allowance in respect of constant attendance on account of disablement for which a person is in receipt of war disablement pension, including an allowance in respect of exceptionally severe disablement;

" married couple " and " unmarried couple" are to be construed in accordance with Part II of this Act and any regulations made under it.

" pensionable age " means—

- (a) in the case of a man, the age of 65 ;
- (b) in the case of a woman, the age of 60 ;

" retirement pension " includes graduated retirement benefit, if paid periodically ;

" unemployability supplement or allowance " means—

- (a) an unemployability supplement payable under section 58 of the Social Security Act 1975 by virtue of paragraph 4 of Schedule 3 to this Act; or
- (b) any corresponding allowance payable—
 - (i) by virtue of section 7(3)(a) of the Industrial Injuries and Diseases (Old Cases) Act 1975 ;
 - (ii) by way of supplement to retired pay or pension exempt from income tax under section 365(1) of the Income and Corporation Taxes Act 1970;
 - (iii) under the Personal Injuries (Emergency Provisions) Act 1939 ;
or
 - (iv) by way of supplement to retired pay or pension under the Polish Resettlement Act 1947 ;

and each of the following expressions, namely "attendance allowance ", " unemployability supplement or allowance", " war disablement pension" and

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"war widow's pension", includes any payment which the Secretary of State accepts as being analogous to it.

- (3) In this Schedule " the relevant week ", in relation to any year, means the week beginning with the first Monday in December or such other week as may be specified in an order made by the Secretary of State.

Entitlement

- 2 (1) Any person who in any year—
- (a) is present or ordinarily resident in the United Kingdom or any other member state at any time during the relevant week; and
 - (b) is entitled to a payment of a qualifying benefit in respect of a period which includes a day in that week or is to be treated as entitled to a payment of a qualifying benefit in respect of such a period,
- shall, subject to the following provisions of this Schedule, be entitled to payment under this sub-paragraph in respect of that year.
- (2) Subject to the following provisions of this Schedule, any person who is a member of a married or unmarried couple and is entitled to a payment under sub-paragraph (1) above in respect of a year shall also be entitled to payment under this sub-paragraph in respect of that year if—
- (a) both members of the couple have attained pensionable age not later than the end of the relevant week ; and
 - (b) the other member of the couple satisfies the condition mentioned in sub-paragraph (1)(a) above; and
 - (c) either—
 - (i) he is entitled or treated as entitled, in respect of the other member of the couple to an increase in the payment of the qualifying benefit; or
 - (ii) the only qualifying benefit to which he is entitled is income support.
- (3) A payment under sub-paragraph (1) or (2) above—
- (a) is to be made by the Secretary of State ; and
 - (b) is to be of £10 or such larger sum as the Secretary of State may by order specify.
- (4) Where the only qualifying benefit to which a person is entitled is income support, he shall not be entitled to a payment under sub-paragraph (1) above unless he has attained pensionable age not later than the end of the relevant week.
- (5) Only one sum shall be payable in respect of any person.
- 3 (1) For the purposes of paragraph 2 above the Channel Islands, the Isle of Man and Gibraltar shall be treated as though they were part of the United Kingdom.
- (2) A person shall be treated for the purposes of paragraph 2(1)(b) above as entitled to a payment of a qualifying benefit if he would be so entitled—
- (a) in the case of a qualifying benefit other than income support—
 - (i) but for the fact that he or, if he is a member of a married or unmarried couple, the other member is entitled to receive some other payment out of public funds ;
 - (ii) but for the operation of section 30(1) of the Social Security Act 1975 ;

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- (iii) but for the fact that he has not made a claim for the payment;
 - (b) in the case of income support, but for the fact that his income or, if he is a member of a married or unmarried couple, the income of the other member of the couple was exceptionally of an amount which resulted in his having ceased to be entitled to income support.
- (3) A person shall be treated for the purposes of paragraph 2(2)(c)(i) above as entitled in respect of the other member of the couple to an increase in a payment of qualifying benefit if he would be so entitled—
- (a) but for the fact that he or the other member is entitled to receive some other payment out of public funds ;
 - (b) but for the operation of any provision of section 30(1), 45(2) or (2A) or 66(4) of the Social Security Act 1975 or any regulations made under section 66(3) of that Act whereby entitlement to benefit is affected by the amount of a person's earnings in a given period ; or
 - (c) but for such terms as are mentioned in sub-paragraph (2)(a)(iii) above ; or
 - (d) but for the fact that he has not made a claim for the increase.
- (4) For the purposes of paragraph 2 above a person shall be deemed not to be entitled to a payment of a war disablement pension unless not later than the end of the relevant week—
- (a) he has attained the age of 70 in the case of a man or 65 in the case of a woman ; or
 - (b) he is treated under section 27(3) of the Social Security Act 1975 as having retired from regular employment.
- (5) A sum payable under paragraph 2 above shall not be treated as benefit for the purposes of any enactment or instrument under which entitlement to the relevant qualifying benefit arises or is to be treated as arising.
- (6) A payment and the right to receive a payment—
- (a) under paragraph 2 above or any enactment corresponding to it in Northern Ireland ; or
 - (b) under regulations relating to widows which are made by the Secretary of State under any enactment relating to police and which contain a statement that the regulations provide for payments corresponding to payments under that paragraph,
- shall be disregarded for all purposes of income tax and for the purposes of any enactment or instrument under which regard is had to a person's means.

Administration of payments

- 4 (1) A determination by the competent authority that a person is entitled or not entitled to payment of a qualifying benefit in respect of a period which includes a day in the relevant week shall be conclusive for the purposes of paragraph 2 above; and in this sub-paragraph " competent authority " means, in relation to a payment of any description of qualifying benefit, an authority who ordinarily determines whether a person is entitled to such a payment
- (2) Any question arising under this Schedule other than one determined or falling to be determined under sub-paragraph (1) above shall be determined by the Secretary of State whose decision shall except as provided by the following sub-paragraph be final.

- (3) The Secretary of State may reverse a decision under sub-paragraph (2) above on new facts being brought to his notice or if he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact.

SCHEDULE 7

Section 73.

SUPPLEMENTARY BENEFIT ETC.

Interpretation

- 1 In this Schedule—
- " the former National Insurance Acts" means the National Insurance Act 1946 and the National Insurance Act 1965 ; and
- " the former Industrial Injuries Acts " means the National Insurance (Industrial Injuries) Act 1946 and the National Insurance (Industrial Injuries) Act 1965.

Prevention of duplication of payments

- 2 Section 27 above shall have effect in relation to supplementary benefit as it has effect in relation to income support.

Claims and Payments

- 3 (1) Section 51 above shall have effect in relation to the benefits specified in sub-paragraph (2) below as it has effect in relation to the benefits to which it applies by virtue of subsection (2).
- (2) The benefits mentioned in sub-paragraph (1) above are benefits under—
- (a) the former National Insurance Acts ;
 - (b) the former Industrial Injuries Acts ;
 - (c) the National Assistance Act 1948 ;
 - (d) the Supplementary Benefit Act 1966 ;
 - (e) the Supplementary Benefits Act 1976 ;
 - (f) the Family Income Supplements Act 1970.

Adjudication

- 4 (1) Section 52(3) above shall have effect for the purposes of the benefits specified in paragraph 3(2) above as it has effect for the purposes of benefit under the Social Security Act 1975.
- (2) Procedure regulations made under section 115 of the Social Security Act 1975 by virtue of sub-paragraph (1) above may make different provision in relation to each of the benefits specified in paragraph 3(2) above.

Status: This is the original version (as it was originally enacted).

Overpayments

- 5 (1) Section 53 above shall have effect in relation to the benefits specified in paragraph 3(2) above as it has effect in relation to the benefits to which it applies by virtue of subsection (10).
- (2) The reference to housing benefit in section 29(4) includes a reference to housing benefits under Part II of the Social Security and Housing Benefits Act 1982.

Legal proceedings

- 6 Section 56 above shall have effect as if the benefit Acts included—
- (a) the National Assistance Act 1948 ;
 - (b) the Supplementary Benefit Act 1966 ;
 - (c) the Supplementary Benefits Act 1976 ;
 - (d) the Family Income Supplements Act 1970.

Inspection

- 7 Section 58 above shall have effect as if the benefit Acts included the Acts mentioned in paragraph 6(c) and (d) above.

Up-rating

- 8 Section 63 above shall have effect as if the sums mentioned in subsection (1) included sums payable by way of benefit under—
- (a) the Family Income Supplements Act 1970 ;
 - (b) the Supplementary Benefits Act 1976 ; and
 - (c) Part II of the Social Security and Housing Benefits Act 1982.

SCHEDULE 8

Section 75.

EARNINGS FACTORS

Social Security Act 1975 (c. 14)

- 1 The Social Security Act 1975 shall be amended as follows.
- 2 (1) In subsection (2) of section 13 (contribution conditions and the earnings factor) for the words from "from" to "above" there shall be substituted the words "in respect of each tax year from those of his earnings upon which primary Class 1 contributions have been paid or treated as paid and from Class 2 and Class 3 contributions".
- (2) In subsection (3) of that section, for the words from " primary " to the end there shall be substituted the words " earnings upon which primary Class 1 contributions are paid at the reduced rate ".
- (3) In subsection (4), for the words " contributions of any class " there shall be substituted the words " earnings or Class 2 or Class 3 contributions ".
- (4) In subsection (5)—

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- (a) for the word " contributions ", in the first place where it occurs, there shall be substituted the words " earnings or Class 2 or Class 3 contributions " ;
 - (b) paragraph (a) shall be omitted ; and
 - (c) few the words from " shall be derived " to the end of the subsection there shall be substituted the words "may be derived—
 - (i) from earnings upon which primary Class 1 contributions have been paid or treated as paid ;
 - (ii) from earnings which have been credited ;
 - (iii) from contributions of different classes paid or credited in the same tax year;
 - (iv) by any combination of the methods mentioned in sub-paragraphs (i) to (iii) above."
- (5) The following subsection shall be inserted after subsection (5A)—
- “(5B) Regulations may provide for requiring persons to maintain, in such form and manner as may be prescribed, records of such earnings paid by them as are relevant for the purpose of calculating earnings factors, and to retain such records for so long as may be prescribed.”.
- (6) In subsection (6)(c)—
- (a) for the words " person's contribution of any class or classes " there shall be substituted the word " person " ;
 - (b) for the words " those contributions" there shall be substituted the words " his earnings upon which primary Class 1 contributions have been paid or treated as paid and from his Class 2 and Class 3 contributions ".
- 3 (1) The following paragraph shall be substituted for sub-paragraph (2)(b) of paragraph 1 (unemployment and sickness benefit) of Schedule 3 (contribution conditions)—
- “(b) the earnings factor derived—
- (i) in the case of unemployment benefit, from earnings upon which primary Class 1 contributions have been paid or treated as paid; and
 - (ii) in the case of sickness benefit, from such earnings or from Class 2 contributions,
- must be not less than that year's lower earnings limit multiplied by 25.”.
- (2) In sub-paragraph (3)(a) of that paragraph, after the word " class " there shall be inserted the words " or been credited with earnings ".
- (3) The following paragraph shall be substituted for sub-paragraph (3)(b)—
- “(b) the earnings factor derived—
- (i) in the case of unemployment benefit, from earnings upon which primary Class 1 contributions have been paid or treated as paid or from earnings credited ; and
 - (ii) in the case of sickness benefit, from such earnings or from Class 2 contributions,
- must be not less than that year's lower earnings limit multiplied by 50.”.

