
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 1

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) " —

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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
---	--

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

and is likely to remain so incapable for the remainder of his life.”