



# Health and Social Security Act 1984

## 1984 CHAPTER 48

An Act to amend the Opticians Act 1958; to make amendments of the National Health Service Act 1977 and the National Health Service (Scotland) Act 1978 in relation to general ophthalmic services, finance in the National Health Service and certain functions of the Secretary of State; to make amendments of the National Health Service Act 1977 in relation to Family Practitioner Committees; to make provision for the reimbursement of the cost of certain treatment in the European Economic Community; to amend the law relating to social security, statutory sick pay and contracted-out occupational pension schemes; and for connected purposes. [26th July 1984]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### PART I

#### HEALTH

##### *Optical appliances*

#### **1 Supply etc. of optical appliances**

(1) In section 21 of the Opticians Act 1958 (restriction on sale and supply of optical appliances)—

- (a) at the end of subsection (3) (exemptions) there shall be added " or (f) in accordance with an order under subsection (3A) below.";
- (b) the following subsections shall be inserted after that subsection—

“(3A) An order under this subsection is an order made by the Privy Council and specifying—

- (a) optical appliances to which it applies ; and

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- (b) conditions subject to which their sale is ex-empted from the requirements of subsection (1) above.
- (3B) Any such order relating to optical appliances consisting of or including one or more lenses shall specify as a condition subject to which the sale of any such appliance is so exempted the condition that the appliance must be in accordance with a written prescription which—
  - (a) has been given by a registered medical practitioner or registered ophthalmic optician following a testing of sight by him ; and
  - (b) bears a date not more than such time as is specified in the order before the prescription is presented to the proposed seller of the appliance.
- (3C) An order under subsection (3A) above may not specify as appliances to which it applies—
  - (a) contact lenses ; or
  - (b) any optical appliance for a person under 16 years of age.
- (3D) An order under subsection (3 A) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (2) The following subsections shall be substituted for subsection (5) of section 25 of that Act (rules)—
  - “(5) Rules under this section shall not come into force until approved by order of the Privy Council.
  - (6) The Privy Council—
    - (a) may approve rules under subsection (1)(a) above either as submitted to them or subject to such modifications as appear to them requisite ; and
    - (b) after consulting the General Optical Council, may by order vary or revoke any rules made under that paragraph and previously approved by them (whether the approval was before or after the commencement of this subsection).
  - (7) Where the Privy Council propose to approve any such rules subject to modifications, they shall notify to the General Optical Council the modifications they propose to make and consider any observations of the General Optical Council thereon.
  - (8) The power to make an order under this section shall be exercisable by statutory instrument which, subject to the following provisions of this section, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (9) No order to which this subsection applies shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
  - (10) Subsection (9) above applies to an order—

- (a) which is made by virtue of paragraph (a) of sub- section (6) above and approves rules subject to modifications; or
  - (b) which is made by virtue of paragraph (b) of that subsection, unless it is contained in a statutory instrument that states that the General Optical Council have indicated their consent to the terms of the order either in the course of consultations under subsection (6)(b) above or in observations under subsection (7) above.”.
- (3) In section 38 of the National Health Service Act 1977 (arrangements for general ophthalmic services) for the words from " ophthalmic ", in the first place where it occurs, to the end of the first paragraph there shall be substituted the words " and ophthalmic opticians for securing the testing of sight by them. ".
- (4) In paragraph (c) of section 39 of that Act (regulations as to arrangements for general ophthalmic services) the words " and the ophthalmic or dispensing optician who is to supply the appliances " shall cease to have effect.
- (5) The following provisions of section 26 of the National Health Service (Scotland) Act 1978 (arrangements for provision of general ophthalmic services) shall cease to have effect—
  - (a) subsection (1)(b); and
  - (b) in subsection (2)(c), the words " and the ophthalmic or dispensing optician who is to supply the appliances ".
- (6) The amendments of the National Health Service Act 1977 contained in Part I of Schedule 1 to this Act shall have effect in consequence of subsections (3) and (4) above.
- (7) The amendments of the National Health Service (Scotland) Act 1978 contained in Part II of that Schedule shall have effect in consequence of subsection (5) above.

## **2 Fitting etc. of contact lenses**

- (1) The following section shall be inserted after section 20 of the Opticians Act 1958—

### **“20A Restrictions on fitting of contact lenses.**

- (1) Subject to the following provisions of this section, a person who is not a registered medical practitioner or registered optician shall not fit contact lenses.
- (2) The foregoing subsection shall not apply to the fitting of contact lenses by a person recognised by a medical authority as a medical student, if carried out as part of a course of instruction approved by that authority for medical students or as part of an examination so approved.
- (3) The General Optical Council may by rules exempt from subsection (1) of this section the fitting of contact lenses by persons training as opticians, or any prescribed class thereof, in such cases and subject to compliance with such conditions as may be prescribed by the rules.
- (4) Rules under the last foregoing subsection shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument.