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- (4) In sub-paragraph (1)(b) of paragraph 4 of that Schedule for the words " those contributions " there shall be substituted the words " earnings upon which primary Class 1 contributions have been paid or treated as paid and from Class 2 and Class 3 contributions ".
- (5) In sub-paragraph (2)(b) of paragraph 5 of that Schedule (widowed mother's allowance, widow's pension and retirement pensions) for the words " those contributions " there shall be substituted the words " earnings upon which such of those contributions as are primary Class 1 contributions were paid or treated as paid and any Class 2 or Class 3 contributions ".
- (6) The following paragraph shall be substituted for sub-paragraph (3)(b) of that paragraph—
- “(b) in the case of each of those years, the earnings factor derived from—
- (i) any earnings upon which such of those contributions as are primary Class 1 contributions were paid or treated as paid or earnings credited ; and
- (ii) any Class 2 or Class 3 contributions for the year, must be not less than the qualifying earnings factor for the year.”.
- (7) In paragraph 8(3) (satisfaction of certain contribution conditions in early years of contribution) for the words " his contributions of a relevant class " there shall be substituted the words " the aggregate of his earnings upon which primary Class 1 contributions were paid or treated as paid and from Class 2 contributions ".

Social Security Pensions Act 1975 (c. 60)

- 4 The Social Security Pensions Act 1975 shall be amended as follows.
- 5 In subsection (4) of section 3 (married women and widows) for the words from " contributions " to " rate " there shall be substituted the words " earnings upon which primary Class 1 contributions are paid at a reduced rate by virtue of regulations under subsection (2) above or from Class 2 contributions paid at a reduced rate by virtue of such regulations ".
- 6 In subsection (1) of section 5 of that Act (voluntary contributions) after the word " from " there shall be inserted the words " earnings upon which Class 1 contributions have been paid or treated as paid or from Class 2 ".
- 7 (1) In section 6 (rate of Category A retirement pension)—
- (a) in subsection (5), for the words " contributions actually paid by him in respect of that year " there shall be substituted the words " earnings upon which primary Class 1 contributions were paid or treated as paid in respect of that year and earnings factors derived from Class 2 and Class 3 contributions actually paid in respect of it " ; and
- (b) subsection (5A) shall be omitted.
- 8 (1) In subsection (2) of section 35 (earner's guaranteed minimum) for the words " contributions paid in respect of such earnings as are mentioned in subsection (1) above " there shall be substituted the words " earnings such as are mentioned in subsection (1) above upon which primary Class 1 contributions have been paid or treated as paid ".
- 9 Section 43(1A) and section 47(2A) shall not apply to any period after the end of the tax year 1986-87.

- 10 In subsection (3)(b) of section 45 (premium where guaranteed minimum pension excluded from full revaluation) for the word " contributions ", in the first place where it occurs, there shall be substituted the words " earnings upon which primary Class 1 contributions have been paid or treated as paid ".

Social Security (Miscellaneous Provisions) Act 1977 (c. 5)

- 11 In subsection (1)(b) of section 21 of the Social Security (Miscellaneous Provisions) Act 1977 (calculation of guaranteed minimum pensions preserved under approved arrangements) after the word " contributions ", in the first place where it occurs, there shall be inserted the words " or earnings ".

SCHEDULE 9

Section 82.

NORTHERN IRELAND

PART I

APPEAL ON QUESTION OF LAW FROM MEDICAL APPEAL TRIBUNAL TO COMMISSIONER

- 1 After section 112 of the Social Security (Northern Ireland) Act 1975 there shall be inserted the following section—

“112A Appeal etc. on question of law to Commissioner.

- (1) Subject to this section, an appeal lies to a Commissioner from any decision of a medical appeal tribunal on the ground that the decision is erroneous in point of law, at the instance of—
- (a) an adjudication officer; or
 - (b) the claimant; or
 - (c) a trade union of which the claimant was a member at the time of the relevant accident or, in a case relating to severe disablement allowance, at the prescribed time ; or
 - (d) the Department.
- (2) Subsection (1) above, as it applies to a trade union, applies also to any other association which exists to promote the interests and welfare of its members.
- (3) No appeal lies under subsection (1) above without the leave—
- (a) of the person who was the chairman of the medical appeal tribunal when the decision was given or, in a case prescribed by regulations, the leave of some other chairman of a medical appeal tribunal; or
 - (b) subject to and in accordance with regulations, of a Commissioner, and regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.
- (4) Where a question of law arises in a case before a medical appeal tribunal, the tribunal may refer that question to a Commissioner for his decision.

Status: This is the original version (as it was originally enacted).

- (5) On any such appeal or reference, the question of law arising for the decision of the Commissioner and the facts on which it arises shall be submitted for his consideration in the prescribed manner; and the medical appeal tribunal on being informed in the prescribed manner of his decision on the question of law shall give, confirm or revise their decision on the accordingly.
- (6) No appeal lies under subsection (1) from a decision of a medical appeal tribunal given before the date of the coming into operation of Part I of Schedule 9 to the Social Security Act 1986.”.

PART II

TRANSFER OF FUNCTIONS RELATING TO COMMISSIONERS

- 2 (1) In this Part—
- " the Commissioners" means the Chief and other Social Security Commissioners for Northern Ireland ;
- " the Department", except in the expression " the Department of Finance and Personnel", means the Department of Health and Social Services for Northern Ireland.
- (2) The references in paragraphs 3(1)(b) and 4 to service by any person as a Commissioner include references to service treated as service as a Commissioner under paragraph 5(2) of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (service under former enactments).
- 3 (1) The following functions of the Department are hereby transferred to the Lord Chancellor—
- (a) the functions of the Department under paragraphs 4, 6 and 7 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (payment of remuneration, expenses, and pensions of the Commissioners);
 - (b) the functions of the Department under the provisions of the Judicial Pensions Act (Northern Ireland) 1951 (Gump sums and widow's and children's pensions) and paragraph 3 of Schedule 3 to the Administration of Justice Act 1973 (increase of certain widow's and children's pensions) so far as those provisions apply to service by any person as a Commissioner;
 - (c) the administration of the offices of the Commissioners, including the functions of the Department under paragraph 3 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (payments in connection with work of tribunals etc.) relating to the work of the Commissioners;
 - (d) the making, under or for the purposes of the enactments mentioned in sub-paragraph (2) below, of regulations with respect to proceedings before the Commissioners, whether for the determination of any matter or for leave to appeal to or from the Commissioners.
- (2) The enactments referred to in sub-paragraph (1)(d) above are—
- (a) sections 6(1) and 10 of the Family Income Supplements Act (Northern Ireland) 1971 ;
 - (b) section 5 of the National Insurance Measure (Northern Ireland) 1974;
 - (c) sections 106(2), 112A and 115(1) of the Social Security (Northern Ireland) Act 1975 ;

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- (d) Articles 9(1) and 24 of the Child Benefit (Northern Ireland) Order 1975;
 - (e) the definition of " regulations " in Article 2(2), and Articles 4(1) and 19(1), of the Supplementary Benefits (Northern Ireland) Order 1977 ;
 - (f) section 14 of the Social Security Act 1980 ;
 - (g) Article 11(1) of the Social Security (Northern Ireland) Order 1980;
 - (h) Article 6 of the Forfeiture (Northern Ireland) Order 1982 ;
 - (j) Articles 17(5) and 36 of the Social Security (Northern Ireland) Order 1982;
- 4 (1) The functions of the Department of Finance and Personnel, so far as they relate to the functions transferred by paragraph 3 above, are hereby transferred to the Treasury.
- (2) The functions of the Department of Finance and Personnel under the Judicial Pensions Act (Northern Ireland) 1951, so far as it applies to service by any person as a Commissioner, are hereby transferred to the Treasury.
- 5 The functions of the Secretary of State under paragraph 7(5) of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (power of Secretary of State to require person retired on medical grounds to resume duties of Commissioner) are hereby transferred to the Lord Chancellor.
- 6 (1) Subject to any Order made after the passing of this Act by virtue of subsection (1) (a) of section 3 of the Northern Ireland Constitution Act 1973, the matters to which this paragraph applies shall not be transferred matters for the purposes of that Act but shall for the purposes of subsection (2) of that section be treated as specified in Schedule 3 to that Act.
- (2) This paragraph applies to all matters relating to the Commissioners, including procedure and appeals, other than those specified in paragraph 9 of Schedule 2 to the Northern Ireland Constitution Act 1973.
- 7 Regulations made by the Lord Chancellor by virtue of this Part of this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.
- 8 (1) Enactments and instruments passed or made before the coming into operation of this Part of this Schedule shall have effect, so far as may be necessary for the purpose or in consequence of the transfers effected by this Part as if—
- (a) references to the Department or to the Secretary of State were references to the Lord Chancellor ; and
 - (b) references to the Department of Finance and Personnel were references to the Treasury ; and
 - (c) references to moneys appropriated by Measure of the Northern Ireland Assembly were references to money provided by Parliament and references to the Consolidated Fund of Northern Ireland were references to the Consolidated Fund of the United Kingdom.
- (2) This Part of this Schedule shall not affect the validity of anything done (or having effect as done) by or in relation to the Department, the Department of Finance and Personnel or the Secretary of State before the coming into operation of this Part, and anything which at the time of the coming into operation of this Part is in process of being done by or in relation to either of those Departments or the Secretary of State may, if it relates to a function transferred by this Part, be continued by or in relation to the Lord Chancellor or the Treasury, as the case may require.

Status: This is the original version (as it was originally enacted).

- (3) Anything done (or having effect as done) by the Department, the Department of Finance and Personnel or the Secretary of State for the purpose of a function transferred by this Part of this Schedule, if in force at the coming into operation of this Part, shall have effect, as far as required for continuing its effect after the coming into operation of this Part, as if done by the Lord Chancellor or by the Treasury, as the case may require.
- (4) The amendments specified in Part III of this Schedule are without prejudice to the generality of this paragraph.

