



# Social Security Act 1990

## 1990 CHAPTER 27

An Act to amend the law relating to social security and to occupational and personal pension schemes; to establish and confer functions on a Pensions Ombudsman and a Registrar of Occupational and Personal Pension Schemes; to make provision for the payment of grants for the improvement of energy efficiency in certain dwellings; and for purposes connected therewith. [13th July 1990]

### Modifications etc. (not altering text)

- C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C2 The base date version of this Act is revised to 1.7.1992 and takes account of the effects on it of the consolidating legislation which came into force at that date

### *Benefits*

1–5 .....<sup>F1</sup>

### Textual Amendments

- F1 Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); [Sch. 1 paras. 1–4, 5\(1\) and \(2\), 6](#); [Sch. 5](#); [Sch. 6, paras. 1, 3, 4\(1\) and \(2\), 5–7, 8\(1\), \(3\), \(5\), \(7\), \(8\) and \(11\), 9–12, 14–26, 27\(2\), 28, 30, 31\(a\) and \(b\)](#) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation

## 6 Late claims for widowhood benefits where death is difficult to establish.

(1) .....<sup>F2</sup>

(4) The <sup>M1</sup>Social Security (Widow’s Benefit) Transitional Regulations 1987 shall have effect with the insertion in regulation 2, at the end of paragraph (b), of the words—

“; and

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security Act 1990. (See end of Document for details)

- (c) any reference in section 165C of the 1975 Act to widow’s payment included a reference to widow’s allowance, together with any increase under section 41(2)(e) of that Act.”
- (5) The amendment by subsection (4) above of a provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision.

**Textual Amendments**

**F2** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

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

**C3** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

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**Marginal Citations**

**M1** S.I. 1987/1692.

**7 Recovery from damages etc of sums equivalent to benefit: further provision.**

The enactments specified in Schedule 1 to this Act shall have effect with the amendments specified in that Schedule.

**8–10** ..... F3

**Textual Amendments**

**F3** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

*Occupational and personal pensions etc.*

**11 Annual increase of certain occupational pensions.**

- (1) The following section shall be inserted after section 58 of the Pensions Act—

**“58A Annual increase in rate of pension, other than guaranteed minimum pension or money purchase benefit.**

- (1) This section applies in relation to any occupational pension scheme—

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- (a) which is neither a public service pension scheme nor a money purchase scheme; and
  - (b) whose rules do not require the annual rate of every pension which commences or has commenced under the scheme to be increased each year by at least an amount equal to the appropriate percentage of that rate.
- (2) On and after the appointed day, Schedule 3A to this Act shall have effect for the purpose of requiring the provision by schemes to which this section applies of annual increases in the annual rates of pensions under those schemes.
- (3) In this section—
  - “annual rate”, in relation to a pension, means the annual rate of the pension, as previously increased under the rules of the scheme or under Schedule 3A to this Act;
  - “the appointed day” means the day on which this section and Schedule 3A to this Act come into force;
  - “the appropriate percentage”, in relation to an increase in the annual rate of a pension, means the percentage specified in the last revaluation order made before the increase is to take effect as the revaluation percentage for the last revaluation period of twelve months;
  - “money purchase scheme” means a pension scheme under which all the benefits that may be provided are money purchase benefits;
  - “pension” does not include—
    - (a) a guaranteed minimum pension or any increase in such a pension under section 37A above; or
    - (b) any money purchase benefit;

“revaluation order”, “revaluation percentage” and “revaluation period” shall be construed in accordance with section 52A above.”
- (2) After Schedule 3 to the Pensions Act there shall be inserted the Schedule set out in Schedule 2 to this Act.
- (3) In the case of an occupational pension scheme—
  - (a) such as is mentioned in subsection (1) of section 58A of the Pensions Act, and
  - (b) which is constituted by trust deed,

no payment shall be made out of the resources of the scheme to or for a person who is or has been the employer of persons in the description or category of employment to which the scheme relates until such time as provision has been made by the scheme for every pension which commences or has commenced under it to be increased as mentioned in paragraph (b) of that subsection.
- (4) Nothing in subsection (3) above applies in relation to payments made to or for a person by virtue of his or any other person’s membership of the scheme in question.
- (5) Expressions used in this section and the Pensions Act have the same meaning in this section as they have in that Act.
- (6) The provisions of subsection (3) above override any provision of a scheme to the extent that it conflicts with them.

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security Act 1990. (See end of Document for details)

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

- C4** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

#### Commencement Information

- II** [S. 11](#) partly in force: [s. 11\(1\)](#) in force for certain purposes at 17.8.1990 by [S.I. 1990/1446](#) otherwise *prosp.*; [s. 11\(2\)](#) not in force; [s. 11\(3\)–\(6\)](#) in force at 17.8.1990 by [S.I. 1990/1446](#)

## 12 The Pensions Ombudsman.

- (1) The Pensions Act shall have effect with the amendments made by Schedule 3 to this Act, which are made for the purpose of establishing, conferring functions on, and making general provision in connection with, a commissioner to be known as the Pensions Ombudsman.
- (2) In the <sup>M2</sup>Tribunals and Inquiries Act 1971—
- (a) in paragraph 23 of Schedule 1 (certain tribunals concerned with pensions to be under the general supervision of the Council) there shall be added at the end of the second column—
- “(e) the Pensions Ombudsman established under Part IVA of the Social Security Pensions Act 1975 (c. 60) in respect of his functions under or by virtue of section 59C(2) of that Act.”;
- and
- (b) in section 8(2) (which specifies the paragraph numbers of the tribunals which are excepted from the requirement of concurrence to the removal of members) after “22” there shall be inserted “23(e)”.

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

- C5** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

#### Marginal Citations

- M2** [1971 c. 62.](#)

## 13 Registration of occupational and personal pension schemes.

- (1) At the beginning of Part V of the Pensions Act there shall be inserted the following section—

### “59K Registration of occupational and personal pension schemes.

- (1) The Secretary of State may by regulations make provision—
- (a) for the compilation and maintenance of a register of occupational and personal pension schemes (“the register”);

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- (b) for the appointment of a Registrar of Occupational and Personal Pension Schemes (“the registrar”); and
  - (c) for conferring on the registrar such functions relating to the compilation and maintenance of the register as may be specified in the regulations.
- (2) The regulations—
- (a) may make provision with respect to any of the following matters, that is to say—
    - (i) the remuneration and expenses, and any pensions, allowances or gratuities, or compensation for loss of office, payable to or in respect of the registrar;
    - (ii) the staff and other facilities that are to be available to the registrar;
    - (iii) the other terms and conditions upon which the registrar is to hold office; and
    - (iv) the removal of the registrar from office; and
  - (b) may confer upon the registrar power to appoint an agent to perform any of his functions on his behalf.
- (3) The register—
- (a) may consist of one or more parts, as may be prescribed;
  - (b) shall be organised in such manner, and contain such information relating to occupational and personal pension schemes, as may be prescribed; and
  - (c) subject to the regulations, may be kept in such manner and form as the registrar may think fit.
- (4) The regulations may make provision—
- (a) for the register, or for extracts from the register, or for copies of the register or of extracts from the register, to be open to inspection by, and
  - (b) for copies of the register, or of extracts from it, to be supplied to, such persons, in such manner, at such times, upon payment of such fees, and subject to such other terms and conditions, as may be prescribed.
- (5) The regulations may require—
- (a) any person who is or has been—
    - (i) a trustee or manager of an occupational or personal pension scheme or an administrator of a public service pension scheme, or
    - (ii) the employer in relation to employment of any description or category to which an occupational pension scheme relates, and
  - (b) such other persons as may be prescribed, to provide the registrar with such information for the purposes of the register in such form and within such time as may be prescribed.
- (6) The Secretary of State, the Inland Revenue and the Occupational Pensions Board may provide the registrar with such information as he may request for

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the purposes of the register; and no obligation as to secrecy or confidentiality imposed by statute or otherwise on—

- (a) persons employed in the Department of Social Security,
- (b) persons employed in relation to the Inland Revenue, or
- (c) the staff of the Occupational Pensions Board,

shall prevent them from disclosing to the registrar such information as is necessary for the purposes of the register.

(7) The Secretary of State may direct the registrar to submit to him, in such form and at such intervals as may be specified in the direction, such statistical and other reports as the Secretary of State may require; and the Secretary of State may determine at his discretion whether or not to publish a report submitted to him under this subsection.

(8) In this section “employer”, in relation to a pension scheme, includes a person who is or has been treated under section 66(3) below as an employer in relation to the scheme for the purposes of Part III or IV of this Act.

(9) Subsections (2) to (5) above are without prejudice to the generality of subsection (1) above and nothing in subsection (5) or (6) above shall be taken to imply that the Occupational Pensions Board may not be appointed as the registrar.”

(2) The following provisions of the Pensions Act (which make provision with respect to the registration of occupational pension schemes and which are set out in Schedule 2 to the <sup>M3</sup>Social Security Act 1985 and have not all been brought into force) shall cease to have effect—

- (a) sections 56B to 56D;
- (b) section 56E(1)(c);
- (c) sections 56F to 56K;
- (d) section 56L(1)(b), (5)(b) and (9); and
- (e) sections 56M and 56N.

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

**C6** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

#### **Marginal Citations**

**M3** 1985 c. 53.

## **14 Miscellaneous amendments relating to pensions.**

- (1) The enactments mentioned in Schedule 4 to this Act (which relate to occupational and personal pensions) shall have effect with the amendments there specified.
- (2) Regulations may modify the provisions inserted into the Pensions Act by paragraph 2 of that Schedule in any manner which the Secretary of State thinks appropriate with a view to securing the orderly implementation of those provisions and to obtaining general compliance with them.

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### Commencement Information

- I2** S. 14 partly in force; s. 14 in force at Royal Assent so far as it relates to specified provisions of Sch. 4 see 23(2)(3); s. 14 in force in relation to further provisions of Sch. 4: at 18.7.1990 by S.I. 1990/1446; at 22.10.1990, 12.11.1990, 3.12.1990, 1.1.1991 and 28.2.1991 by S.I. 1990/1942; at 13.5.1991 and 4.11.1991 by S.I. 1991/558; at 29.6.1992 by S.I. 1992/1532, art. 2

### *Energy efficiency in certain dwellings etc.*

## 15 Grants for the improvement of energy efficiency in certain dwellings etc.

- (1) The Secretary of State may make or arrange for the making of grants—
  - (a) towards the cost of carrying out work—
    - (i) for the purpose of improving the thermal insulation of dwellings, or
    - (ii) otherwise for the purpose of reducing or preventing the wastage of energy in connection with space or water heating in dwellings; and
  - (b) where any such work is, or is to be, carried out, towards the cost of providing persons with advice relating to thermal insulation or to the economic and efficient use of domestic appliances or of facilities for lighting, or for space or water heating, in dwellings;

but no grants shall be made under this section except in accordance with regulations made by the Secretary of State.
- (2) The regulations may make provision with respect to—
  - (a) the descriptions of dwelling and work in respect of which a grant under subsection (1)(a) above may be made;
  - (b) the nature and extent of the advice with respect to the provision of which grants under subsection (1)(b) above may be made;
  - (c) the descriptions of person from whom an application for a grant under subsection (1)(a) or (b) above may be entertained;
  - (d) the persons to whom such an application is to be made;
  - (e) the payment of such grants to persons other than the applicant;
  - (f) the conditions on which such a grant may be made.
- (3) The regulations—
  - (a) may specify or make provision for determining the amount or maximum amount of any grant under this section; and
  - (b) may include provision requiring work to comply with standards of materials and workmanship (whether prescribed standards, or standards otherwise laid down from time to time by a prescribed person) if it is to be eligible for a grant under subsection (1)(a) above.
- (4) Subsections (1) to (3) above shall apply in relation to any building in multiple occupation as they apply in relation to a dwelling; and for this purpose “building in multiple occupation” means a building which is occupied by persons who do not form a single household, exclusive of any part of the building which is occupied as a separate dwelling by persons who form a single household.
- (5) The Secretary of State may delegate any of his functions in relation to grants under this section to such persons or bodies of persons as he may determine, and may pay

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to any person or body of persons to whom functions are so delegated, or upon whom functions are otherwise conferred under or by virtue of this section, such fees as may be agreed.