- (5) Any person who contravenes subsection (1) of this section shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982.”.
- (2) The following subsections shall be inserted after section 25(3) of that Act—
- “(3A) The General Optical Council may make rules specifying requirements which registered opticians, enrolled bodies corporate or employees of registered opticians or enrolled bodies corporate must meet if they are to prescribe, fit or supply contact lenses.
- (3B) The power conferred by subsection (3A) above is a power—
- (a) in relation to registered opticians or employees of registered opticians or of enrolled bodies corporate, to specify qualifications which they must have ; and
  - (b) in relation to enrolled bodies corporate, to specify conditions which they must satisfy.”.

*Other amendments of Opticians Act 1958*

### 3 Taking and use of titles

- (1) In section 22 of the Opticians Act 1958 (penalty for pretending to be registered, etc.) the words " or the title of optometrist " shall be inserted after the words " ophthalmic optician " in subsections (1)(a) and (2)(a).
- (2) The following subsections shall be inserted after subsection (1) of that section—
- “(1A) On any prosecution for an offence under subsection (1)(b) of this section the taking or use of the title of optician (either alone or in combination with any other words) by a person to whom this subsection applies is to be taken to imply that he is registered in one of the registers, but the implication may be rebutted if the defendant proves that he took or, as the case may be, used the title in circumstances where it would have been unreasonable for people to believe, in consequence of his taking or, as the case may be, use of it, that he was in fact registered in one of the registers.
- (1B) Subject to the following subsection, subsection (1A) of this section applies to a person who carries on the business—
- (a) of selling optical appliances ; or
  - (b) of supplying optical appliances in pursuance of arrangements made as mentioned in section 21(2) of this Act.
- (1C) Subsection (1A) of this section does not apply to a person who sells or supplies optical appliances only as mentioned in section 21(3)(a) to (e) of this Act.”.
- (3) The following subsections shall be inserted after subsection (2) of that section—
- “(2A) On any prosecution for an offence under subsection (2)(b) of this section the taking or use of the title of optician (either alone or in combination with any other words) by a body corporate to which this subsection applies is to be taken to imply that it is enrolled in one of the lists, but the implication may be rebutted if the body corporate proves that it took or, as the case may be, used the title in circumstances where it would have been unreasonable for people

to believe, in consequence of its taking or, as the case may be, use of it, that it was in fact enrolled in either of the lists.

(2B) Subject to the following subsection, subsection (2A) of this section applies to a body corporate which carries on the business—

- (a) of selling optical appliances ; or
- (b) of supplying optical appliances in pursuance of arrangements made as mentioned in section 21(2) of this Act.

(2C) Subsection (2A) of this section does not apply to a body corporate which sells or supplies optical appliances only as mentioned in section 21(3)(a) to (e) of this Act.”.

#### **4 Disciplinary provisions**

Schedule 2 to this Act—

- (a) Part I of which inserts new sections in the Opticians Act 1958 giving the Disciplinary Committee of the General Optical Council power—
    - (i) to suspend the registration of a registered optician or the enrolment of a body corporate carrying on business as an ophthalmic optician or a dispensing optician instead of erasing the name of the registered optician or the body corporate from the register or list; and
    - (ii) to impose financial penalties on registered opticians and on such bodies corporate instead of or in addition to erasure or suspension ; and
  - (b) Part II of which makes minor and consequential amendments to that Act in connection with the disciplinary powers of the Committee,
- shall have effect.

*National Health Service*

#### **5 Family Practitioner Committees**

- (1) The following section shall be substituted for section 10 of the National Health Service Act 1977—

##### **“10 Family Practitioner Committees.**

- (1) It is the duty of the Secretary of State by order to establish, in accordance with Part II of Schedule 5 to this Act, authorities to be called Family Practitioner Committees.
- (2) Family Practitioner Committees shall be known by such names, in addition to that title, as the order may specify.
- (3) When the Secretary of State makes an order under subsection (1) above establishing a Family Practitioner Committee, he shall also (either in the same or another instrument) make an order in relation to that Committee specifying a locality for which the Committee is to act.
- (4) The Secretary of State may by order—
  - (a) vary a Committee's locality ;