PART III

CONSEQUENTIAL AMENDMENTS

Judicial Pensions Act (Northern Ireland) 1951 (c. 20) (N.I.)

- 9 In section 16 of the Judicial Pensions Act (Northern Ireland) 1951 (recommendation required for payments conditional on eligibility for Commissioners' pensions) for the words " Department of Health and Social Services " there shall be substituted the words " Lord Chancellor ".

Social Security (Northern Ireland) Act 1975 (c. 15)

- 10 (1) In paragraphs 4, 6 and 7 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (payment of remuneration, expenses and pensions of the Commissioners)—
- (a) for the word " Department " in each place where it occurs (except in the expression " Department of Finance ") there shall be substituted the words " Lord Chancellor " ;
 - (b) for the words " Department of Finance " in each place where they occur there shall be substituted the word " Treasury ".
- (2) In sub-paragraph (1) of the said paragraph 6 for the words " moneys appropriated by Measure of the Northern Ireland Assembly " there shall be substituted the words " money provided by Parliament ".
- (3) In sub-paragraph (5) of the said paragraph 7 for the words " Secretary of State " there shall be substituted the words " Lord Chancellor ".

Social Security Act 1980 (c. 30)

- 11 In section 14 of the Social Security Act 1980 (appeal from Commissioners etc. on point of law)—
- (a) subsection (6) (which provides for modifying the preceding provisions of that section in relation to decisions of medical appeal tribunals appointed under the Social Security (Northern Ireland) Act 1975) shall cease to have effect;
 - (b) in subsection (7) (which provides for modifying subsections (3) and (5) of that section in relation to decisions of Commissioners on questions of law referred by medical appeal tribunals) after the words " to a Commissioner)" there shall be inserted the words " and in relation to a decision of a Commissioner within the meaning of the Social Security (Northern

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Ireland) Act 1975 which was given in consequence of a reference under subsection (4) of section 112A of that Act (which makes corresponding provision for Northern Ireland) " ;

- (c) in subsection (8) (which provides for the making of regulations)—
- (i) in paragraph (b), for the words from " or a medical appeal tribunal" to " for Northern Ireland " there shall be substituted the words " by the Lord Chancellor " ;
 - (ii) the words from " negative resolution " to the end there shall be substituted the words " annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly. " .

- 12 In paragraph 21 of Schedule 3 to that Act (regulations in Northern Ireland corresponding to regulations in Great Britain made by the Secretary of State not requiring prior submission to Social Security Advisory Committee), after the words "Secretary of State" there shall be inserted the words " or the Lord Chancellor " .

Forfeiture (Northern Ireland) Order 1982 (S.I. 1982/1082 (N.I. 14))

- 13 In Article 6(2) of the Forfeiture (Northern Ireland) Order 1982 (regulations for purposes of determinations by Social Security Commissioner), for the words " Department of Health and Social Services " there shall be substituted the words " Lord Chancellor " .

SCHEDULE 10

Section 86.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

PENSIONS

Social Security Act 1973 (c. 38)

- 1 The Social Security Act 1973 shall be amended as follows.
- 2 In section 58(2) (linked qualifying service)—
- (a) the following paragraph shall be substituted for paragraph (a)—
 - “(a) under the rules of a scheme applying to him in the earlier period of service—
 - (i) there was made a transfer of his accrued rights under that scheme to another scheme applying to him in the later period of service; or
 - (ii) those rights were secured by a policy of insurance or an annuity contract and were subsequently transferred to another scheme applying to him in the later period of service;” ; and

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- (b) in paragraph (b), for the words " that transfer " there shall be substituted the words " the transfer of his accrued rights to the second scheme. " .
- 3 In section 64 (modification of occupational pension scheme by order of Occupational Pensions Board) the following subsection shall be inserted after subsection (1)—
- “(1A) The Board shall also have power on such an application to make an order—
- (a) authorising the modification of the scheme with a view to achieving any one or more of such other purposes as may be prescribed ; or
 - (b) modifying the scheme with a view to achieving any one or more of those purposes.”.

4 In section 66—

 - (a) in subsection (1)(a), for the words " and the Pensions Act " there shall be substituted the words " , the Pensions Act and Part I of the Social Security Act 1986 " ;
 - (b) in subsection (7)(a), after the words " contracting-out certificates " there shall be inserted the words " and appropriate scheme certificates " ; and
 - (c) the following subsection shall be substituted for subsection (10)—

“(10) References in this section—

 - (a) to this Part of this Act, the Pensions Act and Part I of the Social Security Act 1986 include references to any provisions in force in Northern Ireland and corresponding to provisions of this Part of this Act, the Pensions Act or Part I of the Social Security Act 1986 ; and
 - (b) to contracting-out certificates and appropriate scheme certificates include references to contracting-out certificates and appropriate scheme certificates within the meaning of any such provisions.”.

5 In section 67(1)(a) (review of determinations by Board) after the words " contracting-out certificate" there shall be inserted the words "or an appropriate scheme certificate " .

6 In section 69 (rule against perpetuities)—

 - (a) in subsection (1), for the words " an occupational" there shall be substituted the words "a personal or occupational " ;
 - (b) in subsection (2), for the words "under this Part of this Act" there shall be substituted the words "or an appropriate scheme under Part I of the Social Security Act 1986 " ; and
 - (c) in subsection (5), for the words " which ceases to be contracted-out, or " there shall be substituted the words

“which ceases—

 - (a) if it is an occupational pension scheme, to be contracted-out ; or
 - (b) if it is a personal pension scheme, to be an appropriate scheme,

or”.

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- 7 Sections 70 (legal restrictions of doubtful application), 71 (friendly societies) and 72 (fees for official services to schemes) shall have effect in relation to personal pension schemes as they have effect in relation to occupational pension schemes.
- 8 In section 99(1) the following definitions shall be inserted at the appropriate places—
- ““ appropriate scheme ” shall be construed in accordance with Part I of the Social Security Act 1986 ;”; and
- ““ personal pension scheme ” has the same meaning as in the Social Security Act 1986 ; ”.”.
- 9 In paragraph 4 of Schedule 16 (preservation of benefits under occupational pension schemes)—
- (a) for the words “ requisite benefits ” in the first place where they occur in sub-paragraph (2) and in sub-paragraph (3) there shall be substituted the words “ a guaranteed minimum pension ”; and
- (b) for the words “ his requisite benefits ” in sub-paragraph (2) there shall be substituted the words “ the guaranteed minimum pension ”.

Social Security Act 1975 (c. 14)

- 10 In paragraph 6(1)(h) of Schedule 1 to the Social Security Act 1975 (regulations about return of contributions) after the word “ of ”, in the first place where it occurs, there shall be inserted the words “ the whole or any prescribed part of any ”.

Social Security Pensions Act 1975 (c. 60)

- 11 The Social Security Pensions Act 1975 shall be amended as follows.
- 12 In section 26 (contracting-out)—
- (a) in subsection (1), for the words “ the requisite benefits ” there shall be substituted the words “ a guaranteed minimum pension ”; and
- (b) in subsection (2), for the words from the beginning to “ such pension ” there shall be substituted the words “ “ Guaranteed minimum pension ” means any pension which is provided by an occupational pension scheme in accordance with the requirements of sections 33 and 36 below ”.
- 13 In section 27(4) (contracted-out rates of Class 1 contributions) for the words from the beginning to “ that employment ” there shall be substituted the words
- “Where—
- (a) an earner has ceased to be employed in an employment; and
- (b) earnings are paid to him or for his benefit within the period of 6 weeks, or such other period as may be prescribed, from the day on which he so ceased,
- that employment”.
- 14 In section 29 (contracted-out rates of benefit)—
- (a) in subsection (1)(a), for the words “ or a widow's pension ” there shall be substituted the words “ , a widow's pension or a widower's invalidity pension under section 16 above ”;
- (b) in subsection (2)—
- (i) after the words “ this section ” there shall be inserted the words “ and sections 16(2B), 28(7A) and 59(1A) of the principal Act ”; and

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- (ii) at the end there shall be added the words "or if as a result of a transfer payment or transfer under regulations made by virtue of section 38 below he is no longer entitled to guaranteed minimum pensions under the scheme by which the transfer payment or transfer is made and has not as a result of the transfer payment or transfer become entitled to guaranteed minimum pensions under the scheme to which the transfer payment or transfer is made."
- 15 In section 30(1)(a) (contracted-out employment) for the words " the requisite benefits of " there shall be substituted the words "a guaranteed minimum pension provided by ".
- 16 In section 32 (contracted-out schemes)—
- (a) in subsection (2)—
- (i) for the words " the requisite benefits " in paragraph (a); and
- (ii) for the words " requisite benefits " in paragraph (b), there shall be substituted the words "guaranteed minimum pensions ";
- (b) in subsection (4) the words " relating to the scheme or its management" shall cease to have effect.
- 17 In section 33 (requirements for contracting-out) the following subsection shall be inserted after subsection (1)—
- “(1A) In the case of an earner who is a married woman or widow who is liable to pay primary Class 1 contributions at a reduced rate by virtue of section 3 of this Act, subject to the provisions of this Part of this Act, for a scheme to be contracted-out in relation to her employment it must—
- (a) provide for her to be entitled to a pension under the scheme if she attains pensionable age ; and
- (b) satisfy such other conditions as may be prescribed.”.
- 18 The following subsection shall be substituted for section 38(1) (transfer of accrued rights)—
- “(1) Regulations may prescribe circumstances in which and conditions subject to which—
- (a) there may be made by one occupational pension scheme to another or by an occupational pension scheme to a personal pension scheme a transfer of or a transfer payment in respect of—
- (i) an earner's accrued rights to guaranteed minimum pensions under a contracted-out scheme ;
- (ii) an earner's accrued rights to pensions under an occupational pension scheme which is not contracted-out, to the extent that those rights derive from his accrued rights to guaranteed minimum pensions under a contracted-out scheme ; or
- (iii) the liability for the payment of guaranteed minimum pensions to or in respect of any person who has become entitled to them ;
- (b) there may be made to an occupational pension scheme or a personal pension scheme a transfer of or a transfer payment in respect of an earner's accrued rights to guaranteed minimum pensions which are appropriately secured for the purposes of section 52C below.”.