- (6) Without prejudice to the generality of the powers conferred by this section, the regulations may make provision for any of the following matters, that is to say—
- (a) for appointing for any particular area a person or body of persons (an “administering agency”) to perform in that area such functions as the Secretary of State may confer upon that person or body for the purposes of, or otherwise in connection with, this section (whether those functions are prescribed, or specified otherwise than in regulations);
  - (b) for the administering agency for any area to select, in accordance with criteria (whether prescribed criteria, or criteria otherwise laid down from time to time by a prescribed person), and register as the network installer for any particular locality within their area, a person or body of persons capable of carrying out, or arranging for the carrying out of, work in respect of which grants under subsection (1)(a) above may be made, to perform in that locality such functions as the Secretary of State or that agency may confer upon that person or body for the purposes of, or otherwise in connection with, this section (whether those functions are prescribed, or specified otherwise than in regulations);
  - (c) for the allocation by the Secretary of State to an administering agency of the sums which are to be available to that agency in any period for the purpose of making grants under this section in that period, and for the re-allocation of any sums so allocated;
  - (d) for the allocation by an administering agency to a network installer of an amount which represents the total amount of grant under this section which the agency determines is, or is to be, available for any period in respect of work carried out, and advice given, by that installer and any sub-contractors of his in that period, and for the re-allocation of any amount so allocated.
- (7) The provision that may be made in regulations by virtue of subsection (6) above includes provision—
- (a) for the making of appointments, or the conferring of functions, under that subsection to be effected in whole or in part by or under a contract made between prescribed persons and for requiring any such contract to contain prescribed terms and conditions or terms and conditions with respect to prescribed matters;
  - (b) for terminating any appointment as an administering agency or any registration as a network installer;
  - (c) for conferring upon network installers the exclusive right to apply for grants by virtue of subsection (4) above;
  - (d) for conferring upon administering agencies functions relating to the general oversight of network installers and the verification of claims made, and information supplied, by them.
- (8) The power to make regulations under this section shall be exercisable by statutory instrument made with the consent of the Treasury; and any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (9) Regulations under this section—



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- (a) may make different provision with respect to any labour involved, materials used or other items comprised in the carrying out of work; and
- (b) may make different provision for different cases and different areas.

(10) In this section—

“functions” means powers and duties and includes the exercise of a discretion with respect to any matter;

“prescribed” means specified in, or determined in accordance with, regulations under this section.

(11) Sections 252 and 253 of the <sup>M4</sup>Housing (Scotland) Act 1987 (grants for thermal insulation) shall cease to have effect.

**Marginal Citations**

M4 1987 c. 26.

*Financial provisions*

16 ..... F4

**Textual Amendments**

F4 Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation

17 **Interest and penalties in respect of certain contributions 1989 c. 26.**

(1) ..... F5

(10) In section 178 of the <sup>M5</sup>Finance Act 1989 (rates of interest) in subsection (2), after paragraph (g) there shall be inserted—

“(gg) paragraph 5 of Schedule 1 to the Social Security Act 1975.”.

**Textual Amendments**

F5 Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation.  
S. 17(8)–(9) expressed to be repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), s. 3, [Sch. 1](#)

**Commencement Information**

I3 S. 17(10) wholly in force at 6.4.1992 see s. 23(2) and S.I. 1992/632, [art. 2](#)

**Status:** Point in time view as at 28/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Social Security Act 1990. (See end of Document for details)

### Marginal Citations

M5 1989 c. 26.

## 18 General financial provisions.

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred under this Act by a Minister of the Crown; and
  - (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.
- (2) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct, such sums as the Secretary of State may estimate (in accordance with any directions given by the Treasury) to be the amount of the administrative expenses incurred by him under [<sup>F6</sup>paragraphs 2] and 27 of Schedule 6 excluding any category of expenses or payments which the Treasury may direct, or any enactment may require, to be excluded from the Secretary of State's estimates under this subsection.
- (3) There shall be paid into the Consolidated Fund any increase by virtue of this Act in the sums so payable by virtue of any other Act.

### Textual Amendments

F6 Words in s. 18(2) substituted (1. 7. 1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2 para. 110](#)

### *General and supplementary provisions*

## 19 Regulations and orders.

- (1) Subject to the following provisions of this section, [<sup>F7</sup>section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992] shall apply in relation to any power conferred by any provision of this Act, other than section 15, to make regulations or an order as they apply in relation to any power conferred by that Act to make regulations or an order, but as if for references to that Act there were substituted references to this Act.
- (2) A statutory instrument—
  - (a) which contains (whether alone or with other provisions) any regulations or orders under this Act, other than regulations under section 15 above or orders under section 23 below, and
  - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A power conferred by this Act to make any regulations or an order, where the power is not expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.

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**Textual Amendments**

**F7** Words in s. 19(1) substituted (1. 7. 1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2 para. 111](#)

**20 Interpretation.**

In this Act, unless the context otherwise requires—

“the 1973 Act” means the <sup>M6</sup>Social Security Act 1973;

..... <sup>F8</sup>  
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..... <sup>F8</sup>  
..... <sup>F8</sup>

“the Pensions Act” means the <sup>M7</sup>Social Security Pensions Act 1975;

“prescribe”, except in section 15, means prescribe by regulations;

“the principal Act” means the <sup>M8</sup>Social Security Act 1975;

“regulations” means regulations made by the Secretary of State.

**Textual Amendments**

**F8** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); [Sch. 1 paras. 1–4, 5\(1\) and \(2\), 6](#); [Sch. 5](#); [Sch. 6, paras. 1, 3, 4\(1\) and \(2\), 5–7, 8\(1\), \(3\), \(5\), \(7\), \(8\) and \(11\), 9–12, 14–26, 27\(2\), 28, 30, 31\(a\) and \(b\)](#) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation

**Marginal Citations**

**M6** 1973 c. 38.  
**M7** 1975 c. 60.  
**M8** 1975 c. 14.

**21 Minor and consequential amendments and repeals.**

- (1) The enactments mentioned in Schedule 6 to this Act shall have effect with the amendments there specified (being minor amendments and amendments consequential on provisions of this Act).
- (2) The enactments mentioned in Schedule 7 to this Act (which include some that are spent or of no further practical utility) are repealed to the extent specified in the third column of that Schedule.
- (3) The Secretary of State may by regulations make—
  - (a) such transitional provision,
  - (b) such consequential provision, or
  - (c) such savings,as he considers necessary or expedient in preparation for or in connection with the coming into force of any provision of this Act or the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security Act 1990. (See end of Document for details)

#### Commencement Information

**I4** S. 21 partly in force; s. 21(3) in force at Royal Assent see s. 23(2)(3)

## 22 Provision for Northern Ireland.

- (1) ..... <sup>F9</sup>
- (2) Subject to any Order made after the passing of this Act by virtue of subsection (1) (a) of section 3 of the <sup>M9</sup>Northern Ireland Constitution Act 1973, the matters specified in subsection (3) below 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.
- (3) The matters referred to in subsection (2) above are the matters dealt with—
- (a) by the section 59B inserted into the Pensions Act by Schedule 3 to this Act, other than subsections (4) and (5)(b) of that section; and
  - (b) by subsections (1), (2), other than paragraph (a)(ii), (3), (4) and (9) of the section 59K inserted into that Act by section 13(1) of this Act.

#### Textual Amendments

**F9** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

#### Marginal Citations

**M9** 1973 c. 36.

## 23 Short title, commencement and extent.

- (1) This Act may be cited as the Social Security Act 1990; and this Act, other than section 15, and the Social Security Acts 1975 to 1989 may be cited together as the Social Security Acts 1975 to 1990.
- (2) Apart from the provisions specified in subsection (3) below, this Act shall not come into force until such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or different purposes of the same provision.
- (3) The provisions referred to in subsection (2) above are the following—
- (a) sections 3(6), 5, 6, 7, 10, 15, other than subsection (11), 16(1), (4) to (8) and (10), 18, 19, 20, 21(3), 22 and this section;
  - (b) Schedule 1;
  - (c) paragraphs 6, 8, 9 and 15 of Schedule 4 (and section 14 so far as relating to those provisions);
  - (d) paragraphs 2 to 9, 12 to 15, 17, 18, 19, 21, 26, 27 and 30 of Schedule 6 (and section 21 so far as relating to those provisions);

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- (e) the amendments in that Schedule to the extent that they are consequential on any provision specified in paragraphs (a) to (d) above (and section 21 so far as relating to any such amendments); and
  - (f) the repeals in Schedule 7 to the extent that they are consequential on any provision specified in paragraphs (a) to (e) above (and section 21 so far as relating to those repeals).
- (4) Where any enactment repealed or amended by this Act extends to any part of the United Kingdom, the repeal or amendment extends to that part.
- (5) The following provisions of this Act extend to Northern Ireland, namely—
- (a) section 13(1), so far as it amends the Pensions Act by the insertion of section 59K(1), (2), other than paragraph (a)(ii), (3), (4) and (9);
  - (b) section 22 above and this section;
  - (c) paragraph 5(1) and (3) of Schedule 1;
  - (d) Schedule 3, so far as it amends the Pensions Act by the insertion of section 59B, other than subsections (4) and (5)(b), and section 12(1) so far as relating to that amendment;
- and paragraph 5(4) of Schedule 1 extends to Northern Ireland only.
- (6) Except as provided by this section, this Act does not extend to Northern Ireland.

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

**C7** Power of appointment conferred by s. 23(2) partly exercised: [S.I. 1990/1446](#), 1942; 1991/558; 1992/632, 1532

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# SCHEDULES

## SCHEDULE 1

Section 7.