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- (b) abolish a Committee ;
  - (c) establish a new one.
- (5) The Secretary of State shall so exercise his powers under subsections (3) and (4) above as to secure—
  - (a) that the localities for which Family Practitioner Committees are at any time acting together comprise the whole of England and Wales; but
  - (b) that none of them extends both into England and into Wales.
- (6) Without prejudice to the generality of section 126(4) below, the power to make incidental or supplemental provision conferred by that subsection includes, in its application to orders under this section, power to make provision for the transfer of staff, property, rights and liabilities.
- (7) It is the Secretary of State's duty before he makes an order under subsection (4) above to consult with respect to the order—
  - (a) such bodies as he may recognise as representing officers who in his opinion are likely to be affected by the order; and
  - (b) such other bodies as he considers are concerned with the order.”.
- (2) In subsection (1) of section 15 of that Act (duty of Family Practitioner Committee) the following paragraph shall be substituted for paragraph (a)—
  - “(a) to administer the arrangements made in pursuance of this Act for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services for their locality ;”.
- (3) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), in the entry beginning " Chairman in receipt of remuneration of any Regional Health Authority " after the words " District Health Authority " there shall be inserted the words " Family Practitioner Committee ".
- (4) Schedule 3 to this Act shall have effect.
- (5) The Secretary of State shall by order specify a date not later than 1st April 1985 on which Family Practitioner Committees established by orders under section 10(1) of the National Health Service Act 1977 are to begin to act for their localities.
- (6) Notwithstanding the substitution made by subsection (1) above, Family Practitioner Committees established or adopted by District Health Authorities shall continue to discharge their functions until the date specified by an order under subsection (5) above but shall cease to exist on that date.
- (7) The Secretary of State may by order make such repeals in or other modifications of any enactment or instrument as appear to him to be necessary or expedient in consequence of subsection (1), (2) or (4) above.
- (8) An order under subsection (5) or (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **6 Finance in National Health Service**

- (1) The following subsection shall be inserted after subsection (2) of section 97 of the National Health Service Act 1977 (means of meeting expenditure of health authorities)

- “(2A) The date on which an allotment to an authority under subsection (1) or (2) above (including an allotment increasing or reducing an allotment previously made) takes effect is the date on which the authority are notified of its amount by the Secretary of State or, as the case may be, the Regional Health Authority.”.
- (2) The following subsection shall be inserted after subsection (2) of section 98 of that Act (accounts and audit)—
- “(2A) The accounts prepared and transmitted by a District Health Authority in pursuance of subsection (2) above shall include annual accounts of a Community Health Council if—
- (a) the Council is established for the Authority's district; or
  - (b) the Authority is the prescribed Authority in relation to the Council.”.

(3) The following subsection shall be inserted after subsection (1) of section 85 of the National Health Service (Scotland) Act 1978 (expenses)—

“(1A) The date on which an allotment under subsection (1) above (including an allotment increasing or reducing an allotment previously made) takes effect is the date on which the body receiving the allotment are notified of its amount by the Secretary of State.”.

(4) In subsection (11) of section 121 of the Mental Health Act 1983 (Mental Health Act Commission) for the words " sub-paragraphs (4) and (5) were omitted " there shall be substituted the words " the reference to a member in sub-paragraph (4) included a reference to the chairman ".

## 7 Professional remuneration in National Health Service

- (1) The following shall be inserted after section 43 of the National Health Service Act 1977—

### *“Remuneration for services*

#### **43A Regulations as to remuneration.**

- (1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act.
- (2) Subject to sections 29(4) and 35(2) above, remuneration under the regulations may consist of payments by way of—
  - (a) salary;
  - (b) fees;
  - (c) allowances;
  - (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services,
 and the regulations may provide that the remuneration shall be determined from time to time by such authority as may be specified.

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- (3) If section 10 of the National Health Service Act 1966 is brought into operation, upon the date of its commencement the words " section 10 of the National Health Service Act 1966 and section" shall be substituted for the words " sections 29(4) and " in subsection (2) above.”.
- (2) The following shall be inserted after section 28 of the National Health Service (Scotland) Act 1978—

*“Remuneration for services*

**28A Regulations as to remuneration.**

- (1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act.
- (2) Subject to sections 19(3) and 25(3), remuneration under the regulations may consist of payments by way of—
- (a) salary;
  - (b) fees;
  - (c) allowances;
  - (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services,
- and the regulations may provide that the remuneration shall be determined from time to time by such authority as may be specified.
- (3) If section 10 of the National Health Service Act 1966 is brought into operation, upon the date of its commencement the words " section 10 of the National Health Service Act 1966 and section " shall be substituted for the words " sections 19(3) and " in subsection (2) above.”.
- (3) The following section shall be added after each of the sections inserted by subsections (1) and (2) above, as section 43B of the National Health Service Act 1977 and section 28B of the National Health Service (Scotland) Act 1978—

*“Remuneration—supplementary.*

- (1) The authority specified in regulations under the preceding section may be the Secretary of State or some other person or persons and is referred to in this section as a " determining authority ".
- (2) The power conferred by the preceding section includes power to make regulations providing for a determination in more than one stage and by more than one determining authority.
- (3) Regulations under the preceding section shall provide—
- (a) that a determination may be made with respect either to any of the descriptions of services mentioned in subsection (1) of the preceding section generally or to any category of services falling within such a description ;
  - (b) that, before making such a determination, the determining authority shall consult—