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- 19 Sections 41(4) and 49(3) and (7) (powers of Occupational Pensions Board which are no longer required) shall cease to have effect.
- 20 In section 41A(4) of that Act (protection of earner's pensions) " 2 " shall be substituted for "5 ".
- 21 In section 42(1X6) (premium on termination of contracted-out employment) for the word " five" there shall be substituted the word "two ".
- 22 In section 43(2A) (linked qualifying service)—
- (a) the following paragraph shall be substituted for paragraph (a)—
 - “(a) under the rules of a scheme applying to him in the earlier period of service—
 - (i) there was made a transfer of his accrued rights under that scheme to another scheme applying to him in the later period of service; or
 - (ii) those rights were secured by a policy of insurance or an annuity contract and were subsequently transferred to another scheme applying to him in the later period of service;”;
 - (b) in paragraph (b), for the words " that transfer " there shall be substituted the words "transfer of his accrued rights to the second scheme ".
- 23 (1) In subsection (1) of section 44 (premium on termination of contracted-out scheme) after the word " is" there shall be inserted the words "or has been"and after the words " for the event of " there shall be inserted the words " , or in connection with, ".
- (2) The following subsections shall be inserted after subsection (1B) of that section (arrangements for scheme's ceasing to be contracted-out)—
- “(1C) If the scheme ceases to be a contracted-out scheme (whether by being wound up or otherwise) and the Occupational Pensions Board either—
 - (a) have withdrawn their approval of previously approved arrangements relating to it; or
 - (b) have declined to approve arrangements relating to it,the Board may issue a certificate to that effect.
 - (1D) A certificate issued under subsection (1C)(a) or (b) above shall be cancelled by the Board if they subsequently approve the arrangements.”.
- (3) In subsection (2)(a) of that section, after the word " under ", in the second place where it occurs, there shall be inserted the words "section 52C of or ".
- (4) In subsection (5) of that section, for the words " The amount" there shall be substituted the words "Subject to subsection (5A) below, the amount ".
- (5) The following subsections shall be inserted after that subsection—
- “(5A) Where in calculating the costs referred to in subsection (5) above the Secretary of State cannot readily ascertain the amount of any earnings in a tax week, he may make the calculation as if the amount of those earnings were equal to the upper earnings limit for that tax week, and may certify the costs accordingly.
 - (5B) Where—

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- (a) the Secretary of State subsequently ascertains the amount of those earnings ; and
 - (b) it appears to him that the amount of the premium would have been less if he had not made the calculation on the basis described in subsection (5A) above,
- he shall refund to the prescribed person the amount by which it would have been less.”.
- 24 The following subsection shall be inserted after section 49(2) of that Act (duty to supervise schemes which have ceased to be contracted-out)—
- “(2A) Where in the case of any scheme the Board have issued a certificate under subsection (1C) of section 44 above which has not been cancelled under subsection (1D) of that section, or a certificate under subsection (2) of section 44ZA above which has not been cancelled under subsection (3) of that section, the Board shall not be under the duty which would otherwise be imposed on them by subsection (2) above in relation to that scheme.”.
- 25 In section 50 (alteration of rules of contracted-out schemes)—
- (a) in subsection (1)—
 - (i) after the word "Board " there shall be inserted the words "unless it is an alteration to which this subsection does not apply "; and
 - (ii) for the words " such alteration " there shall be substituted the words "alteration to which this subsection applies "; and
 - (b) the following subsection shall be inserted after that subsection—
 - “(1A) Subsection (1) above does not apply—
 - (a) to an alteration consequential on a provision of the Health and Social Security Act 1984, the Social Security Act 1985 or the Social Security Act 1986 ; or
 - (b) to an alteration of a prescribed description.”.
- 26 (1) Section 52C (cases where scheme's liability is discharged) shall have effect and shall be deemed always to have had effect as if the following subsections were substituted for subsections (1) to (3)—
- “(1) A transaction to which this section applies discharges the trustees or managers of an occupational pension scheme from their liability to provide for or in respect of any person either the requisite benefits or short service benefit or any alternative to short service benefit—
- (a) if it is carried out not earlier than the time when that person's pensionable service terminates ; and
 - (b) if and to the extent that it results in—
 - (i) the requisite benefits ; or
 - (ii) short service benefit, or an alternative to short service benefit, for or in respect of that person being appropriately secured ; and
 - (c) in a case where the transaction takes place on or after 1st January 1986, if and to the extent that the requirements set out in any one of paragraphs (a), (b) and (c) of subsection (5) below are satisfied.
- (2) This section applies to the following transactions—

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- (a) the taking out or the transfer of the benefit of a policy of insurance or a number of such policies ;
 - (b) the entry into or the transfer of the benefit of an annuity contract or a number of such contracts.”.
- (2) Subsection (5) of that section shall have effect and shall be deemed always to have had effect as if " (1) " were substituted for "(2)(b) ".
- (3) In relation to transactions which take place after the commencement of section 8 above section 52C(1) of the Social Security Pensions Act 1975 shall have effect with the substitution of the words "guaranteed minimum pensions" for the words " the requisite benefits ", in both places where they occur.
- 27 (1) Subsection (1) of section 52D (Supplementary provisions) shall have effect and shall be deemed always to have had effect—
 - (a) as if the following paragraph were substituted for paragraph(b)—
 - “(b) either—
 - (i) the transaction wholly or partly securing them was carried out before 1st January 1986 and discharged the trustees or managers of the scheme as mentioned in subsection (1) of that section ; or
 - (ii) it is carried out on or after that date without any of the requirements specified in subsection (5)(a) to (c) of that section being satisfied in relation to it and the scheme has been wound up ;”;
 - (b) as if for the words from " entitled " to " which " there were substituted the words "only entitled to such part (if any) of his or her guaranteed minimum pension as ".
 - (2) In that subsection after the words " purposes of " there shall be inserted the words "sections 16(2B), 28(7A) and 59(1A) of the principal Act and ".
- 28 The following definition shall be inserted after the definition of "occupational pension scheme" in section 66(1)—
 - “" personal pension scheme " has the meaning assigned to it by section 84(1) of the Social Security Act 1986 ;”.
- 29 At the end of paragraph 5(1) of Part I of Schedule 1A (revaluation of pensions) there shall be added the words "and which is not an average salary benefit ".
- 30 In Part II of Schedule 1A (transfer values)—
 - (a) the following sub-paragraphs shall be inserted after paragraph 12(2)—
 - “(2A) Where a member continues in employment to which a scheme applies after his pensionable service in that employment terminates—
 - (a) if regulations so provide, he only acquires a right to the cash equivalent of such part of the benefits specified in sub-paragraph (1) above as may be prescribed ; and
 - (b) if regulations so provide, he acquires no right to a cash equivalent.
 - (2B) Regulations may provide for the purposes of sub-paragraph (2A) above that in prescribed circumstances a number of employments

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- (whether or not consecutive) shall be treated as a single employment.”;
- (b) paragraph 12(4) and the reference to it in paragraph 12(3) shall be omitted and shall be deemed never to have been included;
- (c) in paragraph 13—
- (i) in paragraph (c) of sub-paragraph (2), for the words " such other type or types of pension arrangements as may be prescribed " there shall be substituted the words "other pension arrangements which satisfy prescribed requirements "; and
- (ii) the following sub-paragraph shall be inserted after that sub-paragraph—
- “(2A) Without prejudice to the generality of sub-paragraph (2) above, the powers conferred by that sub-paragraph include power to provide that a scheme, an annuity or pension arrangements must satisfy requirements of the Inland Revenue.”;
- (iii) in sub-paragraph (5)(b), for the word " them " there shall be substituted the words "the trustees or managers of the scheme from which he is being transferred "; and
- (d) in paragraph 14—
- (i) in sub-paragraph (1), for the words "The cash equivalents mentioned in paragraph 12(1) above " there shall be substituted the words "Cash equivalents ";
- (ii) at the end of sub-paragraph (2), there shall be added (but not as part of paragraph (c)) the words "and power to provide that they shall be calculated and verified in accordance with guidance prepared by a prescribed body, "; and
- (iii) the following paragraph shall be substituted for sub-paragraph (3) (b)—
- “(b) that in prescribed circumstances a cash equivalent shall be increased or reduced.”.

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

- 31 (1) In the following provisions of the Employment Protection (Consolidation) Act 1978 (which all relate to payments to pension schemes of contributions which are unpaid on employer's insolvency) the words " or a personal pension scheme " shall be inserted after the words "an occupational pension scheme"—
- (a) section 123(1) and (3) ;
- (b) section 124(2);
- (c) section 125(3); and
- (d) section 126(1).
- (2) In section 123(2) of that Act for the words "in accordance with an occupational pension scheme" there shall be substituted the words "to an occupational pension scheme or a personal pension scheme ".
- (3) In section 127(3) of that Act the following definition shall be inserted after the definition of "occupational pension scheme"—

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““ personal pension scheme ” means any scheme or arrangement which is comprised in one or more instruments or agreements and which has, or is capable of having, effect so as to provide benefits, in the form of pensions or otherwise, payable on death or retirement to or in respect of employees who have made arrangements with the trustees or managers of the scheme for them to become members of the scheme ;”.

PART II

INCOME-RELATED BENEFITS

National Assistance Act 1948 (c.29)

- 32 (1) In subsection (3) of section 22 of the National Assistance Act 1948 (charges to be made for local authority accommodation) for the words "(apart from any supplementation of his resources which he will receive under the Supplementary Benefits Act 1976" there shall be substituted the words "(disregarding income support) ".
- (2) At the end of subsection (5) of that section there shall be added the words " except that, until the first such regulations come into force, a local authority shall give effect to Part III of Schedule 1 to the Supplementary Benefits Act 1976, as it had effect immediately before the amendments made by Schedule 2 to the Social Security Act 1980.
- 33 The words ".whether before or after the commencement of the Supplementary Benefits Act 1976," shall be omitted from subsection (6) of section 43 of that Act (recovery of cost of assistance from persons liable for maintenance).

Maintenance Orders Act 1950 (c.37)

- 34 In subsection (1) of section 3 of the Maintenance Orders Act 1950 (jurisdiction of English courts to make affiliation orders) after " 1976" there shall be inserted the words "or section 25 of the Social Security Act 1986 ".
- 35 In section 4 of that Act (jurisdiction of English courts to make affiliation orders against persons in Scotland or Northern Ireland)—
- (a) the following paragraph shall be added at the end of subsection (1)—
- “(d) for an order under section 24 of the Social Security Act 1986 (which provides for the recovery of expenditure on income support from such persons);” and
- (b) in subsection (2), after the words " or the said section 18 " there shall be inserted the words " or the said section 24".
- 36 In section 9 of that Act—
- (a) the following paragraph shall be added at the end of subsection (1)—
- “(d) for an order under section 24 of the Social Security Act 1986 (which provides for the recovery of expenditure on income support from such persons);”and
- (b) in subsection (2), after the words "or the said section 18" there shall be inserted the words " or the said section 24".