### AMENDMENTS RELATING TO THE RECOVERY FROM DAMAGES ETC OF SUMS EQUIVALENT TO BENEFIT

1–4 ..... F10

**Textual Amendments**

**F10** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

*Interaction with the Northern Ireland scheme*

5 (1) ..... F11

(3) In section 33(6) of that Act (provisions extending to Northern Ireland) after the words “and this section” there shall be inserted the words “and paragraph 20A of Schedule 4”.

(4) ..... F12

**Textual Amendments**

**F11** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

**F12** Sch. 1 para. 5(4) repealed (1. 7. 1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

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

**C8** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

6 ..... F13

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### Textual Amendments

**F13** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

### *Law Reform (Personal Injuries) Act 1948 (c. 41)*

7 In section 2(1) of the Law Reform (Personal Injuries) Act 1948 (half of certain benefits to be brought into account in assessing damages) for the word “him” there shall be substituted the words “the injured person”.

### Modifications etc. (not altering text)

**C9** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

## SCHEDULE 2

Section 11(2)

### SCHEDULE TO BE INSERTED AS SCHEDULE 3A TO THE PENSIONS ACT

### Modifications etc. (not altering text)

**C10** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

## “SCHEDULE 3A

Section 58A.

### ANNUAL INCREASE IN RATE OF CERTAIN OCCUPATIONAL PENSIONS

#### *Interpretation*

1 In this Schedule—

“annual rate”, in relation to a pension or the later or earlier service component of a pension, means the annual rate of the pension or component, as previously increased under the rules of the scheme or this Schedule;

“the appointed day” means the day on which this Schedule and section 58A of this Act come into force;

“the appropriate percentage”, in relation to an increase in the annual rate of a pension or a component of a pension, means the percentage specified in the last revaluation order made before the increase is to take effect as the revaluation percentage for the last revaluation period of twelve months;

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“earlier service component” means so much (if any) of the annual rate of the pension as is attributable to pensionable service before the appointed day;

“later service component” means so much (if any) of the annual rate of the pension as is attributable to pensionable service on or after the appointed day;

“pension”, in relation to a scheme, means any pension which commences or has commenced under the scheme but does not include—

- (a) a guaranteed minimum pension or any increase in such a pension under section 37A above; or
- (b) any money purchase benefit;

“pensionable service” has the meaning given by paragraph 3 of Schedule 16 to the 1973 Act;

“qualifying scheme” means a scheme to which section 58A of this Act applies;

“revaluation order”, “revaluation percentage” and “revaluation period” shall be construed in accordance with section 52A above.

*Annual increase of later service component*

- 2 (1) If, apart from this Schedule, the annual rate of a pension under a qualifying scheme would not be increased as mentioned in section 58A(1)(b) of this Act, the annual rate of its later service component shall be increased annually by at least an amount equal to the appropriate percentage of the annual rate of that component as applicable immediately before the increase takes effect.
- (2) The first increase by virtue of this paragraph in the rate of a pension shall take effect not later than the first anniversary of the commencement of the pension and subsequent increases shall take effect at intervals of not more than twelve months thereafter.
- (3) This paragraph is subject to paragraphs 4 to 7 below.

*Annual increase of earlier service component where scheme is in surplus*

- 3 (1) If on any valuation day the value of a qualifying scheme’s assets, as determined in accordance with regulations, exceeds the value of its liabilities, as so determined, the amount of the excess (the “valuation surplus”) shall be applied in accordance with the following provisions of this paragraph in providing for annual increases, up to the aggregate referred to in sub-paragraph (6) below, in the annual rate of the earlier service component of each pension under the scheme that would not, apart from this Schedule, be increased as mentioned in section 58A(1)(b) of this Act.
- (2) The amount of each annual increase to be provided in pursuance of this paragraph in consequence of a valuation surplus shall be an amount equal to the appropriate percentage of the annual rate of the earlier service component of the pension in question as applicable immediately before that annual increase takes effect.
- (3) Except in a case where regulations otherwise provide, the days which are “valuation days” for the purposes of this paragraph are—
  - (a) the appointed day; and
  - (b) each subsequent day as at which the assets and liabilities of the scheme in question are actuarially valued for any purpose.
- (4) Where, in consequence of a valuation surplus, this paragraph requires provision to be made for annual increases in the annual rate of the earlier service component of a



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pension, the first of those increases shall take effect not later than the first anniversary of the later of—

- (a) the valuation day as at which the valuation was made which disclosed the valuation surplus; or
- (b) the commencement of the pension;

and subsequent increases shall take effect at intervals of not more than twelve months thereafter.

(5) In any case where—

- (a) a valuation of the assets and liabilities of a qualifying scheme discloses a valuation surplus, but
- (b) the amount of the surplus is insufficient to provide in full for the annual increases otherwise required by this paragraph in pensions under the scheme,

the valuation surplus shall be applied in providing for the increases so required, but only at the percentage rate that would apply year by year in relation to those increases if, for the maximum percentage of 5 per cent. specified in section 52A(9)(a) above, there were substituted such lower percentage as represents the greatest maximum percentage, as determined in accordance with regulations, by reference to which the valuation surplus is sufficient to provide for annual increases in the earlier service component of the pensions in question.

(6) If a valuation surplus is disclosed on a valuation at any time when either—

- (a) provision has already been made by the scheme for the annual rate of the earlier service component of every such pension as is mentioned in sub-paragraph (1) above to be increased annually in the aggregate by at least the appropriate percentage of that rate, or
- (b) the application of part only of the valuation surplus would be sufficient to secure that result,

this paragraph does not require that valuation surplus or, as the case may be, the remaining part of it, to be applied in the provision of increases under this paragraph.

(7) The powers conferred by sub-paragraphs (1) and (5) above to make regulations include, respectively, power to provide that the valuation of the scheme's assets or liabilities is to be calculated and verified, or the percentage in question is to be determined,—

- (a) in such manner as may, in the particular case, be approved—
  - (i) by a prescribed person;
  - (ii) by a person with prescribed professional qualifications or experience;or
- (iii) by a person approved by the Secretary of State;
- (b) in accordance with guidance prepared by a prescribed body;
- (c) in accordance with prescribed principles and requirements; or
- (d) in accordance with principles determined by the person who performs the duties of calculation and verification.

(8) This paragraph is subject to paragraphs 4 to 7 below.

*Proportional increases where first period is less than 12 months*

- 4 (1) Where a pension commenced to be paid less than twelve months before the date on which its first increase under paragraph 2 above is to take effect, the amount of that first increase shall be determined by the application of the formula—

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$$\frac{M \times I}{12}$$

where—

M is the number of complete months in the period beginning with the commencement of the pension and ending immediately before that date; and

I is the amount of the increase that would have been required by that paragraph, apart from this sub-paragraph.

- (2) This paragraph shall apply in relation to the first increase of a pension by virtue of paragraph 3 above in consequence of each successive valuation surplus as it applies in relation to the first increase of a pension under paragraph 2 above.

*Restriction on increases where member is under 55*

- 5 (1) No increase under paragraph 2 or 3 above is required to be paid to or for a member of a scheme whose pension has commenced but who has not attained the age of 55 at the time when the increase takes effect, unless—

- (a) he is permanently incapacitated by mental or physical infirmity from engaging in regular full-time employment, or
- (b) he has retired on account of mental or physical infirmity from the office or employment in respect of which, or on retirement from which, the pension is payable,

in which case the pension shall be payable at the annual rate at which it would have been payable apart from this sub-paragraph.

- (2) The rules of a scheme may provide that if, in a case where a pension has been paid to or for a member under the age of 55 at an increased rate in consequence of paragraph (a) or (b) of sub-paragraph (1) above, the member—

- (a) ceases to suffer from the infirmity in question before he attains the age of 55, but
- (b) continues to be entitled to the pension,

any increases subsequently taking effect under paragraph 2 or 3 above in the annual rate of the pension shall not be paid or shall not be paid in full.

- (3) In any case where—

- (a) by virtue only of sub-paragraph (1) or (2) above, increases are not paid to or for a member or are not paid in full, but
- (b) the member attains the age of 55 or, in a case falling within sub-paragraph (2) above, again satisfies the conditions set out in paragraph (a) or (b) of sub-paragraph (1) above,

his pension shall thereupon become payable at the annual rate at which it would have been payable apart from sub-paragraph (1) or (2) above.

*Application of Schedule to pensions not attributable to pensionable service*

- 6 Regulations may provide that this Schedule (other than this paragraph) shall apply in relation to any pension under a qualifying scheme as if so much of the annual rate of the pension as would not otherwise be attributable to pensionable service were attributable in accordance with the regulations—

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- (a) to pensionable service before the appointed day;
- (b) to pensionable service on or after that day; or
- (c) partly to pensionable service before, and partly to pensionable service on or after, that day;

and any reference to the earlier or later service component of the pension shall be construed accordingly.

#### *Regulations*

- 7 (1) The Secretary of State may by regulations direct that section 58A of this Act and this Schedule shall have effect, in such cases as he may specify in the regulations, subject to such modifications as he may specify.
- (2) In sub-paragraph (1) above “modification”, without prejudice to the generality of that sub-paragraph, includes addition, omission and amendment.

#### *Overriding effect of the increase provisions*

- 8 The provisions of section 58A of this Act, this Schedule and any regulations made under it override any provision of a qualifying scheme, other than a protected provision (within the meaning of paragraph 7 of Schedule 1A to this Act), to the extent that it conflicts with them.”

### SCHEDULE 3

Section 12(1).

#### THE PENSIONS OMBUDSMAN

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

**C11** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

After Part IV of the Pensions Act there shall be inserted the following—

#### “PART IVA

#### THE PENSIONS OMBUDSMAN

##### **The Pensions Ombudsman.**

- 59B (1) For the purpose of conducting investigations in accordance with this Part of this Act or any corresponding legislation having effect in Northern Ireland there shall be a commissioner, to be known as the Pensions Ombudsman.
- (2) The Pensions Ombudsman shall be appointed by the Secretary of State and shall hold office upon such terms and conditions as the Secretary of State may think fit.
- (3) The Pensions Ombudsman may at any time—

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- (a) be removed from office by notice in writing given to him by the Secretary of State; or
  - (b) resign his office by giving such notice to the Secretary of State.
- (4) The Secretary of State may make available such staff and other facilities as he thinks fit for the Pensions Ombudsman and any function of the Pensions Ombudsman, other than the determination of complaints made and disputes referred under this Part of this Act, may be performed by any member of that staff who is authorised for that purpose by the Pensions Ombudsman.
- (5) The Secretary of State may—
- (a) pay to or in respect of the Pensions Ombudsman such amounts by way of remuneration, compensation for loss of office, pension, allowances and gratuities, or by way of provision for any such benefits, as the Secretary of State may determine with the approval of the Treasury; and
  - (b) reimburse him in respect of any expenses incurred by him in the performance of his functions.
- (6) The Pensions Ombudsman shall prepare a report on the discharge of his functions for the period ending with 31st March following the coming into force of this section, and for each subsequent financial year, and shall submit it to the Secretary of State as soon as practicable thereafter.
- (7) The Secretary of State shall arrange for the publication of each report submitted to him under subsection (6) above.

