

SCHEDULES

SCHEDULE 1

Sections 2 and 21.

AMENDMENTS OF SOCIAL SECURITY ACT 1975

PART I

AMENDMENTS RELATING TO SIMILAR TREATMENT FOR MEN AND WOMEN

- 1 (1) Subsection (6) of section 41 and subsection (4) of section 65 (under which a married woman residing with her husband is not entitled to an increase in benefit in respect of dependent children by virtue of that section unless her husband is incapable of self-support) shall be amended as follows—
 - (a) in the said subsection (6) for the words " incapable of self support " there shall be substituted the words " not engaged in any one or more employments from which his weekly earnings exceed the amount specified in relation to the benefit or beneficiary in question in Schedule 4, Part IV, column (3) ";
 - (b) in the said subsection (4) for the words "not incapable of self-support" there shall be substituted the words " engaged in any one or more employments from which his weekly earnings exceed the amount specified in relation to the benefit or pension in Schedule 4, Part V, paragraph 11 or, as the case may be, paragraph 12 ".
- 2 (2) The said subsections (6) and (4) as amended by the preceding sub-paragraph shall cease to have effect on the coming into force of this sub-paragraph.

In sections 44(3)(a) and 47((1)(a)) (which provide for increases of specified amounts in a woman's unemployment or sickness benefit, maternity allowance or invalidity pension to be made for periods during which, among other things, her husband is incapable of self-support) for the words "incapable of self-support" there shall be substituted the words " not engaged in any one or more employments from which his weekly earnings exceed the amount so specified ".
- 3 Paragraph (b) of section 44(3), paragraph (&) of section 47(1) and paragraph (c) of section 66(1) (by virtue of which certain benefits are increased for any period during which the beneficiary has living with him and is maintaining such a relative as is there mentioned) shall cease to have effect; but a person who, immediately before the date when this paragraph comes into force, was entitled to an increase by virtue of any of those paragraphs, shall continue to be entitled to it for any period not exceeding two years beginning with that date, during which, if the paragraph in question and any regulations having effect by virtue of the paragraph immediately before that date were still in force, he would have been, and would not have ceased to be, entitled to the increase by virtue of that paragraph.
- 4 Sections 44(3)(c), 46(2) and 66(1)(d) (which relate to increases of benefit by reference to a female person, not a child, who has the care of a child or children in respect of whom the beneficiary is entitled to child benefit) shall be amended by substituting for the words " female person (not a child) " —

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- (a) in sections 44(3)(c) and 66(1)(d) the words " person who is neither the spouse of the beneficiary nor a child " ;
- (b) in section 46(2) the words "person who is neither the spouse of the pensioner nor a child " ;

and in sections 46(4) and 66(6)(b) (which refer to the female person mentioned in sections 46(2) and 66(1)(d) respectively) for the words from "female person" to "residing" there shall be substituted the words " person there referred to is a female residing ".

- 5 (1) Subsection (5) of section 44 and subsection (2) of section 47 (which provide that, in the case of unemployment or sickness benefit or invalidity pensions payable to certain persons over pensionable age, the benefit or pensions shall not be increased under provisions providing for increases in respect of certain periods and shall only be increased by the amounts of the increases which would be made in relevant retirement pensions where the rates of those pensions would be calculated under provisions relating to the partial satisfaction of contribution conditions) shall cease to have effect; and after section 47 there shall be inserted the following section—

“47A Rate of increase where associated retirement pension is attributable to reduced contributions.

Where a person is entitled to unemployment or sickness benefit by virtue of section 14(2)(6) or (c) or to an invalidity pension by virtue of section 15(2) of this Act and would have been entitled only by virtue of section 33 to the retirement pension by reference to which the rate of the said benefit or invalidity pension is determined, the amount of any increase of the said benefit or invalidity pension attributable to sections 44 to 47 of this Act shall not be determined in accordance with those sections but shall be determined in accordance with regulations.”

- (2) Accordingly in section 44(1) for the words " Subject to the provisions of this section" there shall be substituted the words " Subject to section 47A ",
 in section 44(2) for the words " Subject to the following subsections " there shall be substituted the words " Subject to subsection (4) below and section 47A " and
 in section 47(1) for the words " Subject to subsection (2) below " there shall be substituted the words " Subject to section 47A ".
- 6 In section 66(1)(a) (which provides for increases of injury benefit and in certain cases of disablement pension for periods during which the pensioner's wife is residing with him or he is contributing to the maintenance of his wife at a specified rate), for the word " wife " in both places there shall be substituted the word " spouse ".
- 7 In Schedule 20 (which contains a glossary of expressions) the entry relating to the expression " Incapable of self-support" (including both paragraphs in the second column of the entry) shall be omitted, and after the entry relating to the expression " Pensionable age " there shall be inserted the following—

“Permanently incapable of self-support”	A person is " permanently incapable of self-support " if (but only if) he is incapable of supporting himself by reason of physical or mental infirmity
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and is likely to remain so incapable for
the remainder of his life.”