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- 37 In section 11(1) of that Act (jurisdiction of Northern Ireland courts to make affiliation orders) after "1977" there shall be inserted the words "or any enactment applying in Northern Ireland and corresponding to section 25 of the Social Security Act 1986".
- 38 In section 12 of that Act (jurisdiction of Northern Ireland courts to make affiliation orders against persons in England or Scotland)—
- (a) the following paragraph shall be added at the end of subsection (1)—
 - “(d) for an order under any enactment applying in Northern Ireland and corresponding to section 24 of the Social Security Act 1986 (which provides for the recovery of expenditure on income support from such persons);”and
 - (b) the words " or of any order falling within subsection (1) (d) of this section" shall be added at the end of subsection (2).
- 39 In section 16(2) of that Act (enforcement of maintenance orders)—
- (a) the following sub-paragraph shall be inserted after paragraph (a)(vii)—
 - “(viii) section 24 of the Social Security Act 1986 or section 4 of the Affiliation Proceedings Act 1957 on an application made under section 25(1) of the Act of 1986 ;”;
 - (b) the following sub-paragraph shall be inserted after paragraph (b)(viii)—
 - “(ix) an order made on an application under section 24 of the Social Security Act 1986 ;”;
 - (c) the following sub-paragraph shall be inserted after paragraph (c)(vii)—
 - “(viii) any enactment applying in Northern Ireland and corresponding to section 24 of the Social Security Act 1986 ;”.

Ecclesiastical Jurisdiction Measure 1963 (No. 1)

- 40 In subsection (7) of section 55 of the Ecclesiastical Jurisdiction Measure 1963, as amended by section 1 of the Ecclesiastical Jurisdiction (Amendment) Measure 1974, (deprivation etc. of priests etc. after certain proceedings) in the definition of "affiliation order" the word "or" shall be omitted and at the end there shall be inserted the words "or section 25 of the Social Security Act 1986".

Social Work (Scotland) Act 1968 (c.49)

- 41 (1) In section 78(2A) of the Social Work (Scotland) Act 1968 (duty to make contributions in respect of children in care etc.) for words from " of " where second occurring to the end there shall be substituted the words "of income support or family credit. "
- (2) In section 87(3) of that Act (charges for service and accommodation)—
- (a) after the word " by" where first occurring there shall be inserted the words "the Schedule to the Housing (Homeless Persons) Act 1977, paragraph 2(1) of Schedule 4 to the Social Security Act 1980, ";
 - (b) after " 1983 " there shall be inserted "and paragraph 32 of Schedule 10 to the Social Security Act 1986 "; and

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- (c) for the words " to 44 " there shall be substituted the words " (as amended by paragraph 5 of Schedule 1 to the Law Reform (Parent and Child) (Scotland) Act 1986) and 43 ".

Administration of Justice Act 1970 (c. 31)

- 42 In Schedule 8 to the Administration of Justice Act 1970 (maintenance orders)—
- (a) in paragraph 5, the word "or" shall be omitted from both places where it occurs and after "1975" there shall be inserted the words "or section 25 of the Social Security Act 1986 "; and
- (b) in paragraph 6, the word "or", where first occurring, shall be omitted and after "1976" there shall be inserted the words "or section 24 of the Social Security Act 1986 ".

Attachment of Earnings Act 1971 (c. 32)

- 43 In Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders)—
- (a) in paragraph 6, the word " or " shall be omitted from both places where it occurs and after "1976" there shall be inserted the words "or section 25 of the Social Security Act 1986 "; and
- (b) in paragraph 7, the word "or" where first occurring shall be omitted and after "1976" there shall be inserted the words "or section 24 of the Social Security Act 1986 ".

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

- 44 (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 32 of the Social Security and Housing Benefits Act 1982" there shall be substituted the words "under section 30 of the Social Security Act 1986 ".
- (2) In section 25(1)(a) of that Act (amount to be carried to credit of rent allowance account) for the words " under section 32 of the Social Security and Housing Benefits Act 1982 " there shall be substituted the words "under section 30 of the Social Security Act 1986 ".

Employment and Training Act 1973 (c. 50)

- 45 In section 12(2)(b) of the Employment and Training Act 1973 (ancillary and transitional provisions) for the words " supplementary benefit within the meaning of the Supplementary Benefits Act 1976 " there shall be substituted the words "income support ".

Legal Aid Act 1974 (c. 4)

- 46 In each of the following provisions of the Legal Aid Act 1974, for the words from " supplementary " to " 1970 " there shall be substituted the words "income support or family credit"—
- (a) section 1(1)(b);
- (b) section 4(2);
- (c) section 11(5).

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- 47 In paragraph 3(c) of Part I of Schedule 1 to that Act for the words " 18 of the Supplementary Benefits Act 1976" there shall be substituted the words "24 of the Social Security Act 1986 ".

Social Security Act 1975 (c. 14)

- 48 The following provisions of the Social Security Act 1975—
- (a) section 87 (benefits to be inalienable); and
 - (b) section 165A(1) (necessity of claim for entitlement),
- shall have effect in relation to income-related benefits as they have effect in relation to benefits under that Act.

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

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

- 49 The words " the housing benefit scheme (whether or not modified under section 28 of the Social Security Act 1986) " shall be substituted for the words "a scheme made under 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)—
- (a) in section 8(4) of the Local Government (Scotland) Act 1975 (payment of rates by instalments);
 - (b) in section 1(6) of the Rating (Disabled Persons) Act 1978 (rebates for hereditaments with special facilities for disabled persons); and
 - (c) in section 4(9) of that Act (rebates for lands and heritages with special facilities for disabled persons).

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

- 50 In section 132 of the Employment Protection (Consolidation) Act 1978 (recoupment of benefit)—
- (a) in subsection (2)(a) and (c), for the words "supplementary benefit" there shall be substituted the words "income support ";
 - (b) in subsection (3)—
 - (i) in paragraphs (a) and (f), for the words " supplementary benefit" there shall be substituted the words "income support ";
 - (ii) in paragraph (e), for the words from "who" to the end of the paragraph there shall be substituted the words "a right of appeal to a social security appeal tribunal against any decision of an adjudication officer as to the total or partial recoupment of income support in pursuance of the regulations ; ";
 - (c) in subsection (4), for the words from " supplementary benefit ", in the first place where those words occur, to the end there shall be substituted the words "income support, no sum shall be recoverable under the Social Security Act 1986, and no abatement, payment or reduction shall be made by reference to the income support recouped."

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Child Care Act 1980 (c. 5)

- 51 The following subsection shall be substituted for subsection (1A) of section 45 of the Child Care Act 1980 (liability for contributions in respect of children in care)—
- “(1A) A person shall not be liable under subsection (1) (i) above to make any contribution during any period when he is in receipt of income support or family credit.”.

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

- 52 (1) In section 54 of the Local Government, Planning and Land Act 1980 (rate support grant) in subsections (1) and (2) for the words "and subsidies under section 32(1)(a) of the Social Security and Housing Benefits Act 1982 " there shall be substituted the words "and rate rebate subsidy under the Social Security Act 1986 ".
- (2) The following paragraph shall be substituted for subsection (5)(d) of that section—
- “(d) subsection (10) or section 30 of the Social Security Act 1986 (power to exclude rate fund contributions under subsection (6) of that section and certain other items) ;”.
- 53 In section 154 of that Act (grant of rent rebates by urban developments corporations) for the words " Part. II of the Social Security and Housing Benefits Act 1982 " there shall be substituted the words "Part II of the Social Security Act 1986 ".

Magistrates' Courts Act 1980 (c. 43)

- 54 The following paragraph shall be added after subsection 1(l) of section 65 of the Magistrates' Courts Act 1980 (domestic proceedings)—
- “(m) section 24 or 25 of the Social Security Act 1986 ;”.

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 55 In paragraph 5 of Schedule 5 to the Civil Jurisdiction and Judgments Act 1982 (proceedings excluded from Schedule 4)—
- (a) in sub-paragraph (c), after " 1976," there shall be inserted the words "section 24 of the Social Security Act 1986, or any enactment applying in Northern Ireland and corresponding to it, "; and
- (b) in sub-paragraph (d), after " 1976," there shall be inserted the words "section 25 of the Social Security Act 1986 or any enactment applying in Northern Ireland and corresponding to it, ".

Legal Aid Act 1982 (c. 44)

- 56 In section 7(8) of the Legal Aid Act 1982 (legal aid contribution orders) for the words from "supplementary benefit" to the end there shall be substituted the words "income support or family credit under the Social Security Act 1986. ".

Transport Act 1982 (c. 49)

- 57 In section 70(2)(b) of the Transport Act 1982 (payments in respect of applicants for exemption from wearing seat belts) for the words from " of" to " and " there shall be substituted the words "of income support or family credit and ".

Status: This is the original version (as it was originally enacted).

Housing Act 1985 (c.68)

- 58 In subsection (2)(b) of section 425 of the Housing Act 1985 (the local contribution differential) for the words " section 32 of the Social Security and Housing Benefits Act 1982" there shall be substituted the words "section 30 of the Social Security Act 1986 ".
- 59 In Item 4 in Part I of Schedule 14 to that Act (items to be credited to the Housing Revenue Account) for the words " Social Security and Housing Benefits Act 1982" there shall be substituted the words "Social Security Act 1986 ".
- 60 In paragraph 3 of Part IV of that Schedule (rate fund contributions to the Housing Revenue Account) for the words " section 34(1) of the Social Security and Housing Benefits Act 1982 " there shall be substituted the words "section 30(6) of the Social Security Act 1986 ".

Legal Aid (Scotland) Act 1986 (c.47)

- 61 In section 8(b) (availability of legal advice and assistance) and section 11(2) (clients' contributions) of the Legal Aid (Scotland) Act 1986, for the words from " supplementary " to " 1970 " there shall be substituted the words "income support or family credit ".

PART III

BENEFITS UNDER SOCIAL SECURITY ACT 1975

Social Security Act 1975 (c. 14)

- 62 The Social Security Act 1975 shall have effect subject to the amendments specified in paragraphs 63 to 66 below.
- 63 In section 12(1) (descriptions of contributory benefits) the following sub-paragraph shall be substituted for sub-paragraph (i) of paragraph (e)—
 “(i) widow's payment.”
- 64 In section 13 (contribution conditions) in subsection (1), in the Table headed " Other benefits " the following entry shall be inserted before the entry relating to widowed mother's allowance—
 “Widow's payment”.
- 65 The following entry shall be inserted in section 167(1)(a) of that Act (regulations subject to affirmative Parliamentary procedure) immediately after the entry relating to section 20(3)—
 “section 61(3) (constant attendance allowance);”
- 66 In Schedule 3 (contribution conditions)—
 (a) in paragraph 4(1) for the words preceding paragraph (a) there shall be substituted the words—

Status: This is the original version (as it was originally enacted).