### **Functions of the Pensions Ombudsman.**

- 59C (1) The Pensions Ombudsman may investigate and determine any complaint made to him in writing by or on behalf of an authorised complainant who alleges that he has sustained injustice in consequence of maladministration in connection with any act or omission of the trustees or managers of an occupational or personal pension scheme.
- (2) The Pensions Ombudsman may also investigate and determine any dispute of fact or law which arises in relation to such a scheme between—
- (a) the trustees or managers of the scheme, and
  - (b) an authorised complainant in relation to the scheme,
- and which is referred to him in writing by or on behalf of the authorised complainant.
- (3) The Secretary of State may by regulations provide that, subject to any modifications or exceptions specified in the regulations, this Part of this Act shall apply in relation to—
- (a) the employer in relation to any description or category of employment to which an occupational pension scheme relates or has related, or
  - (b) any prescribed person or body of persons concerned with the financing or administration of, or the provision of benefits under, any occupational or personal pension scheme,
- as it applies in relation to the trustees or managers of such a scheme.
- (4) The Pensions Ombudsman may investigate a complaint or dispute notwithstanding that it arose, or relates to a matter which arose, before the coming into force of this Part of this Act.
- (5) The Pensions Ombudsman shall not investigate or determine a complaint or dispute—

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- (a) if, before the making of the complaint or the reference of the dispute, proceedings have been commenced in any court in respect of the matters which would be the subject of the investigation;
  - (b) if the scheme is of a description which is excluded from the jurisdiction of the Pensions Ombudsman by regulations under this subsection; or
  - (c) if and to the extent that the complaint or dispute, or any matter arising in connection with the complaint or dispute, is of a description which is excluded from the jurisdiction of the Pensions Ombudsman by regulations under this subsection.
- (6) The persons who, for the purposes of this Part of this Act, are “authorised complainants” in relation to a scheme are—
- (a) a member of the scheme,
  - (b) the widow or widower, or any surviving dependant, of a deceased member of the scheme;
  - (c) where the complaint or dispute relates to the question—
    - (i) whether a person who claims to be such a person as is mentioned in paragraph (a) or (b) above is such a person, or
    - (ii) whether a person who claims to be entitled to become a member of the scheme is so entitled,the person so claiming.
- (7) In this Part of this Act—
- “employer”, in relation to a pension scheme, includes a person—
- (a) who is or has been an employer in relation to the scheme, or
  - (b) who is or has been treated under section 66(3) below as an employer in relation to the scheme for the purposes of Part III or IV of this Act, or under Article 2(4) of the Social Security Pensions (Northern Ireland) Order 1975 as an employer in relation to the scheme for the purposes of Part IV or V of that Order;
- “member”, in relation to a pension scheme, includes a person—
- (a) who is or has been in pensionable service under the scheme, as defined in paragraph 3 of Schedule 16 to the 1973 Act or paragraph 3 of Schedule 3 to the Social Security Pensions (Northern Ireland) Order 1975, or
  - (b) who is or has been treated under section 66(4) below as a member in relation to the scheme for the purposes of Part III or IV of this Act, or under Article 2(5) of the Social Security Pensions (Northern Ireland) Order 1975 as a member in relation to the scheme for the purposes of Part IV or V of that Order;
- “Northern Ireland public service pension scheme” means a public service pension scheme, within the meaning of Article 2(2) of that Order;
- “trustees or managers”, in relation to a pension scheme which is a public service pension scheme or a Northern Ireland public service pension scheme, includes the scheme’s administrators.

### **Death, insolvency or disability of authorised complainant.**

59D(1) Where an authorised complainant dies or is a minor or is otherwise unable to act for himself, then, unless subsection (3) below applies—

- (a) any complaint or dispute (whenever arising) which the authorised complainant might otherwise have made or referred under this Part of this Act may be made or referred by the appropriate person, and

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- (b) anything in the process of being done by or in relation to the authorised complainant under or by virtue of this Part of this Act may be continued by or in relation to the appropriate person,  
and any reference in this Part of this Act, except this section, to an authorised complainant shall be construed as including a reference to the appropriate person.
- (2) For the purposes of subsection (1) above “the appropriate person” means—
- (a) where the authorised complainant has died, his personal representatives; or
  - (b) in any other case, a member of the authorised complainant’s family, or some body or individual suitable to represent him.
- (3) Where a person is acting as an insolvency practitioner in relation to an authorised complainant, investigations under this Part of this Act shall be regarded for the purposes of the Insolvency Act 1986 and the Bankruptcy (Scotland) Act 1985 as legal proceedings.
- (4) In this section “acting as an insolvency practitioner” shall be construed in accordance with section 388 of the Insolvency Act 1986, but disregarding subsection (5) of that section (exclusion of official receiver).

**Staying court proceedings where a complaint is made or a dispute is referred.**

59E (1) This section applies where—

- (a) a complaint has been made or a dispute referred to the Pensions Ombudsman;  
and
  - (b) any party to the investigation subsequently commences any legal proceedings in any court against any other party to the investigation in respect of any of the matters which are the subject of the complaint or dispute.
- (2) In England and Wales, where this section applies any party to the legal proceedings may at any time after acknowledgment of service, and before delivering any pleadings or taking any other step in the proceedings, apply to that court to stay the proceedings.
- (3) In Scotland, where this section applies any party to the legal proceedings may—
- (a) if the proceedings are in the Court of Session, at any time—
    - (i) after appearance has been entered but before defences have been lodged or any other step in the proceedings has been taken; or
    - (ii) (in procedure by petition) after intimation and service but before answers have been lodged or any other step in the proceedings has been taken; and
  - (b) if the proceedings are in the sheriff court, at any time—
    - (i) after notice has been given of intention to defend but before defences have been lodged or any other step in the proceedings has been taken;  
or
    - (ii) (in summary cause procedure) after appearance has been made, or notice of intention to appear has been lodged, but before any defence has been stated or any other step in the proceedings has been taken,
apply to the court for a sist of process.
- (4) On an application under subsection (2) or (3) above the court may make an order staying or, in Scotland, sisting the proceedings if it is satisfied—

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- (a) that there is no sufficient reason why the matter should not be investigated by the Pensions Ombudsman; and
  - (b) that the applicant was at the time when the legal proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the investigation.
- (5) For the purposes of this section the parties to an investigation are—
- (a) the authorised complainant in question;
  - (b) the trustees or managers of the scheme in question;
  - (c) any person against whom allegations are made in the complaint or reference; and
  - (d) any person claiming under a person falling within paragraphs (a) to (c) above.

### **Procedure on an investigation.**

- 59F (1) Where the Pensions Ombudsman proposes to conduct an investigation into a complaint made or dispute referred under this Part of this Act, he shall afford to the trustees and managers of the scheme concerned, and any other person against whom allegations are made in the complaint or reference, an opportunity to comment on any allegations contained in the complaint or reference.
- (2) The Secretary of State may by statutory instrument make rules with respect to the procedure which is to be adopted in connection with the making of complaints, the reference of disputes, and the investigation of complaints made and disputes referred, under this Part of this Act.
- (3) The rules may include provision—
- (a) requiring any oral hearing held in connection with an investigation under this Part of this Act to take place in public, except in such cases as may be specified in the rules; and
  - (b) as to the persons entitled to appear and be heard on behalf of parties to an investigation, as defined in section 59E(5) above.
- (4) Subject to any provision made by the rules, the procedure for conducting an investigation under this Part of this Act shall be such as the Pensions Ombudsman considers appropriate in the circumstances of the case; and he may, in particular, obtain information from such persons and in such manner, and make such inquiries, as he thinks fit.

### **Investigations: further provisions.**

- 59G (1) For the purposes of an investigation under this Part of this Act or under any corresponding legislation having effect in Northern Ireland, the Pensions Ombudsman may require any trustee or manager of the scheme concerned, or any other person who, in his opinion, is able to furnish information or produce documents relevant to the investigation, to furnish any such information or produce any such documents.
- (2) For the purposes of any such investigation, the Pensions Ombudsman shall have the same powers as the court in respect of the attendance and examination of witnesses (including the administration of oaths and affirmations and the examination of witnesses abroad) and in respect of the production of documents.

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- (3) No person shall be compelled for the purposes of any such investigation to give any evidence or produce any document which he could not be compelled to give or produce in civil proceedings before the court.
- (4) If any person without lawful excuse obstructs the Pensions Ombudsman in the performance of his functions or is guilty of any act or omission in relation to an investigation under this Part which, if that investigation were a proceeding in the court, would constitute contempt of court, the Pensions Ombudsman may certify the offence to the court.
- (5) Where an offence is certified under subsection (4) above, the court may inquire into the matter and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, deal with him in any manner in which the court could deal with him if he had committed the like offence in relation to the court.
- (6) To assist him in an investigation, the Pensions Ombudsman may obtain advice from any person who in his opinion is qualified to give it and may pay to any such person such fees or allowances as he may determine with the approval of the Treasury.
- (7) The Pensions Ombudsman may refer any question of law arising for determination in connection with a complaint or dispute to the High Court or, in Scotland, the Court of Session.
- (8) In this section “the court” means—
  - (a) in England and Wales, a county court;
  - (b) in Scotland, the sheriff.
- (9) Subsections (4) and (5) above shall be construed, in their application to Scotland, as if contempt of court were in Scots law categorised as an offence.

#### **Determinations of the Pensions Ombudsman.**

- 59H(1) Where the Pensions Ombudsman has conducted an investigation under this Part of this Act, he shall send a written statement of his determination of the complaint or dispute in question—
- (a) to the authorised complainant in question; and
  - (b) to the trustees or managers of the scheme in question;
- and any such statement shall contain the reasons for his determination.
- (2) Where the Pensions Ombudsman makes a determination under this Part of this Act or under any corresponding legislation having effect in Northern Ireland, he may direct the trustees or managers of the scheme concerned to take, or refrain from taking, such steps as he may specify in the statement referred to in subsection (1) above or otherwise in writing.
  - (3) Subject to subsection (4) below, the determination by the Pensions Ombudsman of a complaint or dispute, and any direction given by him under subsection (2) above, shall be final and binding on—
    - (a) the authorised complainant in question;
    - (b) the trustees or managers of the scheme concerned; and
    - (c) any person claiming under them respectively.



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- (4) An appeal on a point of law shall lie to the High Court or, in Scotland, the Court of Session from a determination or direction of the Pensions Ombudsman at the instance of any person falling within paragraphs (a) to (c) of subsection (3) above.
- (5) Any determination or direction of the Pensions Ombudsman shall be enforceable—
  - (a) in England and Wales, in a county court as if it were a judgment or order of that court, and
  - (b) in Scotland, by the sheriff, as if it were a judgment or order of the sheriff and whether or not the sheriff could himself have granted such judgment or order.
- (6) If the Pensions Ombudsman considers it appropriate to do so in any particular case, he may publish in such form and manner as he thinks fit a report of any investigation under this Part of this Act and of the result of that investigation.
- (7) For the purposes of the law of defamation, the publication of any matter by the Pensions Ombudsman—
  - (a) in submitting or publishing a report under section 59B(6) or subsection (6) above, or
  - (b) in sending to any person a statement under subsection (1) above or a direction under subsection (2) above,shall be absolutely privileged.