- (i) a prescribed body established to provide advice in connection with the matters to be determined ; or
  - (ii) an organisation appearing to the Secretary of State to be representative of persons to whose remuneration the determination would relate,or both such a body and such an organisation.
- (4) Regulations under the preceding section may provide—
  - (a) that a determination such as is mentioned in subsection (3) above shall have effect in relation to remuneration in respect of a period beginning on or after a date specified in the determination, which may be the date of the determination or an earlier or later date, but may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates ; and
  - (b) that any such determination which does not specify such a date shall have effect in relation to remuneration in respect of a period beginning—
    - (i) if it is required to be published, on the date of publication;
    - (ii) if it is not so required, on the date on which it is made.
- (5) Regulations under the preceding section may provide—
  - (a) for determinations of the remuneration of particular persons or descriptions of persons for particular items of service or in particular circumstances;
  - (b) that a determining authority shall have a discretion, when making a determination by virtue of this subsection,—
    - (i) as to the amount of remuneration to be paid; and
    - (ii) as to the persons to whom and conditions on which it is to be paid; and
  - (c) that a determination made by virtue of this subsection may be revised—
    - (i) to correct an error; or
    - (ii) where it appears to the determining authority that it was made in ignorance of or under a mistake as to a relevant fact.
- (6) Regulations under the preceding section may provide—
  - (a) that determinations may be made by reference to any of the following—
    - (i) rates or conditions of remuneration of any persons or any descriptions of persons which are fixed or determined, or to be fixed or determined, otherwise than by way of a determination under the regulations;
    - (ii) scales, indices or other data of any description specified in the regulations; and
  - (b) that any determination which in accordance with regulations made by virtue of paragraph (a)(ii) above falls to be made by reference to a scale or an index or to any other data may be made not only by reference to that index or scale or those data in the form current at the time of the determination but also by reference to the scale, index or data in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.

(7) Any determination under regulations under the previous section shall be made after taking into account all the matters which are considered to be relevant by the determining authority and, without prejudice to the generality of this subsection, such matters may include—

- (a) the amount or estimated amount of expenses (taking into account any discounts) incurred in the past or likely to be incurred in the future (whether or not by persons to whose remuneration the determination will relate) in connection with the provision of services of a kind to which the determination will relate;
- (b) the amount or estimated amount of any remuneration paid or likely to be paid to persons providing such services;
- (c) the amount or estimated amount of any other payments or repayments or other benefits received or likely to be received by any such persons;
- (d) the extent to which it is desirable to encourage the provision of particular descriptions of services either generally or in particular localities;
- (e) the desirability of promoting services which are—
  - (i) economic and efficient; and
  - (ii) of an appropriate standard.”.

(4) Any determination in relation to remuneration in respect of services under Part II of the National Health Service Act 1977 or Part II of the National Health Service (Scotland) Act 1978 which was made—

- (a) before the passing of this Act; or
- (b) after it but at a time before the coming into force of a provision inserted by this section,

shall be deemed to be validly made if regulations authorising such a determination could have been made had that provision been in force at that time.

## **8 Increase in borrowing powers of General Practice Finance Corporation**

In section 6(3) of the National Health Service Act 1966 (which limits the aggregate amount which may be outstanding in respect of the principal of money borrowed by the General Practice Finance Corporation to £40 million or such greater amount not exceeding £100 million as the Secretary of State may by order specify) for the words " £40 million " and " £100 million " there shall be substituted, respectively, the words " £150 million " and " £250 million ".

## **9 Holidays for patients etc.**

(1) The following subsection shall be added after section 5(2A) of the National Health Service Act 1977—

“(2B) The Secretary of State's functions may be performed outside England and Wales, in so far as they relate—

- (a) to holidays for patients ;
- (b) to the transfer of patients to or from Scotland, Northern Ireland, the Isle of Man or the Channel Islands; or
- (c) to the return of patients who have received treatment in England and Wales to countries or territories outside the British Islands.”.

- (2) The following section shall be added after section 99 of the National Health Service (Scotland) Act 1978—

**“99A Holidays for patients etc.**

The Secretary of State's functions may be performed outside Scotland, in so far as they relate—

- (a) to holidays for patients;
- (b) to the transfer of patients to or from England, Wales, Northern Ireland, the Isle of Man or the Channel Islands ; or
- (c) to the return of patients who have received treatment in Scotland to countries or territories outside the British Islands.”.

*Treatment in European Economic Community*

**10 Reimbursement of cost of medical and maternity treatment in member States of European Economic Community**

- (1) The Secretary of State may pay to a competent institution in a member State the cost of treatment to which this section applies provided by that institution under the social security scheme of that State for a person who, at the relevant time—
  - (a) was ordinarily resident in Great Britain ; and
  - (b) was a national of a member State or a dependant of such a national.
- (2) The Secretary of State may only make a payment under this section of the cost of treatment—
  - (a) which is given to a person during a temporary stay in a member State because his condition required immediate treatment;
  - (b) which—
    - (i) is given in continuance of treatment commenced in the United Kingdom ; and
    - (ii) follows an agreement between the Secretary of State and the person treated that, on his subsequent return to, or transfer of residence to, the member State, his treatment for the same condition would be at the expense of the Secretary of State for a period agreed with the Secretary of State ; or
  - (c) which is given following an agreement between the Secretary of State and the person treated that he should go to the member State to receive treatment to which this section applies appropriate to his condition.
- (3) This section applies—
  - (a) to treatment for sickness or injury ; and
  - (b) to treatment in connection with pregnancy or maternity,
 which is given to a person to whom the 1971 Community regulation did not apply at the relevant time.
- (4) In this section—
 

" competent institution " has the meaning assigned to it by the 1971 Community regulation ;

" the 1971 Community regulation " means Council Regulation (EEC) No. 1408/71 as it has effect from time to time; and

" the relevant time " means the time when treatment was given.