“Widow's payment

- 4 (1) The contribution condition for a widow's payment is that—”.
- (b) " payment" shall be substituted for "allowance"—
- (i) in sub-paragraph (2)(b) of paragraph 8 ; and
- (ii) in the second place where it occurs in sub-paragraph (3) of that paragraph ; and
- (c) the following paragraph shall be substituted for paragraph 13—
- “13 Where a woman claims a widow's payment, the contributor concerned for the purposes of the claim shall be deemed to satisfy the contribution condition for the payment if on a claim made in the past for any short-term benefit he has satisfied the first contribution condition for the benefit, by virtue of paragraph 8 above, with contributions of a class relevant to widow's payment.”.

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

- 67 The words following " pension rate " shall be omitted from sections 2(6)(b) and 7(2)(c) (weekly rates of benefit) of the Industrial Injuries and Diseases (Old Cases) Act 1975.
- 68 (1) In section 4(8)(a) of that Act (parliamentary procedure for making of schemes) for the words " an up-rating order under the Social Security Act " there shall be substituted the words "any order or regulations under the Social Security Acts 1975 to 1986 " .
- (2) In section 7 of that Act (amount of benefit)—
- (a) in subsection (3), the following paragraph shall be substituted for paragraph (d)—
- “(d) where the person is treated under the provisions of the scheme as residing with his or her spouse or contributing at a weekly rate of not less than the relevant amount towards the maintenance of his or her spouse, 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 the spouse if the person were entitled to sickness benefit).”; and
- (b) in subsection (4), the following paragraph shall be substituted for the paragraph set out in that subsection—
- “(d) where the person is treated under the provisions of the scheme as residing with his or her spouse or contributing at a weekly rate of not less than the relevant amount towards the maintenance of his or her spouse, 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 the spouse if the person were entitled to disablement pension plus unemployability supplement).”.

Social Security Pensions Act 1975 (c. 60)

- 69 In section 13(3) of the Social Security Pensions Act 1975 (rate of widowed mother's allowance and widow's pension) for " 50" there shall be substituted "55 " .

Status: This is the original version (as it was originally enacted).

- 70 In section 15 of that Act (invalidity pension for widows)—
- (a) in subsection (1)—
 - (i) the following paragraphs shall be substituted for paragraphs (a) and (b)—
 - “(a) is not entitled to a widowed mother's allowance on her late husband's death or subsequently ceases to be entitled to such an allowance; and
 - (b) is incapable of work at the time when he died or when she subsequently ceases to be so entitled ;”;
 - (ii) in paragraph (c), for " 40 " there shall be substituted "45 ";
 - (b) in subsection (2)(a), for the words from " she " to the end there shall be substituted the words "her late husband died or she subsequently ceased to be entitled to a widowed mother's allowance ; " ; and
 - (c) in subsection (4)(a), for " 50 " there shall be substituted "55 " .

PART IV

STATUTORY MATERNITY PAY, STATUTORY SICK PAY ETC

Income and Corporation Taxes Act 1970 (c. 10)

- 71 At the end of section 219A of the Income and Corporation Taxes Act 1970 (which charges certain payments to income tax under Schedule E) there shall be added “and
- (d) payments of statutory maternity pay under Part V of the Social Security Act 1986 or, in Northern Ireland, any corresponding provision contained in an Order in Council under the Northern Ireland Act 1974.”.

Social Security Act 1975 (c. 14)

- 72 The words " (other than maternity allowance)" shall be inserted—
- (a) after the words " that subsection ", in subsection (2) of section 13 of the Social Security Act 1975 ; and
 - (b) after the words " for benefit", in subsection (8) of that section.
- 73 In section 122(4) of that Act for the words "either or both those Funds " there shall be substituted the words "that Fund " .

Social Security (Miscellaneous Provisions) Act 1977 (c. 5)

- 74 In section 18(2)(c) of the Social Security (Miscellaneous Provisions) Act 1977 (certain sums to be earnings for social security purposes) for the words " that Act" there shall be substituted the words "the Employment Protection (Consolidation) Act 1978 " .

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

- 75 In section 33 of the Employment Protection (Consolidation) Act 1978 (right to return to work) in subsections (3) and (4) for the word " rights " there shall be substituted the word "right" and in subsection (5) for the words " either of the rights " there shall be substituted the words "the right " .

Status: This is the original version (as it was originally enacted).

- 76 In subsection (4) of section 123 of that Act (payment of unpaid contributions to pension schemes) for the words "maternity pay" there shall be substituted the words "statutory sick pay, statutory maternity pay under Part V of the Social Security Act 1986, maternity pay under Part III of this Act".

Social Security and Housing Benefits Act 1982 (c. 24)

- 77 The following subsection shall be substituted for section 3(9) of the Social Security and Housing Benefits Act 1982 (definitions relating to period of entitlement to statutory sick pay)—

“(9) In this section—

"confinement" is to be construed in accordance with section 50 of the Social Security Act 1986; and

"disqualifying period" means—

(a) in relation to a woman entitled to statutory maternity pay, the maternity pay period; and

(b) in relation to a woman entitled to maternity allowance, the maternity allowance period;

"maternity allowance period" has the meaning assigned to it by section 22(2) of the principal Act; and

"maternity pay period" has the meaning assigned to it by section 47(1) of the Social Security Act 1986.”.

- 78 The following paragraph shall be inserted before paragraph (a) of section 45(2) of that Act (Parliamentary control of subordinate legislation)—

“(za) regulations under section 7 of this Act;”.

Insolvency Act 1985 (c. 65)

- 79 In paragraph 3(2)(d) of Part II of Schedule 4 to the Insolvency Act 1985 (preferential debts) the words from the beginning to "1982" shall cease to have effect.

Bankruptcy (Scotland) Act 1985 (c. 66)

- 80 Paragraph 9(2)(d) of Schedule 3 to the Bankruptcy (Scotland) Act 1985 (preferential debts) shall cease to have effect.

Wages Act 1986 (c.48)

- 81 In subsection (1)(f) of section 7 of the Wages Act 1986 (meaning of "wages") for the words "maternity pay under Part III of the 1978 Act" there shall be substituted the words "statutory maternity pay under the Social Security Act 1986".

Status: This is the original version (as it was originally enacted).

PART V

COMMON PROVISIONS

Social Security Act 1973 (c. 38)

82 In section 68(1) of the Social Security Act 1973 (submission to Occupational Pensions Board of proposals to make regulations) for the word " Where " there shall be substituted the words "Subject to section 61 of the Social Security Act 1986, where ".

Social Security Act 1975 (c. 14)

83 In subsection (6)(aa) of section 14 of the Social Security Act 1975 (unemployment benefit and sickness benefit) and in subsection (4)(aa) of section 15 of that Act (invalidity pension) for the words " 126A of this Act" there shall be substituted the words "63(1)(d) of the Social Security Act 1986 ".

84 In subsection (1) of section 28 of that Act (Category A retirement pension) the words from " (subject" to " rule)) " shall be omitted.

85 The following subsection shall be substituted for subsection (3) of section 90 of that Act (obligations of claimant)—

“(3) The regulations relevant under subsection (2) above are—

- (a) those made by virtue of the following provisions of this Chapter, namely—
 - (i) section 88(a), and
 - (ii) section 89(1) and (2); and
- (b) those made by virtue of section 51(1)(h), (k) and (l) of the Social Security Act 1986.”.

86 In section 141(2) (reference of proposals to make regulations to Industrial Injuries Advisory Council) for the word " Where" there shall be substituted the words "Subject to section 61 of the Social Security Act 1986, where ".

87 The following section shall be substituted for section 165A of that Act—

“165A General provision as to necessity of claim for entitlement to benefit.

- (1) Except in such cases as may be prescribed, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—
 - (a) he makes a claim for it in the prescribed manner and within the prescribed time; or
 - (b) by virtue of regulations made under section 51 of the Social Security Act 1986 he is treated as making a claim for it.
- (2) Where under subsection (1) above a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it—
 - (a) if the benefit is a widow's payment, she shall not be entitled to it in respect of a death occurring more than twelve months before the date on which the claim is made or treated as made ; and

Status: This is the original version (as it was originally enacted).

- (b) if the benefit is any other benefit, except disablement benefit or reduced earnings allowance, the person shall not be entitled to it in respect of any period more than twelve months before that date.”.

88 The words ", reduced earnings allowance " shall be inserted in section 165A(3)(c), as originally enacted, after the words "disablement benefit ".

89 In section 167(3) of that Act (parliamentary procedure) for the words ", 123A or 126A or an up-rating order" there shall be substituted the words "or 123A ".

90 In paragraph 8 of Schedule 16 (exemption in respect of up-rating regulations from requirements to consult Industrial Injuries Advisory Council) for the words from " one or more " to the end there shall be substituted the words " one or more of the following provisions—

- (a) section 120 and 122 of this Act; and
- (b) section 63 of the Social Security Act 1986."

Social Security Pensions Act 1975 (c. 60)

91 In section 23 of the Social Security Pensions Act 1975 (increase of long-term benefits)—

- (a) in subsections (2) and (3), for the words " the said section 124 " there shall be substituted the words "section 63 of the Social Security Act 1986 ";
- (b) in subsection (2), for the words " subsection (1)(b) above " there shall be substituted the words "section 63(1)(b) of that Act ";
- (c) in subsection (3), for the words "subsection (1)(c) or (d) above" there shall be substituted the words "section 63(1)(c) or (d) of that Act ".

92 In section 24(1)(a) of that Act (graduated retirement benefit) for the words " 124 to 126 of the principal Act" there shall be substituted the words "sections 63 and 64 of the Social Security Act 1986 ".

93 In subsection (1) of section 59 of that Act (official pension) for the words " that section " there shall be substituted the words "section 63 of the Social Security Act 1986 ".

94 In section 61(2) of that Act (consultation about regulations)—

- (a) for the word " Where " there shall be substituted the words "Subject to section 61 of the Social Security Act 1986, where ";
- (b) after the words " of this Act" there shall be inserted the words "or of Part I of the Social Security Act 1986 ".

95 In Schedule 1 to that Act (deferred retirement)—

- (a) in paragraphs 2(5) and 4(3)(b), for the words " 124 of the principal Act" there shall be substituted the words "63 of the Social Security Act 1986 ";
- (b) in paragraph 4A(3)(a), for the words " 126A of the principal Act" there shall be substituted the words "63(1)(d) of the Social Security Act 1986 ".

Child Benefit Act 1975 (c. 61)

96 At the end of subsection (1) of section 6 of the Child Benefit Act 1975 (child benefit claims and payments) there shall be added the words "and within the prescribed time ".

Status: This is the original version (as it was originally enacted).

- 97 In paragraph 1 of Schedule 3 to that Act (increases in rate of benefit), after the word " Act" there shall be inserted the words "or section 63 of the Social Security Act 1986 ".