#### **Power to make special county court rules.**

- 59J (1) The Secretary of State may by statutory instrument make rules—
- (a) regulating the practice, and the forms of proceedings, which are to be followed in county courts in any proceedings under or by virtue of this Part of this Act; and
  - (b) prescribing the scales of costs to be paid in connection with any such proceedings.
- (2) Without prejudice to the generality of subsection (1) above, rules under this section may to any extent, and with or without modifications, apply any county court rules to proceedings under or by virtue of this Part of this Act.”

## SCHEDULE 4

Section 14.

### OCCUPATIONAL AND PERSONAL PENSION SCHEMES

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

**C12** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

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## PART I

### PROTECTING PENSIONS

*Occupational pensions: independent trustee where employer insolvent etc*

- 1 The following sections shall be inserted after the section 57B of the Pensions Act inserted by paragraph 11 below—

**“57C Requirement for independent trustee where employer becomes insolvent etc.**

- (1) This section applies in relation to an occupational pension scheme which is constituted by trust deed—
- (a) if a person (“the practitioner”) commences to act as an insolvency practitioner in relation to a company which, or an individual who, is the employer of persons in the description or category of employment to which the scheme relates; or
  - (b) if the official receiver becomes—
    - (i) the liquidator or provisional liquidator of a company which is the employer of any such persons, or
    - (ii) the receiver and the manager, or the trustee, of the estate of a bankrupt who is the employer of any such persons.
- (2) If and so long as this section applies to a scheme, it shall be the duty of the practitioner or official receiver—
- (a) to satisfy himself that at all times at least one of the trustees of the scheme is an independent person; and
  - (b) if at any time he is not so satisfied, to appoint under this paragraph, or to secure the appointment of, an independent person as a trustee of the scheme;
- but this subsection is subject to subsection (5) below.
- (3) For the purposes of subsection (2) above a person is “independent” only if—
- (a) he has no interest in the assets of the employer or of the scheme, otherwise than as trustee of the scheme;
  - (b) he is neither connected with, nor an associate of—
    - (i) the employer;
    - (ii) any person for the time being acting as an insolvency practitioner in relation to the employer; or
    - (iii) the official receiver, acting in any of the capacities mentioned in subsection (1)(b) above in relation to the employer; and
  - (c) he satisfies such other requirements as may be prescribed;
- and any reference in this section or section 57D below to an “independent trustee” shall be construed accordingly.
- (4) Sections 249 and 435 of the Insolvency Act 1986 (connected and associated persons) shall apply for the purposes of paragraph (b) of subsection (3) above as they apply for the purposes of that Act; and section 74 of the Bankruptcy

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(Scotland) Act 1985 (associated persons) shall apply for the purposes of that paragraph as that section applies for the purposes of the said Act of 1985.

(5) Where, apart from this subsection, the duties imposed by subsection (2) above in relation to a scheme would fall to be discharged at the same time by two or more persons acting in different capacities, those duties shall be discharged—

- (a) if the employer is a company, by the person or persons acting as the company's liquidator, provisional liquidator or administrator; or
- (b) if the employer is an individual, by the person or persons acting as his trustee in bankruptcy or interim receiver of his property or as permanent or interim trustee in the sequestration of his estate.

(6) If the practitioner or official receiver neglects or refuses to discharge any duty imposed upon him by subsection (2) above in relation to a scheme, any member of the scheme may apply to the appropriate court for an order requiring him to discharge his duties under that subsection.

(7) Where this section applies in relation to a scheme, it shall cease to do so—

- (a) if some person other than the employer mentioned in subsection (1) above becomes the employer of persons in the description or category of employment to which the scheme relates; or
- (b) if at any time neither the practitioner nor the official receiver is acting in relation to the employer;

but nothing in this subsection affects the application of this section in relation to the scheme on any subsequent occasion when the conditions specified in subsection (1)(a) or (b) above are satisfied in relation to the scheme.

(8) In this section—

“acting as an insolvency practitioner” and “official receiver” shall be construed in accordance with sections 388 and 399 of the Insolvency Act 1986;

“the appropriate court”, in relation to an application for an order under subsection (6) above, means—

- (a) if the employer in question is a company—
  - (i) where a winding up order has been made or a provisional liquidator appointed, the court which made the order or appointed the liquidator;
  - (ii) in any other case, any court having jurisdiction to wind up the company; and
- (b) in any other case—
  - (i) in England and Wales, the court as defined in section 385 of the Insolvency Act 1986; or
  - (ii) in Scotland, where sequestration has been awarded or, by virtue of the proviso to section 13(1) of the Bankruptcy (Scotland) Act 1985 (petition presented by creditor or trustee acting under trust deed) an interim trustee appointed, the court which made the award or appointment and, if no such award or appointment has been made, any court having jurisdiction under section 9 of that Act;

“bankrupt” has the meaning given by section 381 of the Insolvency Act 1986;

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“company” means a company within the meaning given by section 735(1) of the Companies Act 1985 or a company which may be wound up under Part V of the Insolvency Act 1986 (unregistered companies);

“interim trustee” and “permanent trustee” have the same meaning as they have in the Bankruptcy (Scotland) Act 1985.

- (9) References in this section to an individual include, except where the context otherwise requires, references to a partnership and to any debtor within the meaning of the Bankruptcy (Scotland) Act 1985.

#### **57D Independent trustees: further provisions.**

- (1) If and so long as section 57C above applies in relation to a scheme, no independent trustee of the scheme shall be removed from being a trustee by virtue only of any provision of the scheme.
- (2) If a trustee appointed under subsection (2)(b) of that section ceases to be an independent trustee, then—
- (a) he shall forthwith give written notice of that fact to the practitioner or official receiver by whom the duties under that provision fall to be discharged; and
  - (b) he shall cease to be a trustee of the scheme, unless the circumstances are such that upon his cessation there would be no other trustee of the scheme, in which case he shall not cease by virtue of this subsection to be a trustee until such time as another trustee is appointed.
- (3) A trustee appointed under subsection (2)(b) of that section shall be entitled to be paid out of the scheme’s resources his reasonable fees for acting in that capacity and any expenses reasonably incurred by him in doing so, and to be so paid in priority to all other claims falling to be met out of the scheme’s resources.
- (4) If, immediately before the appointment of an independent trustee under subsection (2)(b) of that section, there is no trustee of the scheme other than the employer, the employer shall cease to be a trustee upon the appointment of the independent trustee.
- (5) If and so long as section 57C above applies in relation to a scheme—
- (a) any power vested in the trustees or managers of the scheme and exercisable at their discretion shall be exercisable only by the independent trustee; and
  - (b) any power—
    - (i) which the scheme confers on the employer (otherwise than as trustee or manager of the scheme), and
    - (ii) which is exercisable by him at his discretion but only as trustee of the power,
 shall be exercisable only by the independent trustee;
- but if, in either case, there is more than one independent trustee, the power shall also be exercisable with the consent of at least half of those trustees by any person who could exercise it apart from this subsection.

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- (6) Notwithstanding anything in section 155 of the Insolvency Act 1986 (court orders for inspection etc), if and so long as section 57C above applies in relation to a scheme, it shall be the duty of the practitioner or official receiver to provide the trustees of the scheme, as soon as practicable after the receipt of a request, with any information which the trustees may reasonably require for the purposes of the scheme.
- (7) Any expenses incurred by the practitioner or official receiver in complying with a request under subsection (6) above shall be recoverable by him as part of the expenses incurred by him in the discharge of his duties; and he shall not be required under that subsection to take any action which involves expenses that cannot be so recovered, unless the trustees of the scheme undertake to meet them.
- (8) The provisions of section 57C above and this section, and of any regulations made under that section or this section, override any provision of a scheme to the extent that it conflicts with them.
- (9) The Secretary of State may make regulations modifying section 57C above and this section in their application—
  - (a) to any occupational pension scheme which applies to earners in employments under different employers;
  - (b) to any occupational pension scheme of which there are no members who are in pensionable service under the scheme, as defined in paragraph 3 of Schedule 16 to the 1973 Act; or
  - (c) to any case where a partnership is the employer, or one of the employers, in relation to an occupational pension scheme.
- (10) Section 57C above and this section (other than this subsection) shall not apply in relation to an occupational pension scheme of a prescribed description.”

VALID FROM 29/06/1992

*Employer to make good deficiencies on winding up*

2 The following section shall be inserted into the Pensions Act after the section 58A inserted by section 11 of this Act—

**“58B Deficiencies in the assets of a scheme on winding up.**

- (1) If, in the case of an occupational pension scheme which is not a money purchase scheme, the value at the applicable time of the scheme’s liabilities, as determined in accordance with regulations, exceeds the value of its assets, as so determined, then—
  - (a) an amount equal to the excess shall be treated as a debt due from the employer to the trustees of the scheme; and
  - (b) if that debt has not been discharged before the default time then, for the purposes of the law relating to winding up, bankruptcy or

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sequestration as it applies in relation to the employer, it shall be taken to arise at the default time.

(2) In this section—

“the applicable time” means the earlier of—

- (a) any time when the scheme is being wound up which falls before the default time; or
- (b) the default time;

“the default time” means—

- (a) in England and Wales—
  - (i) where the employer is a company, immediately before the company goes into liquidation, within the meaning of section 247(2) of the Insolvency Act 1986; or
  - (ii) where the employer is an individual, immediately before the commencement of his bankruptcy, within the meaning of section 278 of that Act; or
- (b) in Scotland—
  - (i) where the employer is a company, immediately before the commencement of the company’s being wound up, within the meaning of section 129 of that Act; or
  - (ii) where the employer is a debtor, within the meaning of the Bankruptcy (Scotland) Act 1985, immediately before the date of sequestration as defined in section 12(4) of that Act;

“the employer” means the employer of persons in the description or category of employment to which the scheme relates;

“money purchase scheme” has the same meaning as it has in section 58A above.

(3) The power to make regulations conferred by subsection (1) above includes power to provide—

- (a) that, in calculating the value of the scheme’s liabilities, any provision of the scheme which limits the amount of its liabilities by reference to the amount of its assets is to be disregarded;
- (b) that the value of the scheme’s liabilities or assets is to be calculated and verified in such manner as may, in the particular case, be approved—
  - (i) by a prescribed person,
  - (ii) by a person with prescribed professional qualifications or experience, or
  - (iii) by a person approved by the Secretary of State,
 or that their value is to be calculated and verified in accordance with guidance prepared by a prescribed body.

(4) This section is without prejudice to any other right or remedy which the trustees may have in respect of the deficiency.

(5) A debt due by virtue only of this section shall be regarded neither as a preferential debt for the purposes of the Insolvency Act 1986 nor as a preferred debt for the purposes of the Bankruptcy (Scotland) Act 1985.