## PART II

### SOCIAL SECURITY

#### 11 Severe disablement allowance

- (1) The following section shall be substituted for section 36 of the Social Security Act 1975—

**“36 Severe disablement allowance.**

- (1) Subject to the provisions of this section, a person shall be entitled to a severe disablement allowance for any day (" the relevant day ") if he satisfies—
  - (a) the conditions specified in subsection (2) below; or
  - (b) the conditions specified in subsection (3) below.
- (2) The conditions mentioned in subsection (1)(a) above are that—
  - (a) on the relevant day he is incapable of work ; and
  - (b) he has been incapable of work for a period of not less than 196 consecutive days—
    - (i) beginning not later than the day on which he attained the age of 20 ; and
    - (ii) ending immediately before the relevant day.
- (3) The conditions mentioned in subsection (1)(b) above are that—
  - (a) on the relevant day he is both incapable of work and disabled ; and
  - (b) he has been both incapable of work and disabled for a period of not less than 196 consecutive days ending immediately before the relevant day.
- (4) A person shall not be entitled to a severe disablement allowance if—
  - (a) he is under the age of 16 ; or
  - (b) he is receiving full-time education ; or
  - (c) he does not satisfy the prescribed conditions—
    - (i) as to residence in Great Britain; or
    - (ii) as to presence there ; or
  - (d) he has attained pensionable age and was not entitled to a severe disablement allowance immediately before he attained it and is not treated by regulations as having been so entitled immediately before he attained it.
- (5) A person is disabled for the purposes of this section if he suffers from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts to not less than 80 per cent.

(6) A severe disablement allowance shall be paid at the weekly rate specified in relation thereto in Schedule 4, Part III, paragraph 2.

(7) Regulations—

(a) may direct that persons who—

(i) have attained retiring age ; and

(ii) were entitled to a severe disablement allowance immediately before they attained it,

shall continue to be so entitled notwithstanding that they do not satisfy the conditions specified in subsection (2) or (3) above;

(b) may direct—

(i) that persons who have previously been entitled to a severe disablement allowance shall be entitled to such an allowance notwithstanding that they do not satisfy the conditions specified in subsection (2)(b) or (3)(b) above ;

(ii) that those paragraphs shall have effect in relation to such persons subject to such modifications as may be specified in the regulations;

(c) may prescribe the circumstances in which a person is or is not to be treated—

(i) as incapable of work ; or

(ii) as receiving full-time education; and

(d) may provide for disqualifying a person from receiving a severe disablement allowance for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 below if—

(i) he has become incapable of work through his own misconduct; or

(ii) he fails without good cause to attend for, or to submit himself to, such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.

(8) In this section—

" assessed " means assessed in accordance with Schedule 8 to this Act; and

" retiring age " means, in the case of a man, 70 and, in the case of a woman, 65.”.

(2) Schedule 4 to this Act, which makes amendments to other enactments consequential on subsection (1) above, shall have effect.

## **12 Pension increase in respect of husbands**

The following section shall be inserted after section 45 of the Social Security Act 1975—

### **“45A Pension increase (husband).**

(1) Where a Category A retirement pension is payable to a woman for any period—

- (a) which began immediately upon the termination of a period for which the pensioner was entitled to an increase in unemployment benefit, sickness benefit or invalidity pension by virtue of section 44(3)(a) or 47(1)(a) of this Act (increases in respect of adult dependants); and
- (b) during which the conditions specified in subsection (2) below are satisfied (without interruption),

then the weekly rate of the pensioner's Category A retirement pension shall be increased by the amount specified in relation thereto in Schedule 4, Part IV, column 3 ("the specified amount").

(2) The conditions referred to in subsection (1)(b) above are—

- (a) that the pensioner is residing with her husband or is contributing to his maintenance at a weekly rate not less than the specified amount; and
- (b) that the pensioner's husband is not engaged in any one or more employments from which his weekly earnings exceed the specified amount.”.

### 13 **Dependent children**

Schedule 5 to this Act, which makes amendments to the Social Security Act 1975 and the Industrial Injuries and Diseases (Old Cases) Act 1975 in relation to increases in benefits payable in respect of dependent children, shall have effect.