Social Security Act 1980 (c. 30)

- 98 In section 10 of the Social Security Act 1980 (consultation with Social Security Advisory Committee on proposals for regulations)—
- (a) in subsection (1), after the word " subsection " there shall be inserted the words "and to section 61 of the Social Security Act 1986 "; and
 - (b) in subsection (9), after the word " section " there shall be inserted the words "or section 61 of the Social Security Act 1986 ".
- 99 In paragraph 12(2) of Schedule 3 to that Act (regulations not requiring submission to Social Security Advisory Committee) for the words from " sections of " to the end there shall be substituted the words " provisions—
- (a) section 120, 122 or 123A of the principal Act;
 - (b) section 63 of the Social Security Act 1986,
- or contained in a statutory rule which states that it contains only provisions in consequence of an order under section 120 of the Social Security (Northern Ireland) Act 1975 or any enactment applying in Northern Ireland and corresponding to section 63 of the Social Security Act 1986."

Social Security Act 1985 (c. 53)

- 100 In section 9(9) of the Social Security Act 1985 (abatement of invalidity allowance) for the words " sections 124 and 126A of the Social Security Act 1975" there shall be substituted the words "section 63 of the Social Security Act 1986 ".

PART VI

MISCELLANEOUS

Income and Corporation Taxes Act 1970 (c. 10)

- 101 In section 219 of the Income and Corporation Taxes Act 1970 (taxation of benefits)
-
- (a) in subsection (1), for the words, "maternity benefit" there shall be substituted the words "maternity allowance, widow's payments "; and
 - (b) in subsection (2), for the words " in respect of a family income supplement under the Family Income Supplements Act 1970 or the Family Income Supplements Act (Northern Ireland) 1971 " there shall be substituted the words "of family credit under the Social Security Act 1986 or any corresponding enactment applying to Northern Ireland, ".

Attachment of Earnings Act 1971 (c. 32)

- 102 In section 24(2)(c) of the Attachment of Earnings Act 1971 (social security benefits etc. not earnings for purposes of Act) for the words from " of " to the end there shall be substituted "enactment relating to social security ; ".

Status: This is the original version (as it was originally enacted).

National Insurance Act 1974 (c. 14)

Social Security Act 1980 (c. 30)

Social Security Act 1985 (c. 53)

- 103 The words " the Social Security Acts 1975 to 1986 " shall be substituted—
- (a) for the words " the Social Security Act 1975 " in section 6(1) of the National Insurance Act 1974 ;
 - (b) in the Social Security Act 1980—
 - (i) in section 9(7), for the words "the Social Security Acts 1975 to 1985 " in both places where they occur ; and
 - (ii) in section 18(1), for the words " the Social Security Acts 1975 to 1982 " ; and
 - (c) for the words " the Social Security Acts 1975 to 1985 " in section 5 of the Social Security Act 1985.

Social Security Act 1975 (c. 14)

- 104 In section 4(6) of the Social Security Act 1975 (incidence of Class 1 contributions) after the word " under " there shall be inserted the words "subsection (7) below or under ".

Supplementary Benefits Act 1976 (c. 71)

- 105 In section 8 of the Supplementary Benefits Act 1976 (persons affected by trade disputes)—
- (a) in subsection (1), the following words shall be substituted for the words from the beginning to "period", in the second place where it occurs—

“So long as this section applies to a person, his requirements”; and
 - (b) the following subsections shall be substituted for subsection (2)—
 - “(2) This section applies to a person—
 - (a) who is disqualified under section 19 of the Social Security Act 1975 for receiving unemployment benefit; or
 - (b) who would be so disqualified if otherwise entitled to that benefit,except during any period shown by the person to be a period of incapacity for work by reason of disease or bodily or mental disablement or to be within the maternity period.
- (2A) In subsection (2) above " the maternity period " means the period commencing at the beginning of the sixth week before the expected week of confinement and ending at the end of the seventh week after the week in which confinement takes place.”.

Social Security Act 1980 (c. 30)

- 106 The following sub-paragraph shall be inserted after paragraph 13(1) of Schedule 3 to the Social Security Act 1980 (regulations not requiring prior submission to Social Security Advisory Committee)—

Status: This is the original version (as it was originally enacted).

“(1A) Regulations under section 3(2)(a) of the Pensions Act (which provides for enabling women to continue to make contributions at reduced rate).”.

- 107 The reference to section 9 of the Social Security and Housing Benefits Act 1982 in paragraph 15A of that Schedule shall include a reference to subsection (1A) of that section.

Forfeiture Act 1982 (c. 34)

- 108 In section 4 of the Forfeiture Act 1982—
- (a) in subsection (4), for " and (3) " there shall be substituted "to (3A) "; and
 - (b) in subsection (5), for the words from " the Family Income Supplements Act 1970 " to " the Social Security Act 1980 " there shall be substituted the words—
 - “the Child Benefit Act 1975,
the Social Security Acts 1975 to 1986.”.

SCHEDULE 11

Section 86.

REPEALS

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
11 & 12 Geo. 6. c. 29.	National Assistance Act 1948.	In section 43(6), the words " , whether before or after the commencement of the Supplementary Benefits Act 1976,". In section 50(4), the words " or subsection (3)" and the words from " less " to the end. Section 53.
1965 c. 55.	Statute Law Revision (Consequential Repeals) Act 1965.	The whole Act.
1966 c. 20.	Supplementary Benefit Act 1966.	Section 26.
1968 c. 49.	Social Work (Scotland) Act 1968.	In section 28(2), the words " and not reimbursed under section 32 of the Social Security Act 1975 ".
1970 c. 10.	Income and Corporation Taxes Act 1970.	In section 219(1), the words " death grant". In section 219A(1)(b), the word " and "

Status: This is the original version (as it was originally enacted).

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1970 c. 55.	Family Income Supplements Act 1970.	The whole Act.
1971 c. 32.	Attachment of Earnings Act 1971.	Schedule 4.
1972 c. 70.	Local Government Act 1972.	In section 119(2), the words from " having " to the end.
1972 c. 75.	Pensioners and Family Income Supplement Payments Act 1972.	The whole Act.
1972 c. 80.	Pensioners' Payments and National Insurance Contributions Act 1972.	The whole Act.
1973 c. 38.	Social Security Act 1973.	Section 92(3) and (4). In section 99(1), the definition of requisite benefits. Schedule 23.
1973 c. 61.	Pensioners' Payments and National Insurance Act 1973.	The whole Act.
1974 c. 14.	National Insurance Act 1974.	In section 6(1), the words " the Supplementary Benefits Act 1976, the Family Income Supplements Act 1970," and the words " or the Social Security and Housing Benefits Act 1982 ".
1974 c. 54.	Pensioners' Payments Act 1974.	The whole Act.
1975 c. 14.	Social Security Act 1975.	In section 1(1)(b), the words "and the Maternity Pay Fund " In section 12, in subsection (1), paragraph (h), in subsection (2), the words " and widow's allowance" and subsection (3). In section 13, in subsection (1), the entries relating to widow's allowance and death grant, subsection (5)(a) and subsection (5A). Section 21.

Status: This is the original version (as it was originally enacted).

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		<p>In section 25(3), the words "and for which she is not entitled to a widow's allowance".</p> <p>In section 26(3), the words "a widow's allowance or".</p> <p>In section 28(1), the words from "(subject "to "rule))".</p> <p>Section 32.</p> <p>Section 33(1)(a) to (c).</p> <p>Section 34(2).</p> <p>In section 37(3), the words from "and a woman" to the end.</p> <p>Section 37A(4) and (7).</p> <p>Section 41(2)(e) and (2C).</p> <p>Section 50(2) and (5).</p> <p>Section 57(5).</p> <p>Sections 58 and 59.</p> <p>Section 60.</p> <p>Section 62.</p> <p>Sections 64 to 75.</p> <p>Sections 79 to 81.</p> <p>In section 82, subsections (3) and (4) and subsection (6)(a).</p> <p>In section 84, subsection (3) and in subsection (5), the references to sections 65 and 66.</p> <p>Section 86.</p> <p>In section 88(a), the words from " or", in the first place where it occurs, to "prescribed", in the third place where it occurs.</p> <p>In section 90, in subsection (2)(a), the words from " (including " to the end and in subsection (3), the references to sections 79 and 81.</p>

Status: This is the original version (as it was originally enacted).

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		<p>In section 91, subsection (1) (b)(i) and in subsection (2), the words "section 58 (unemployability supplement)," and the words from " section 64 " to the end.</p> <p>Section 92.</p> <p>Section 95.</p> <p>In section 100. in subsection (1), the words " adversely to the claimant" and subsections (5) and (6).</p> <p>In section 101(3)(c), the words " or, in relation to industrial death benefit, the deceased ".</p> <p>In section 104(1A), the words "in prescribed circumstances".</p> <p>Section 106(3).</p> <p>In section 107, in subsection (4), the words ", whether or not the claimant is the person at whose instance the declaration was made" and in subsection (6), the words " by fresh evidence" and paragraph (b).</p> <p>In section 110(1), the words " by fresh evidence ".</p> <p>Section 114(3) and (4).</p> <p>In section 117, subsection (4) and in subsection (5), paragraph (a) and the word " and " immediately following it.</p> <p>In section 119, subsections (1) to (2A), in subsection (3) (b), the words " or out of a requirement to repay any amount by virtue of subsection (2A) above", subsection (4)(b) to (d) and subsections (5) and (6).</p>

Status: This is the original version (as it was originally enacted).

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		<p>In section 122(4), the words " or the Maternity Pay Fund ".</p> <p>Sections 124 to 126A.</p> <p>In section 134(5)(b), the words from " and the Maternity Pay Fund " to " determine ".</p> <p>In section 135, subsections (2)(g) and (6).</p> <p>Section 136.</p> <p>In section 141 (2), the words from " unless " to the end.</p> <p>In section 143(1), the words " relating to social security ".</p> <p>Sections 144 and 145.</p> <p>In section 146, in subsection (1), the words " under Part III of the Pensions Act" and subsections (3)(c) and (5).</p> <p>Section 147.</p> <p>In section 151(1), the words " under Part III of the Pensions Act".</p> <p>In section 152(8), the words " of the Pensions Act (including in particular sections 47 and 64(3))" and the words " under that Act ".</p> <p>Section 164.</p> <p>In Schedule 3, in Part I, paragraph 7 and, in Part II, in paragraph 8(2), in paragraph (a), the words " other than a widow's allowance ", in paragraph 8(3), the words " or a maternity allowance," in paragraphs 9 and 10, the words " (other than a widow's allowance) " and paragraph 12.</p> <p>In Schedule 4, in Part I, paragraph 5, Part II, in Part</p>

Status: This is the original version (as it was originally enacted).