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- (6) The Secretary of State may make regulations modifying this section in its application—
- (a) to any occupational pension scheme which applies to earners in employments under different employers;
  - (b) to any case where a partnership is the employer, or one of the employers, in relation to an occupational pension scheme;
  - (c) to any occupational pension scheme of which there are no members who are in pensionable service under the scheme, as defined in paragraph 3 of Schedule 16 to the 1973 Act; or
  - (d) to any case where the assets and liabilities of the scheme are transferred to another occupational pension scheme.
- (7) The provisions of this section and of any regulations made under it override any provision of a scheme to the extent that it conflicts with this section or those regulations.”

**Commencement Information**

**I5** Sch. 4 para. 2 wholly in force at 29.6.1992 see s. 14 and S.I. 1992/1532, art. 2

*Investment of scheme's resources*

3 After section 57 of the Pensions Act there shall be inserted the following section—

**“57A Restrictions on investment of scheme's resources in employer-related assets.**

- (1) An occupational pension scheme shall comply with such restrictions as may be prescribed with respect to the proportion of its resources that may at any time be invested in, or in any description of, employer-related investments.
- (2) In this section—
- “employer-related investments” means—
- (a) shares or other securities issued by the employer or by any person who is connected with, or an associate of, the employer;
  - (b) land which is occupied or used by, or subject to a lease in favour of, the employer or any such person;
  - (c) property (other than land) which is used for the purposes of any business carried on by the employer or any such person;
  - (d) loans to the employer or any such person;
- “the employer” means the employer of persons in the description or category of employment to which the scheme in question relates;
- “securities” means any asset, right or interest falling within paragraph 1, 2, 4 or 5 of Schedule 1 to the Financial Services Act 1986.
- (3) If and to the extent that any sums due and payable by a person to the trustees or managers of a scheme remain unpaid, those sums shall be regarded for

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the purposes of this section as loans made to that person by the trustees or managers, and resources of the scheme shall be regarded as invested accordingly.

- (4) Sections 249 and 435 of the Insolvency Act 1986 (connected and associated persons) shall apply for the purposes of this section as they apply for the purposes of that Act; and section 74 of the Bankruptcy (Scotland) Act 1985 shall apply for the purposes of this section as that section applies for the purposes of the said Act of 1985.”

### *Revaluation of preserved pensions*

- 4 (1) For the definition of “qualifying pensionable service” in paragraph 2(3) of Schedule 1A to the Pensions Act (which precludes revaluation of accrued rights referable to service before 1st January 1985) there shall be substituted—

““qualifying pensionable service” means—

- (a) where the termination of pensionable service occurs after the coming into force of this paragraph of this definition, the whole of the member’s pensionable service, as defined in this sub-paragraph; and
- (b) in any other case, so much of any such service as falls on or after 1st January 1985.”

- (2) In paragraph 3 of that Schedule (average salary benefits) in sub-paragraph (5) (definition of “salaries”) for the words from “means” to “terminated” there shall be substituted the words “means, subject to sub-paragraph (5A) below, the member’s salaries for the period between the date when his pensionable service commenced and the date when it terminated”.

- (3) After that sub-paragraph there shall be inserted—

“(5A) Where the member’s pensionable service terminated before the coming into force of this sub-paragraph, sub-paragraph (5) above shall have effect with the substitution for the words from “means” to “terminated” of the words “means the member’s salaries for the period between 1st January 1985 and the date when his pensionable service terminated”.”

## PART II

### MISCELLANEOUS AMENDMENTS

#### *Preservation of rights for persons opting out of schemes*

- 5 (1) In Schedule 16 to the 1973 Act, in sub-paragraph (1) of paragraph 6 (short service benefit where member’s service in relevant employment terminates before normal pension age etc) for the words “service in relevant employment” there shall be substituted the words “pensionable service”.
- (2) At the end of that paragraph there shall be added—



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“(6) In any case where—

- (a) the pensionable service of a member of a scheme terminated during the period beginning with 6th April 1988 and ending immediately before the coming into force of this sub-paragraph, otherwise than on the termination of his service in relevant employment, and
- (b) during that period no payments in discharge of his rights under the scheme were made in consequence of that termination,

sub-paragraph (1) above shall be taken at all times on and after 6th April 1988 (the date on which section 15 of the Social Security Act 1986 came into force) to have had effect in relation to that member and his rights under the scheme with the amendment made by paragraph 5(1) of Schedule 4 to the Social Security Act 1990 (which substituted the words “pensionable service” for the words “service in relevant employment”).”

(3) In paragraph 15(4) of that Schedule (commutation of widow’s, widower’s or dependant’s benefit by the beneficiary) for the words “by the beneficiary” there shall be substituted the words “of that benefit”.

(4) In consequence of the amendment made by sub-paragraph (1) above—

- (a) in paragraph 2(b) of that Schedule (definition of “long service benefit”) after the words “remains in relevant employment” there shall be inserted the words “, and continues to render service which qualifies him for benefits,”;
- (b) in paragraph 17(1)(b) of that Schedule, for the words “relevant employment” there shall be substituted the words “pensionable service”;
- (c) in Schedule 1A to the Pensions Act (reevaluation of pensions and transfer values)—
  - (i) in paragraphs 1(1)(b), 2(2)(d) and 11(1)(b), sub-paragraph (ii) and the word “or” immediately preceding it shall cease to have effect;
  - (ii) in paragraphs 1(4) and 11(2), the words “ “relevant employment”” shall be omitted; and
  - (iii) paragraph 12(1)(b) and the word “or” immediately preceding it shall cease to have effect.

*Contracting-out conditions: age at which pension or annuity is to commence under a money purchase scheme*

6 (1) In section 32 of the Pensions Act, in subsection (2B) (modifications of Schedule 1 to the 1986 Act in its application for the purpose of determining whether a money purchase scheme can be contracted-out) after paragraph (d)(ii) there shall be inserted—

“(iii) for the references in sub-paragraphs (3)(a) and (7)(a)(i) to the date on which the member attains pensionable age there shall be substituted a reference to a date not earlier than that on which he attains the age of 60 nor later than that on which he attains the age of 65; and”.

(2) The amendment made by sub-paragraph (1) above shall be taken to have come into force on 17th May 1990.

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*Contracting-out conditions: guaranteed minimum for married  
women and widows paying reduced rate contributions*

- 7 (1) In section 33 of the Pensions Act, in subsection (1A) (special conditions in the case of married women and widows paying reduced rate contributions) in paragraph (a) after the words “if she attains pensionable age” there shall be inserted the words “and does not have a guaranteed minimum under section 35 below”.
- (2) In section 35 of that Act, after subsection (2) (calculation of guaranteed minimum by reference to earnings factors derived from earnings on which primary Class 1 contributions have been paid) there shall be added—
- “(2ZA) In determining the guaranteed minimum in a case where—
- (a) earnings such as are mentioned in subsection (1) above have been paid to 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, and
- (b) the tax week in which those earnings are paid falls in the tax year 1991-92 or any subsequent tax year,
- the married woman or widow shall be treated for the purposes of this section as having such earnings factors derived from those earnings as she would have had if primary Class 1 contributions had been payable, and paid, upon them otherwise than at a reduced rate.”
- (3) If, immediately before the coming into force of this paragraph, there is in force in relation to an occupational pension scheme a contracting-out certificate under Part III of the Pensions Act then, to the extent that the rules of the scheme are inconsistent with any provision made by sub-paragraph (1) or (2) above, they shall be overridden by that provision.

*Protection of earner’s and widow’s pensions*

- 8 (1) Sections 41A and 41B of the Pensions Act (protection of earner’s and widow’s pension) shall have effect, and be taken at all times on and after 21st July 1989 to have had effect, with the amendments made by sub-paragraphs (2) to (7) below, which are in substitution for the amendments made by paragraphs 6 and 7 of Schedule 6 to the 1989 Act; and those paragraphs shall be taken never to have come into force.
- (2) In section 41A of the Pensions Act, in subsection (1C) (which defines the “relevant aggregate”) after paragraph (c) there shall be added the words “and
- (d) where the scheme provides that part of the earner’s pension shall accrue after the termination of employment date by reason of employment after that date, the later earnings addition.”
- (3) After subsection (2) of that section there shall be inserted—
- “(2A) In this section “the later earnings addition” means the amount (if any) by which (R2 - G2) exceeds (R1 - G1), where—
- R1 is the relevant sum;
- G1 is the earner’s guaranteed minimum on the day after his termination of employment date;

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R2 is the amount that would have been the relevant sum, had the weekly rate of the benefit which determines that sum been calculated by reference to the earner's later earnings level; and

G2 is that amount which bears to R2 the proportion which G1 bears to R1.

(2B) For the purposes of subsection (2A) above, the earner's "later earnings level" is the level of earnings by reference to which the weekly rate of the benefit which determines the relevant sum would have been calculated, had the termination of employment date fallen on the earlier of—

- (a) the commencement of payment date, or
- (b) the date on which the earner ceased to be in pensionable service under the scheme."

(4) In subsection (11) of that section (definitions) for the words " "short service benefit" is" there shall be substituted the words " "pensionable service" and "short service benefit" are ".

(5) In section 41B of the Pensions Act, in subsection (1A) (which defines the "relevant aggregate") after paragraph (c) there shall be added the words "and

- (d) where the scheme provides that part of the widow's pension shall accrue after the termination of employment date by reason of the earner's employment after that date, the later earnings addition."

(6) After subsection (3) of that section there shall be inserted—

"(3A) In this section "the later earnings addition" means the amount (if any) by which  $(R2 - G2)$  exceeds  $(R1 - G1)$ , where—

R1 is the relevant sum;

G1 is one half of the earner's guaranteed minimum on the day after his termination of employment date;

R2 is the amount that would have been the relevant sum, had the weekly rate of the pension which determines that sum been calculated by reference to the earner's later earnings level; and

G2 is that amount which bears to R2 the proportion which G1 bears to R1.

(3B) For the purposes of subsection (3A) above, the earner's "later earnings level" is the level of earnings by reference to which the weekly rate of the pension which determines the relevant sum would have been calculated, had the earner's termination of employment date fallen on the earlier of—

- (a) the earner's commencement of payment date, or
- (b) the date on which the earner ceased to be in pensionable service under the scheme."

(7) After subsection (5) of that section, there shall be added—

"(6) In this section "pensionable service" shall be construed in accordance with Schedule 16 to the Social Security Act 1973."

(8) In section 41A of that Act, in subsection (1), for the words "relevant date" there shall be substituted the words "commencement of payment date" and subsections (1A) and (1B) shall cease to have effect.

*Status: Point in time view as at 28/02/1991. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects  
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- (9) In consequence of this paragraph, regulation 2(1) and (2) of the <sup>M10</sup>Occupational Pension Schemes (Transitional Provisions and Savings) Regulations 1989 shall be deemed never to have been made.
- (10) If, before 21st July 1989, an earner ceased to be in contracted-out employment by reference to an occupational pension scheme other than a money purchase contracted-out scheme, sections 41A and 41B of the Pensions Act shall apply in relation to the earner and the earner’s widow or widower as if neither this paragraph nor paragraphs 6 and 7 of Schedule 6 to the 1989 Act had been enacted.
- (11) Expressions used in sub-paragraph (10) above and the Pensions Act have the same meaning in that sub-paragraph as they have in that Act.