### 14 **Earnings to include occupational pensions for purposes of benefits in respect of dependants**

In the Social Security Act 1975—

- (a) the following section shall be inserted after section 47A—

#### **“47B Earnings to include occupational pensions for purposes of benefits.**

(1) Except as may be prescribed—

- (a) in section 41 and sections 44 to 47 above any reference to earnings includes a reference to payments by way of occupational pension; and
- (b) in sections 44, 45, 45A and 47 above any reference to a period during which a person is not engaged in any employment includes a reference to a period in respect of which a person is not entitled to any payment by way of occupational pension.

(2) For the purposes of the provisions mentioned in subsection (1) above, the Secretary of State may by regulations provide, in relation to cases where payments by way of occupational pension are made otherwise than weekly, that any necessary apportionment of the payments shall be made in such manner and on such basis as may be prescribed.”; and

- (b) the following section shall be inserted after section 66—

**“66A Earnings to include occupational pensions for purposes of disablement pension.**

- (1) Except as may be prescribed, any reference to earnings in section 64 or 66 above includes a reference to payments by way of occupational pension.
- (2) For the purposes of those sections, the Secretary of State may by regulations provide, in relation to cases where payments by way of occupational pension are made otherwise than weekly, that any necessary apportionment of the payments shall be made in such manner and on such basis as may be prescribed.”.

**15 Attendance allowance: daily entitlement**

- (1) In this section—

" the 1975 Regulations " means the Social Security (Claims and Payments) Regulations 1975 ;

" the 1977 amendment Regulations " means the Social Security (Attendance Allowance) Amendment Regulations 1977;

" the 1979 Regulations " means the Social Security (Claims and Payments) Regulations 1979 ;

" the 1980 amendment Regulations " means the Social Security (Attendance Allowance) Amendment Regulations 1980;

" regulation 16A " means regulation 16A of the 1975 Regulations, which was added by regulation 9 of the 1977 amendment Regulations;

"regulation 18 " means regulation 18 of the 1979 Regulations, both as originally made and as substituted by regulation 6(2) of the 1980 amendment Regulations ;

"appropriate pay day " means a day for payment under regulation 15(7) of the 1975 Regulations or regulation 16(7) of the 1979 Regulations of weekly sums on account of an attendance allowance; and

"13 week period " means the period mentioned in regulation 16A or regulation 18.

- (2) Regulation 16A and regulation 18 shall be deemed always to have had effect as if—
  - (a) the words " Notwithstanding anything in the foregoing provisions of these regulations " were inserted at the beginning;
  - (b) any reference to attendance allowance being payable for a period were a reference to attendance allowance which would have been payable for that period but for—
    - (i) regulation 15(9) or (10) of the 1975 Regulations ; or
    - (ii) regulation 16(10) or (11) of the 1979 Regulations ; and
  - (c) in relation to any case where a 13 week period does not end on an appropriate pay day, any reference to a 13 week period in paragraph (1) were a reference to that period together with any days after its end but before the next appropriate pay day.

**16 Constitution of panels for social security appeal tribunals**

In the Social Security Act 1975—

- (a) the following subsection shall be substituted for subsections (2A) and (2B) of section 97—

“(2A) Members of a social security appeal tribunal other than the chairman shall be drawn from the appropriate panel constituted under Schedule 10 to this Act.”; and

- (b) the following sub-paragraphs shall be substituted for paragraph 1(2) to (5) of Schedule 10—

“(2) The panel for an area shall be composed of persons appearing to the President to have knowledge or experience of conditions in the area and to be representative of persons living or working in the area.

(2A) Before appointing members of a panel, the President shall take into consideration any recommendations from such organisations or persons as he considers appropriate.”.

**17 Late paid Class 2 contributions**

- (1) In subsection (1) of section 7 (Class 2 contributions) of the Social Security Act 1975 after the word " section " there shall be inserted the words " and section 7A below ".
- (2) The following section shall be inserted after that section—

**“7A Late paid Class 2 contributions.**

- (1) This section applies to any Class 2 contribution paid in respect of a week falling within a tax year (" the contribution year ") earlier than the tax year in which it is paid (" the payment year ").
- (2) Subject to subsections (3) to (5) below, the amount of a contribution to which this section applies shall be the amount which the earner would have had to pay if he had paid the contribution in the contribution year.
- (3) Subject to subsections (4), (5) and (6) below, in any case where—
- (a) the earner pays an ordinary contribution to which this section applies after the end of the tax year immediately following the contribution year; and
- (b) the weekly rate of ordinary contributions for the contribution year differs from the weekly rate for the payment year,
- the amount of the contribution shall be computed by reference to the weekly rate of ordinary Class 2 contributions for the payment year.
- (4) The Secretary of State may by regulations direct that subsection (3) above shall have effect in relation to a higher-rate contribution to which this section applies subject to such modifications as may be prescribed.
- (5) Subject to subsection (6) below, for the purposes of proceedings in any court relating to an earner's failure to pay Class 2 contributions, the amount of each contribution which he is to be treated as having failed to pay is the amount which he would have paid in accordance with subsections (1) to (3) above or



regulations under subsection (6) below if he had paid that contribution on the date on which the proceedings commenced.