PART II

OTHER AMENDMENTS

- 8 After subsection (4) of section 35 (which among other things provides that an attendance allowance shall not be payable to a person for any period preceding the date on which he makes a claim for it) there shall be inserted the following subsection—
- “(4A) Notwithstanding anything in the preceding subsection, provision may be made by regulations for an attendance allowance to be paid to a person for a period preceding the date on which he makes a claim for it if such an allowance has previously been paid to or in respect of him.”
- 9 In section 96(2) (which among other things prevents the Secretary of State from reviewing a decision of his on a question within section 93(1) or section 95(1)(6) or (c) while an appeal is pending on a question of law arising in connection with the decision and provides for an appeal on a question of law raised with a view to a review of such a decision)—
- (a) for the words " Such a decision " there shall be substituted the words " A decision on a question within section 93(1) "; and
 - (b) for the words from " and section 94 " onwards there shall be substituted the words " and, on a review of a decision on a question within section 93(1), any question of law may be referred under subsection (1) of section 94, or where it is not so referred may be the subject of an appeal under subsection (3) of that section, and the other provisions of that section shall apply accordingly ".
- 10 In subsection (4) of section 100 (which provides that an appeal to a local tribunal from a decision of an insurance officer must be brought within 21 days after the date of the decision or within a further time allowed by the chairman of the tribunal) for the words " 21 days after the date of the decision " there shall be substituted the words " 28 days beginning with the date when the Secretary of State gives to the claimant notice in writing of the decision " ; and in subsection (5) of section 101 (which provides that an appeal to a Commissioner from a decision of a local tribunal must be brought within 3 months from the date of the decision or a further period allowed by the Commissioner) for the words " from the date of the decision of the local tribunal or " there shall be substituted the words " beginning with the date when the proper officer of the local tribunal gives to the claimant notice in writing of the decision or within ".
- 11 In section 111 (which among other things provides that an assessment of a single medical practitioner under that section must be by reference to a period not exceeding 6 months and that regulations may make provision with respect to cases in which the practitioner considers that a final assessment can be made by reference to a longer period) for the words " 6 months " in subsections (1) and (3) there shall be substituted the words " 12 months ".
- 12 For paragraph (cc) of subsection (4) of section 119 (which as amended by the Social Security Act 1979 provides that regulations may modify subsections (1) to (2A) of

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that section in relation to payments in respect of a person which are paid to another person on his behalf) there shall be substituted the following paragraph—

“(cc) modifying those subsections in relation to sums by way of benefit which are paid to another person on behalf of the beneficiary;”

- 13 In subsection (6) of section 122 (which provides that no order shall be made under that section so as to increase the percentage rate for Class 1 or Class 4 contributions to a percentage more than 0.25 per cent, higher than that specified in section 4(6) or, as the case may be, section 9(2) as for the time being amended by any other Act and, in the case of section 4(6), by an order under section 1(6) of the Social Security (Miscellaneous Provisions) Act 1977), for the words from " so " onwards there shall be substituted the words " so as—

- (a) to increase for any tax year the percentage rate for primary or secondary Class 1 contributions to a percentage rate more than 0.25 per cent, higher than the percentage rate applicable for the preceding tax year for the contributions in question ; or
- (b) to increase the percentage rate for Class 4 contributions to more than 8.25 per cent."

- 14 Section 158 and Schedule 19 (which relate to schemes promoted by representatives of earners and their employers for supplementing certain rights to benefit in respect of industrial injuries and diseases which are conferred on the earners by the principal Act) shall cease to have effect.

- 15 In section 167(3) (which among other things applies the negative resolution procedure to orders under the principal Act except an order under section 17(3), 30(6), 120 or 122 or an up-rating order) for the words " or 122 " there shall be substituted the words " 122 or 126A ".

- 16 In paragraph 1 of Schedule 1 (which among other things provides for earnings from different employments to be aggregated for the purpose of calculating the amount of any Class 1 contributions in respect of the earnings), after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) Where earnings in respect of employments which include any contracted-out employment and any employment which is not a contracted-out employment are aggregated under subparagraph (1) above and the aggregated earnings are not less than the current lower earnings limit, then, except as may be provided by regulations, the amount of the Class 1 contribution in respect of the aggregated earnings shall be the aggregate of the amounts obtained—

- (a) by applying the rates of Class 1 contributions applicable to contracted-out employments—
 - (i) to the part of the aggregated earnings attributable to any contracted-out employments, or
 - (ii) if that part exceeds the current upper earnings limit, to so much of that part as does not exceed that limit; and
- (b) if that part is less than that limit, by applying the rates of Class 1 contributions applicable to employments which are not contracted-out employments to so much of the remainder of the aggregated earnings as, when added to the part aforesaid, does not exceed that limit ;

and in relation to earners paid otherwise than weekly any reference in the preceding provisions of this sub-paragraph to the lower or upper earnings

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limit shall be construed as a reference to the prescribed equivalent of that limit.”