**Marginal Citations**

**M10** [S.I. 1989/1239](#).

*Provisions for the suspension or forfeiture of pensions*

- 9 (1) In section 41C(3) of the Pensions Act—
- (a) in paragraph (a), sub-paragraph (ii) shall be omitted and for the word “or” immediately preceding it there shall be substituted the word “and”; and
  - (b) in paragraph (d) (provisions about commutation of pensions to be included among the provisions which are not overridden by sections 41A and 41B of that Act) for the word “commutation” there shall be substituted the words “the commutation, suspension or forfeiture”.
- (2) After that paragraph there shall be inserted—
- “and
- (e) any provision of a scheme whereby, as respects so much of a widow’s or widower’s pension as exceeds the guaranteed minimum pension—
    - (i) no pension, or a pension at a reduced rate, is payable if the earner and the widow or widower married not more than six months before the earner’s death;
    - (ii) the whole or any part of the pension is not paid to the widow or widower, but instead comparable benefits are provided for one or more dependants of the deceased earner; or
    - (iii) no pension, or a pension at a reduced rate, is payable to the widow or widower (or, where a provision such as is mentioned in sub-paragraph (ii) above operates, to another dependant of the deceased earner) who was more than ten years younger than the deceased earner.”
- (3) In paragraph 7(4) of Schedule 1A to the Pensions Act, in paragraph (a) (adaptations of section 41C(3) in its application for certain purposes to schemes which are not contracted-out) after sub-paragraph (iii) there shall be added—
- “(iv) from paragraph (e), the words from “as respects” to “guaranteed minimum pension””;

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and paragraph (b) (which made, in relation to schemes which are not contracted-out, similar provision to that made by sub-paragraph (2) above as modified by this sub-paragraph) shall be omitted.

- (4) The amendments made by sub-paragraph (1) above shall be deemed to have come into force on 1st November 1986 (the date on which certain amendments relating to commutation, suspension and forfeiture took, or are deemed to have taken, effect).

*The insurance companies which may take transfer values*

- 10 In section 52C of the Pensions Act (extinguishment of scheme’s liability for pensions appropriately secured by insurance policies or annuity contracts) in subsection (4) (meaning of “appropriately secured”) for paragraph (a) there shall be substituted—

- “(a) the insurance company with which it is or was taken out or entered into—
- (i) is, or was at the relevant time, carrying on ordinary long-term insurance business in the United Kingdom or any other member State; and
  - (ii) satisfies, or satisfied at the relevant time, prescribed requirements; and”.

*Grants by the Occupational Pensions Board to advisory bodies*

- 11 The following section shall be inserted after the section 57A of the Pensions Act inserted by paragraph 3 above—

**“57B Grants by the Board to advisory bodies etc.**

- (1) The Occupational Pensions Board may make grants on such terms and conditions as they think fit to any person or body of persons providing advice or assistance, or carrying out other prescribed functions, in connection with occupational or personal pensions.
- (2) The Secretary of State may pay to the Occupational Pensions Board such sums as he may think fit towards any expenditure of theirs in making grants under this section.”

*Levy towards meeting cost of the Pensions Ombudsman,  
the Registry and certain grants made by the Board*

- 12 After section 60 of the Pensions Act there shall be inserted the following section—

**“60ZA Levies towards meeting certain expenditure under this Act.**

- (1) For the purpose of meeting some or all of the expenditure under section 57B, Part IVA, and section 59K of this Act, regulations may make provision for

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imposing a levy in respect of such occupational or personal pension schemes as may be prescribed.

- (2) Any levy imposed under this section shall be payable to the Secretary of State by or on behalf of—
- (a) the administrators of such public service pension schemes as may be prescribed,
  - (b) the trustees or managers of such other occupational or personal pension schemes as may be prescribed, or
  - (c) such other persons as may be prescribed,
- at such rates and at such times as may be prescribed.
- (3) The amount payable by any person on account of the levy shall be a debt due from him to the Secretary of State and shall be recoverable accordingly.
- (4) Regulations under this section may include provision relating to the collection and recovery of amounts payable by way of levy under this section, but this subsection is without prejudice to the generality of subsection (1) above.”

*Extension of certain pension scheme provisions to Northern Ireland.*

- 13 In section 68(4) of the Pensions Act (provisions which extend to Northern Ireland) for the words “Section 57 of this Act extends” there shall be substituted the words “The following provisions of this Act, namely, sections 57, 59B, other than subsections (4) and (5)(b), and 59K(1), (2), other than paragraph (a)(ii), (3), (4) and (9) extend”.

*Revaluation: extension of certain provisions to widowers*

- 14 In section 9(4) of the 1986 Act, in paragraph (i) (which was inserted by paragraph 16(b) of Schedule 6 to the 1989 Act and which specifies certain provisions in Schedule 1A to the Pensions Act which are to be construed as if “widow” included “widower”) after the word “paragraphs” there shall be inserted “2(2)(e),”.

*Overriding effect of certain 1989 Act amendments*

- 15 (1) In paragraph 19 of Schedule 6 to the 1989 Act (which made minor amendments to the requirements specified in Schedule 1 to the 1986 Act which appropriate schemes must satisfy) after sub-paragraph (2) there shall be added—
- “(3) If immediately before the passing of the Social Security Act 1990 there is in force in relation to an occupational or personal pension scheme either—
- (a) a contracting-out certificate under Part III of the Pensions Act which states that the scheme is contracted-out by virtue of section 32(2A) of that Act, or
  - (b) an appropriate scheme certificate under Part I of the 1986 Act,

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security Act 1990. (See end of Document for details)

then, to the extent that the rules of the scheme are inconsistent with any provision made by sub-paragraph (1) or (2) above, they shall be overridden by that provision.”

(2) In paragraph 20 of Schedule 6 to the 1989 Act (amendments relating to the manner of giving effect to protected rights) after sub-paragraph (3) there shall be added—

“(4) If immediately before the passing of the Social Security Act 1990 there is in force in relation to an occupational or personal pension scheme either—

(a) a contracting-out certificate under Part III of the Pensions Act which states that the scheme is contracted-out by virtue of section 32(2A) of that Act, or

(b) an appropriate scheme certificate under Part I of the 1986 Act,

then, to the extent that the rules of the scheme are inconsistent with any provision made by sub-paragraphs (1) to (3) above, they shall be overridden by that provision.”

## SCHEDULE 5

F14

### Textual Amendments

**F14** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation

## SCHEDULE 6

Section 21(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Orders increasing contributions*

1

F15

### Textual Amendments

**F15** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation

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*Changes to legislation:* There are currently no known outstanding effects for the Social Security Act 1990. (See end of Document for details)

*Contributions of registered dock workers*

- 2 (1) In section 4(7) of the principal Act (reduced contributions for certain persons) the reference to section 145 of the <sup>M11</sup>Employment Protection (Consolidation) Act 1978 (which related to registered dock workers and which was repealed by the Dock Work Act 1989 as from 3rd July 1989) shall be omitted.
- (2) Notwithstanding the repeal of section 145 of the said Act of 1978 or of the reference to it in section 4(7) of the principal Act, regulation 133 of the Contributions Regulations (reduced rate of contributions for registered dock workers) shall continue to have effect, and be taken to have continued to have had effect at all times on and after 3rd July 1989, in relation to earnings paid or treated as paid before 6th April 1988 as it had effect by virtue of regulation 4 of the 1988 Regulations (which continues in force accordingly).
- (3) Nothing in this paragraph shall be taken to have prejudiced any power to amend or revoke the regulations to which it refers.
- (4) In this paragraph—  
     “the Contributions Regulations” means the Social Security (Contributions) Regulations 1979; and  
     “the 1988 Regulations” means the <sup>M12</sup>Social Security (Contributions) Amendment Regulations 1988.

**Marginal Citations**

**M11** 1978 c. 44.

**M12** S.I. 1988/299.

3 ..... **F16**

**Textual Amendments**

**F16** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by **Social Security (Consequential Provisions) Act 1992 (c. 6)** on consolidation

*Regulations relating to industrial injuries and diseases*

- 4 (1) ..... **F17**
- (3) Regulations 6(2)(c), 25 and 36 of the <sup>M13</sup>Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (onset of occupational deafness and time for claiming in respect of occupational deafness or occupational asthma), and any former regulations which they directly or indirectly re-enact with or without amendment, shall be taken to be, and always to have been, validly made.



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**Textual Amendments**

**F17** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

**Marginal Citations**

**M13** S.I. 1985/967.

5–7 ..... **F18**

**Textual Amendments**

**F18** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

*Parliamentary control of regulations and orders*

8 (1) ..... **F19**

(2) In section 62 of the Pensions Act, for subsections (1) and (2) there shall be substituted—

“(1) Section 167 of the principal Act shall have effect as if, in subsection (1) (statutory instruments requiring affirmative parliamentary procedure), there were included in paragraph (a) a reference to regulations made by virtue of section 3 above.

(2) Subsection (3) of the said section 167 (statutory instruments subject to annulment) shall have effect as if in paragraph (a), after the words “other than” there were inserted the words “an order which, under any provision of the Pensions Act, is required to be laid before Parliament after being made or ””.

(3) ..... **F19**

(4) In section 24(5) of the <sup>M14</sup>Social Security (Miscellaneous Provisions) Act 1977 for the words “containing regulations” there shall be substituted—

“(a) which contains (whether alone or with other provisions) any regulations, and

(b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament.”.

(5) ..... **F19**

(6) In section 7 of that Act, for subsection (4) there shall be substituted—

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“(4) A statutory instrument—  
(a) which contains (whether alone or with other provisions) any regulations under this Act, and  
(b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,  
shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(7) ..... F19

(9) In section 83 of the 1986 Act, for subsection (4) there shall be substituted—

“(4) A statutory instrument—  
(a) which contains (whether alone or with other provisions) orders or regulations under this Act, other than orders under section 88 below, and  
(b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,  
shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(10) After section 15 of the <sup>M15</sup>Social Security Act 1988 there shall be inserted the following section—

“**15A Regulations and orders etc.**

(1) Section 166(1) to (3A) of the Social Security Act 1975 (regulations and orders: general provisions) shall apply in relation to any power conferred by any provision of this Act to make orders or regulations under this Act as they apply in relation to any power conferred by that Act to make orders or regulations, but as if for references to that Act there were substituted references to this Act.

(2) A statutory instrument—  
(a) which contains (whether alone or with other provisions) any orders or regulations under this Act, other than orders under section 18 below, and  
(b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,  
shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) In this Act—  
“prescribe” means prescribe by regulations; and  
“regulations” means regulations made under this Act by the Secretary of State.”

(11) ..... F19

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(12) In section 29 of the 1989 Act, for subsection (3) there shall be substituted—

“(3) A statutory instrument—

- (a) which contains (whether alone or with other provisions) any regulations or orders under this Act, other than orders under section 33 below, and
- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

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

and, in consequence, subsection (4) shall cease to have effect.