- (6) The Secretary of State may by regulations provide that the amount of any contribution which, apart from the regulations, would fall to be computed in accordance with subsection (3) or (5) above shall instead be computed by reference to a tax year not earlier than the contribution year but earlier—
  - (a) in a case falling within subsection (3) above, than the payment year; and
  - (b) in a case falling within subsection (5) above, than the tax year in which the proceedings commenced.
- (7) For the purposes of this section—
  - (a) proceedings in the High Court or a county court commence when an action commences ; and
  - (b) proceedings under section 146 below commence when an information is laid.
- (8) In this section—
  - " ordinary contribution " means a contribution under subsection (1) of section 7 above; and
  - " higher-rate contribution " means a contribution under regulations made under subsection (4) of that section."

## **18 Class 3 contributions**

- (1) In section 8 of the Social Security Act 1975 (Class 3 contributions)—
  - (a) in subsection (1), after the word " and ", in the second place where it occurs, there shall be inserted the words " , subject to the following provisions of this section, ";
  - (b) the following subsection shall be inserted after subsection (2)—
    - “(2A) The amount of a Class 3 contribution in respect of a tax year earlier than the tax year in which it is paid shall be the same as if it had been paid in the earlier year and in respect of that year.”.
- (2) Subsection (1) above shall be deemed to have come into force on 6th April 1975.
- (3) At the end of the subsection inserted by subsection (1)(b) above there shall be added—
  - “, unless it falls to be calculated in accordance with subsection (2C) below or regulations under subsection (2D) below.
- (2B) In this section—
  - " the payment year " means the tax year in which a contribution is paid ; and
  - " the contribution year " means the earlier year mentioned in subsection (2A) above.
- (2C) Subject to the following provisions of this section, in any case where—
  - (a) a Class 3 contribution is paid after the end of the next tax year but one following the contribution year; and

(b) the amount of a Class 3 contribution in respect of the contribution year differs from the amount in respect of the payment year,  
the amount of the contribution shall be computed by reference to the amount of a Class 3 contribution for the payment year.

(2D) The Secretary of State may by regulations provide that the amount of a contribution which apart from the regulations would fall to be computed in accordance with subsection (2C) above shall instead be computed by reference to the amount of a Class 3 contribution for a tax year earlier than the payment year but not earlier than the contribution year.”.

## **19 Accrued rights and entitlement to benefits under occupational pension schemes**

(1) The following subsections shall be substituted for section 38(1) and (2) of the Social Security Pensions Act 1975—

“(1) Regulations may prescribe circumstances in which and conditions subject to which—

- (a) an earner's accrued rights to the requisite benefits under a contracted-out scheme ; or
- (b) the liability for the payment of such benefits to or in respect of any person who has become entitled to them,

may be transferred to another occupational pension scheme.

(1A) Any such regulations may be made so as to apply to earners who are not in employment at the time of the transfer.

(1B) Regulations under subsection (1) above may provide that any provision of this Part of this Act shall have effect, where there has been a transfer to which they apply, subject to such modifications as may be specified in the regulations.

(1C) Regulations under subsection (1) above shall have effect in relation to transfers whenever made unless they provide that they are only to have effect in relation to transfers which take place after they come into force.

(1D) The power conferred by subsection (1) above is without prejudice to the generality of section 166(2) of the principal Act.”.

(2) In section 44 of that Act (premium on termination of contracted-out scheme)—

(a) the following subsections shall be inserted after subsection (1)—

“(1A) Regulations may provide that any provision of this Part of this Act shall have effect where the Occupational Pensions Board have approved arrangements under subsection (1) above subject to such modifications as may be specified in the regulations.

(1B) Any such regulations shall have effect in relation to arrangements whenever approved, unless they provide that they are only to have effect in relation to arrangements approved after they come into force.”; and

(b) the following subsection shall be inserted after subsection (9)—

“(10) Any reference to earners in this section includes, in relation to any particular time, not only a reference to earners who are in employment at that time but also a reference to earners who are not in employment

at that time but who have been in employment before it or will be in employment after it.”.

## **20 Protection of pensions**

The Social Security Pensions Act 1975 shall be amended in accordance with Schedule 6 to this Act for the purpose of protecting pensions under occupational pension schemes which are or have been contracted-out.

## **21 Miscellaneous social security amendments**

The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments there specified.