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		<p>IV, paragraph 4 and in Part V, paragraphs 2, 4 to 6 and 10 to 15.</p> <p>Schedule 5.</p> <p>In Schedule 8, paragraph (b) of the proviso to paragraph 5 and the word " and " immediately preceding it.</p> <p>Schedule 9.</p> <p>Schedule 14.</p> <p>In Schedule 16, paragraphs 3 and 4.</p> <p>In Schedule 20, the definitions of " The deceased" and " Industrial death benefit ", in the definition of " Relative ", the reference to sections 66(8) and 72(6), in the definition of " Short-term benefit " the words " and widow's allowance ", the definitions of " Unemployability supplement " and " Up-rating order", and in the definition of " Week ", the reference to section 64.</p>
1975 c. 16.	Industrial Injuries and Diseases (Old Cases) Act 1975.	<p>In section 4(4), paragraph (c) (ii) and the word " or " immediately preceding it.</p> <p>Section 9(3).</p> <p>Section 10.</p>
1975 c. 18.	Social Security (Consequential Provisions) Act 1975.	<p>In Schedule 2, paragraphs 5, 35, 41 and 44.</p> <p>In Schedule 3, paragraph 18.</p>
1975 c. 60.	Social Security Pensions Act 1975.	<p>In section 6, in subsection (2), the words from " or " to the end, in subsection (5), the words " Subject to subsection (5A) below," and subsection (5A).</p> <p>In section 19(2), the words " and (3)(b)."</p> <p>Section 22(3) and (5).</p>

Status: This is the original version (as it was originally enacted).

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		<p>Section 23(1) and (5).</p> <p>Section 30(2).</p> <p>In section 32(4), the words "relating to the scheme or its management".</p> <p>Section 33(1)(a) and (4).</p> <p>Section 34.</p> <p>In section 36, subsections (2), (4) and (5), in subsection (6), the words " Subject to the following provisions of this section", subsection (7), in subsection (8), the words from " but the scheme " to the end and subsection (9).</p> <p>Section 37.</p> <p>In section 39, subsections (2), (3) and (4)(a).</p> <p>Section 41(4).</p> <p>In section 44A(1)(b) and (4), the words "to requisite benefits ".</p> <p>Section 46.</p> <p>Section 49(3) and (7).</p> <p>Section 52D(2) and (3).</p> <p>Section 56K(4).</p> <p>In section 66(1), the definition of " requisite benefits " and, in the definition of " resources ", the words " (whether requisite benefits or other benefits)".</p> <p>In Schedule 1A, in paragraph 12, in sub-paragraph (3), the words " Subject to sub-paragraph (4) below," and sub-paragraph (4)".</p> <p>In Schedule 2, paragraph 4.</p> <p>In Schedule 4, paragraphs 14 and 17, in paragraph 31 the definition of " requisite</p>

Status: This is the original version (as it was originally enacted).

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1975 c. 61.	Child Benefit Act 1975.	<p>benefits" and paragraphs 32(a), 41, 42 and 51.</p> <p>Section 5(5).</p> <p>Section 6(2), (4) and (5).</p> <p>Sections 7 and 8.</p> <p>Section 9(1).</p> <p>Sections 10 and 11.</p> <p>In section 15(1), the words "relating to child benefit".</p> <p>Section 17(3) to (6).</p> <p>In section 24(1), in the definition of "recognised educational establishment", the words from " and" to the end.</p> <p>In Schedule 4, paragraphs 3 to 6, 11,27,29, 31 and 33.</p>
1975 c. 71.	Employment Protection Act 1975.	In section 40, subsections (2) and (4).
1976 c. 36.	Adoption Act 1976.	Section 47(3).
1976 c. 71.	Supplementary Benefits Act 1976.	<p>Sections 1 to 21.</p> <p>Sections 24 to 27.</p> <p>Sections 31 to 34.</p> <p>Schedule 1.</p> <p>In Schedule 5, in paragraph 1(2), the words from the beginning to " and " in the first place where it occurs.</p> <p>In Schedule 7, paragraphs 1(b) and (d), 3(a), 5, 19,21,23, 24, 31, 33 and 37.</p>
1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	<p>Section 9.</p> <p>Section 17(2).</p> <p>In section 18, in subsection (1), in paragraph (a) the words " and the Supplementary Benefits Act 1976 " and paragraphs (c) and in subsection (2) paragraphs (a) and (b).</p> <p>Section 19.</p>

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1977 c. 51.	Pensioners' Payments Act 1977.	<p>In section 22, in subsection (2), the references to sections 24(2) and 37(3) (b) of the Social Security Act 1975, and subsection (16).</p> <p>The whole Act.</p>
1978 c. 44.	Employment Protection (Consolidation) Act 1978	<p>In section 33, subsection (1) (a) and the word " and " immediately following it, in subsection (3), paragraph (c) and in paragraph (d) the words "in the case of the right to return" and in subsection (4), the words " to return ".</p> <p>Sections 34 to 44.</p> <p>Section 122(4)(e).</p> <p>In section 123(5), the words " occupational pension ".</p> <p>In section 127(3), the word " such " in the second place where it occurs.</p> <p>In section 132, in subsection (1)(b) ",III " and in subsection (6), the definition of " supplementary benefit".</p> <p>In section 133(1)(a), ",33 ".</p> <p>In section 138, in subsection (1) the words " (except section 44) ", and in subsection (5) the words " (except section 44(3) and (4))".</p> <p>In section 139(1), the words " (except section 44) ".</p> <p>In section 153(1) the definitions of" maternity pay ", " Maternity Pay Fund " and " maternity pay rebate ".</p> <p>In section 155(1), the words " 44 to ".</p> <p>Section 156(1).</p>

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1978 c. 58.	Pensioners' Payments Act 1978.	Section 157(2)(a) and the word " and " immediately following it. In Schedule 14, paragraph 7(1) (d). In Schedule 15, paragraph 7 and the heading immediately preceding it. The whole Act.
1979 c. 18.	Social Security Act 1979.	Section 3(2). Sections 6 to 8. Sections 12 and 13. In Schedule 3, paragraphs 1, 2, 9, 16 and 24 to 27.
1979 c. 41.	Pneumoconiosis etc. (Workers' Compensation) Act 1979.	In section 2(3), the words " industrial death benefit under section 76 of the Social Security Act 1975, or ".
1979 c. 48.	Pensioners' Payments and Social Security Act 1979.	The whole Act.
1980 c. 5.	Child Care Act 1980.	In section 25(2), the words from " less " to the end.
1980 c. 30.	Social Security Act 1980.	Section 1. Section 4(4). In section 5, in subsection (1) the words from " and in subsection (2) ", in paragraph (i), to the end of the subsection and subsections (2) to (4). Section 7. In section 8, in subsection (1), the words " or 7 ". In section 9(7), the words " the Family Income Supplements Act 1970" and the words " and the Supplementary Benefits Act 1976 ". In section 10, in subsection (2) and in

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		<p>subsection (7), in the first place where they occur, the words " the Secretary of State or, as the case may be," and in subsection (7), the words "to the Secretary of State, or as the case may be," and paragraph (a).</p> <p>In section 14, subsection (6).</p> <p>Section 15.</p> <p>In section 17(2), the words from " a tribunal " to the end.</p> <p>In section 18, in subsection (1), the words " the Family Income Supplements Act 1970;" the words "the Supplementary Benefits Act 1976" and the word " and " immediately preceding them.</p> <p>Section 20(3).</p> <p>In Schedule 1, in paragraph 9, the words " or section 95(1)(b) or (c)" and paragraphs 10 and 12.</p> <p>In Schedule 2, paragraphs 1 to 20, and 22 to 30.</p> <p>In Schedule 3, in Part II, paragraphs 11, 15, 15B and 16 to 18.</p>
1980 c. 39.	Social Security (No. 2) Act 1980.	<p>Sections 1 and 2.</p> <p>In section 4(2), the words " and no earnings-related addition to a widow's allowance ".</p> <p>Section 6.</p>
1981 c. 33.	Social Security Act 1981.	<p>Section 1.</p> <p>Section 4.</p> <p>In Schedule 1, paragraphs 1, 2, 3(b), 4, 5, 8 and 9.</p>
1982 c. 24.	Social Security and Housing Benefits Act 1982.	<p>Section 7(3) to (10).</p> <p>Section 8.</p> <p>Section 9(8) to (10).</p>

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		<p>Sections 11 to 16.</p> <p>Sections 19 to 21.</p> <p>Section 25.</p> <p>Part II.</p> <p>Section 38.</p> <p>Section 41.</p> <p>Section 42(1) and (2).</p> <p>Section 44(1)(a) and (f).</p> <p>In section 45, in subsection (1), the words from " and any power " to the end, in subsection (2), in paragraph (a), the words " 7 or " and paragraphs (b) and (c) and subsection (3).</p> <p>In section 47 in the definition of " benefit ", the words " Part II and ".</p> <p>In Schedule 2, paragraph 6.</p> <p>Schedule 3.</p> <p>In Schedule 4, paragraphs 2, 4, 5, 14, 19, 22 to 28, 35(1) and (2) and 38.</p>
1983 c. 36.	Social Security and Housing Benefits Act 1983.	The whole Act.
1983 c. 41.	Health and Social Services and Social Security Adjudications Act 1983.	<p>Section 19(2).</p> <p>In Schedule 8, Parts III and IV and paragraphs 18 and 31(3).</p> <p>In Schedule 9, paragraph 20.</p>
1984 c. 22.	Public Health (Control of Disease) Act 1984.	In section 46(5), the words from " less " to the end.
1984 c. 48.	Health and Social Security Act 1984.	<p>Section 22.</p> <p>In section 27(2), the words " 22 and ".</p> <p>In Schedule 4, in paragraph 3 the entry relating to section 79 and paragraphs 12 and 14.</p>

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1985 c. 53.	Social Security Act 1985.	<p>In Schedule 5, paragraphs 4 to 6.</p> <p>Sections 15 to 17.</p> <p>Section 22.</p> <p>Section 27(8)(e).</p> <p>In section 32(2), the words "section 15 " and the words "section 22(1)(b) and (c) and (2)".</p> <p>In Schedule 4, paragraph 2.</p> <p>In Schedule 5, paragraphs 6, 7, 10,16,19, 28, 37 and 38.</p>
1985 c. 65.	Insolvency Act 1985.	<p>In Part II of Schedule 4, the words in paragraph 3(2)(d) from the beginning to " 1982 ".</p>
1985 c. 66.	Bankruptcy (Scotland) Act 1985.	<p>In Schedule 3, paragraph 9(2) (d).</p>
1986 c. 9.	Law Reform (Parent and Child) (Scotland) Act 1986.	<p>In Schedule 1, paragraph 16.</p> <p>In Schedule 2, the entry relating to the Supplementary Benefits Act 1976.</p>