#### Textual Amendments

**F19** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation

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

**C13** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

#### Marginal Citations

**M14** 1977 c. 5.

**M15** 1988 c. 7.

9–12 ..... **F20**

#### Textual Amendments

**F20** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation

#### *Re-establishment courses and resettlement units*

- 13 (1) In Schedule 5 to the <sup>M16</sup>Supplementary Benefits Act 1976, paragraph 1 (power to provide re-establishment courses and facilities for persons attending them) shall cease to have effect.
- (2) For paragraph 4 of that Schedule (power of Secretary of State to make contributions to voluntary organisations which provide re-establishment courses or resettlement units) there shall be substituted—

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*“ Grants for voluntary organisations providing places*

- 4 (1) The Secretary of State may, upon such terms and subject to such conditions as he may determine, give assistance by way of grant to any local authority or voluntary organisation which provides places for purposes similar to the purposes for which resettlement units are provided by the Secretary of State.
- (2) In this paragraph “local authority” means the council of a county, a district, a region, an islands area or a London borough, or the Common Council of the City of London.”

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

**C14** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

**Marginal Citations**

**M16** 1976 c. 71.

14–26 ..... **F21**

**Textual Amendments**

**F21** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation

*Benefits for women widowed before 11th April 1988*

- 27 (1) The <sup>M17</sup>Social Security (Widow’s Benefit and Retirement Pensions) Amendment Regulations 1987 shall have effect, and be taken always to have had effect, with the substitution for regulations 3 and 4 (transitional provisions about widowed mother’s allowance where the husband died before 11th April 1988, which were retrospectively amended by section 6(2) of the 1989 Act, and savings) of the following—

“3 Regulation 16(1) of the principal Regulations shall apply to a widow whose late husband died before 11th April 1988 as if regulation 2(6) above had not been made.”

(2) ..... **F22**

- (3) Where, in consequence of regulation 2(6) of the Social Security (Widow’s Benefit and Retirement Pensions) Amendment Regulations 1987 (deemed entitlement to child allowance for purposes of widowed mother’s allowance etc), an adjudicating

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authority has decided before the passing of this Act that a widow whose husband died before 11th April 1988 either—

- (a) is not entitled to a benefit under section 25 or 26 of the principal Act, or
- (b) is entitled to such a benefit at a particular rate,

an adjudication officer may review that decision, notwithstanding anything in [F23section 25 of the Social Security Administration Act 1992].

(4) In any case where—

- (a) it is determined on such a review that the widow in question was entitled to a benefit under section 25 or 26 of the principal Act, or was entitled to such a benefit at a higher rate, and
- (b) the application for the review was made before the end of the period of twelve months beginning with the passing of this Act,

the decision on the review may take effect on 11th April 1988 or any later date, notwithstanding any provision of any Act or instrument restricting the payment of any benefit or increase of benefit to which a person would otherwise be entitled by reason of a review in respect of any period before the review.

(5) [F24Section 28 of the Social Security Administration Act 1992] (appeals from reviews) shall apply in relation to a review under this paragraph as it applies in relation to a review under that section.

(6) In this paragraph “adjudicating authority” means—

- (a) an adjudication officer;
- (b) a social security appeal tribunal;
- (c) a Commissioner, as defined in Schedule 20 to the principal Act.

(7) The amendment by sub-paragraph (1) above of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending those provisions.

(8) Nothing in this paragraph shall be taken to prejudice section 16 or 17 of the M18 Interpretation Act 1978 (effect of repeals, substitutions etc).

#### Textual Amendments

**F22** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

**F23** Words in Sch. 6 para. 27(3) substituted (1. 7. 1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), Sch. 2 para. 112(1)

**F24** Words in Sch. 6 para. 27(5) substituted (1. 7. 1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), Sch. 2 para. 112(2)

#### Marginal Citations

**M17** 1987/1854.

**M18** 1978 c. 30.

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**Textual Amendments**

**F25** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

*Employment related schemes for pensions or other benefits: equal treatment for men and women*

29 In Schedule 5 to that Act, in paragraph 5 (unfair maternity provisions) in subparagraph (2)(a), after the word “women” there shall be inserted the word “members”.

30 ..... **F26**

**Textual Amendments**

**F26** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

*Joint citations*

31 In the following enactments, for the words “the Social Security Acts 1975 to 1989” in each place where they occur there shall be substituted the words “the Social Security Acts 1975 to 1990”—

- (a) ..... **F27**
- (c) section 4(5) of the <sup>M19</sup>Forfeiture Act 1982;
- (d) section 5(1)(a) of the <sup>M20</sup>Social Security Act 1985;
- (e) paragraph (b) of the definition of “the benefit Acts” in section 84(1) of the 1986 Act.

**Textual Amendments**

**F27** Ss. 1–5, 6(1)–(3), 8–10, 16, 17(1)–(9), words in s. 20, s. 22(1); Sch. 1 paras. 1–4, 5(1) and (2), 6; Sch. 5; Sch. 6, paras. 1, 3, 4(1) and (2), 5–7, 8(1), (3), (5), (7), (8) and (11), 9–12, 14–26, 27(2), 28, 30, 31(a) and (b) were repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation

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

**C15** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security Act 1990. (See end of Document for details)

### Marginal Citations

**M19** 1982 c. 34.

**M20** 1985 c. 53.

## SCHEDULE 7

Section 21(2).

### REPEALS

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

**C16** The text of ss. 6(4), 11(1), 12(2), 13(1)(2), Sch. 1 paras. 5(3), 7, Sch. 2, Sch. 3, Sch. 4 paras. 1–5, 8(2)–(8), 9(1)–(3), 10–15, Sch. 6 paras. 8(2)(4)(6)(9)(10)(12), 13(1)(2), 29, 31 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

#### Commencement Information

**I6** [Sch. 7](#) partly in force; [Sch. 7](#) in force for certain purposes at Royal Assent see [s. 23\(3\)\(f\)](#); [Sch. 7](#) in force for specified purposes at 9.6.1997 by [S.I. 1997/1370](#), [art. 2](#)

Chapter	Short title	Extent of repeal
1975 c. 14.	Social Security Act 1975.	<p>Section 1(1)(c) and the word “and” immediately preceding it.</p> <p>In section 4(7), the words “145”.</p> <p>In section 59B—</p> <p>(a) in subsection (1), the words from “and may become” onwards;</p> <p>(b) in subsection (3), the words “Unless he returns to regular employment”;</p> <p>(c) subsection (4);</p> <p>(d) in subsection (7)(b), the words “or returned to”; and</p> <p>(e) in subsection (8), the words “or as not having returned to”, “as having returned to, or” and “or returned to”.</p> <p>In section 135(5), the word “and” at the end of paragraph (a).</p>

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1975 c. 14. <i>cont.</i>	Social Security Act 1975 <i>cont.</i>	<p>In section 137(1) and (2), the words “and the Old Cases Act”.</p> <p>In section 152(6), the words “the Treasury supplements and”.</p>
1975 c. 16.	Industrial Injuries and Diseases (Old Cases) Act 1975.	Section 13.
1975 c. 60.	Social Security Pensions Act 1975.	<p>In section 32(2B)(d)(i), the word “and”.</p> <p>In section 33(2), the words “and (4)”.</p> <p>Section 41A(1A) and (1B).</p> <p>Section 41C(3)(a)(ii).</p> <p>Sections 56B to 56D.</p> <p>Section 56E(1)(c).</p> <p>Sections 56F to 56K.</p> <p>In section 56L—</p> <p>(a) in subsection (1), in paragraph (a), the words “or (c)” and paragraph (b);</p> <p>(b) in subsection (5), paragraph (b) and, in paragraph (c) the words “or the registrar”; and</p> <p>(c) subsection (9).</p> <p>Sections 56M and 56N.</p> <p>In Schedule 1A—</p> <p>(a) in paragraphs 1(1)(b), 2(2)(d) and 11(1)(b), sub-paragraph (ii) and the word “or” immediately preceding it;</p> <p>(b) in paragraphs 1(4) and 11(2), the words ““relevant employment””;</p> <p>(c) in paragraph 7(4), in paragraph (a), the word “and” immediately preceding sub-paragraph (iii), and paragraph (b); and</p>



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		(d) paragraph 12(1)(b) and the word “or” immediately preceding it.
1976 c. 71.	Supplementary Benefits Act 1976.	In Schedule 5, paragraph 1.
1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	Section 1(7)(b).
1977 c. 49.	National Health Service Act 1977.	In Schedule 15, paragraph 71.
1978 c. 29.	National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 44.
1979 c. 18.	Social Security Act 1979.	Section 4(2)(b).
1980 c. 30.	Social Security Act 1980.	In Schedule 1, paragraph 15. In Schedule 2, in Part I, paragraph 31(b), (c) and (h).
1982 c. 24.	Social Security and Housing Benefits Act 1982.	Section 46(3).
1985 c. 53.	Social Security Act 1985.	Section 27(3) and (4). Section 31(1). Section 32(4). In Schedule 5, paragraphs 12, 22 and 35.
1986 c. 50.	Social Security Act 1986.	In section 33(10A), the word “and” immediately preceding paragraph (e). In section 79, in subsection (4), the words “Subject to subsection (5) below” and subsection (5). Section 85(4)(a). In Schedule 6— (a) in paragraph 3, sub-paragraphs (2)(a)(ii) and (iii); and (b) in sub-paragraph (3), paragraph (d) and the word “or” immediately preceding it. In Schedule 10, paragraphs 68(1), 78 and 89.
1987 c. 26.	Housing (Scotland) Act 1987.	Sections 252 and 253.

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1988 c. 7.	Social Security Act 1988.	<p>Section 2(8) and (8A).</p> <p>Section 13(7) and (8).</p> <p>In section 18, in subsections (3) and (4), the words “made by statutory instrument” and subsections (7) and (8).</p>
1989 c. 24.	Social Security Act 1989.	<p>Section 6(2).</p> <p>In section 22(3), in the definition of “relevant period”, the words from “whether or not” onwards.</p> <p>Section 29(4).</p> <p>In Schedule 1, paragraph 8(3), (4) and (7).</p> <p>In Schedule 2, in Part II, paragraph 1(2) and in paragraph 4(b) the words “as defined in paragraph 1(2) above”.</p> <p>In Schedule 3, paragraph 16.</p> <p>In Schedule 6, paragraphs 6, 7 and 8(1)(a).</p>
1989 c. 24. <i>cont.</i>	Social Security Act 1989 <i>cont.</i>	<p>In Schedule 8, in paragraph 2(6), in the definition of “councillor’s allowance”, in the paragraph (a) substituted by paragraph 113 of Schedule 11 to the Local Government and Housing Act 1989 the words “or in section 18(2) of that Act of 1989” and, in the paragraph (b) so substituted, the words “other than such an allowance as is mentioned in section 18(2) of that Act of 1989” and paragraph 8(2).</p> <p>In Schedule 9, the entry relating to section 41C(3)(a)(ii) of the Pensions Act.</p>

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