## **22 Regulations**

(1) Section 10(1) of the Social Security Act 1980 (reference of regulations etc. to Social Security Advisory Committee) shall not apply to regulations—

- (a) made under section 36 of the Social Security Act 1975 before the expiry of the period of six months beginning with the commencement of section 11 above ;
- (b) made under any enactment before the expiry of the period of six months beginning with the commencement of section 11 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under section 36 of the Social Security Act 1975 ;
- (c) made under any enactment before the expiry of the period of six months beginning with the commencement of Schedule 4 to this Act and contained in a statutory instrument which states that it contains only provisions consequential on that Schedule ;
- (d) made under section 47B or 66A of the Social Security Act 1975 before the expiry of the period of six months beginning with the commencement of section 14 above ;
- (e) made under any enactment before the expiry of the period of six months beginning with the commencement of section 14 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under section 47B or 66A of the Social Security Act 1975 ;
- (f) made under section 7A of the Social Security Act 1975 before the expiry of the period of six months beginning with the commencement of section 17 above ;
- (g) made under section 129(1) of the Social Security Act 1975 before the expiry of that period and contained in a statutory instrument which states that it contains only provisions modifying section 7A of that Act;
- (h) made under section 8 (2D) of the Social Security Act 1975 before the expiry of the period of six months beginning with the commencement of section 18(3) above;
- (j) made under section 28 below or under that section as extended by paragraph 17 of Schedule 4 to this Act;
- (k) made under any enactment before the expiry of the period of six months beginning with the commencement of Schedule 5 to this Act and contained in a statutory instrument which states that it contains only provisions consequential on that Schedule ;

- (l) made under section 4(1) of the Social Security Pensions Act 1975 before the expiry of the period of six months beginning with the commencement of paragraph 3 of Schedule 7 to this Act;
  - (m) made under any enactment before the expiry of that period and contained in a statutory instrument which states that it contains only provisions consequential on such regulations as are mentioned in paragraph (l) above;
  - (n) made under any enactment before the expiry of that period and contained in a statutory instrument which states that it contains only provisions consequential on paragraph 3(b) of Schedule 7 to this Act;
  - (o) made under section 4 of the Social Security and Housing Benefits Act 1982 by virtue of the power contained in the words inserted in that section by paragraph 7 of Schedule 7 to this Act and before the expiry of the period of six months beginning with the commencement of that paragraph.
- (2) If an order under section 27 below appoints different days for different purposes of the same provision of this Act, references to commencement in subsection (1) above or subsection (4) below are to be construed, in relation to that provision, as references to the day on which it first comes into force for any purpose.
- (3) Section 141(2) of the Social Security Act 1975 (references of regulations to Industrial Injuries Advisory Council) shall not apply to regulations within subsection (1)(k) above.
- (4) Section 61(2) of the Social Security Pensions Act 1975 (reference of regulations to Occupational Pensions Board) shall not apply to regulations—
- (a) made under section 38 or 44(1 A) or (1B) of the Social Security Pensions Act 1975 before the expiry of the period of six months beginning with the commencement of section 19 above ;
  - (b) made under any enactment before the expiry of the period of six months beginning with the commencement of section 19 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under section 38 or 44(1A) or (1B) of the Social Security Pensions Act 1975 ;
  - (c) made under section 41C or 41E of that Act before the expiry of the period of six months beginning with the commencement of Schedule 6 to this Act; or
  - (d) made under any enactment before the expiry of the period of six months beginning with the commencement of that Schedule and contained in a statutory instrument which states that it contains only provisions consequential on that Schedule or such provisions and regulations made under section 41C or 41E of the Social Security Pensions Act 1975.

### PART III

#### SUPPLEMENTARY

## 23 Expenses

Any expenses of the Secretary of State incurred in consequence of the provisions of this Act, including any increase attributable to those provisions in sums provided under any other Act, shall be defrayed out of money provided by Parliament.

## **24 Repeals**

The enactments specified in Schedule 8 to this Act are repealed to the extent specified in the third column of that Schedule.

## **25 Northern Ireland**

- (1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes to which this section applies—
  - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament) ; but
  - (b) shall be subject to annulment in pursuance of a resolution of either House.
- (2) The purposes to which subsection (1) above applies are purposes corresponding to those—
  - (a) of section 1(3), (4) and (6) above ;
  - (b) of section 7(1), (3) and (4) above ;
  - (c) of Part II above ; and
  - (d) of this Part.

## **26 Extent**

- (1) The following provisions of this Act—
  - section 1(3), (4) and (6);
  - section 5, except subsection (3), and Schedule 3 ;
  - section 6(1), (2) and (4);
  - in section 7—
    - (a) subsection (1); and
    - (b) subsections (3) and (4), so far as they relate to the National Health Service Act 1977;
  - section 9(1),extend to England and Wales only.
- (2) The following provisions of this Act—
  - section 1(5) and (7);
  - section 6(3);
  - in section 7—
    - (a) subsection (2); and
    - (b) subsections (3) and (4), so far as they relate to the National Health Service (Scotland) Act 1978 ;
  - section 9(2),extend to Scotland only.
- (3) Section 25 above extends to Northern Ireland only.
- (4) The following provisions of this Act—
  - section 8;
  - section 10; and
  - Part II, except the provisions mentioned in subsection (5) below,

extend to England and Wales and Scotland.

- (5) Section 11(2) above, so far as it relates to paragraph 2 of Schedule 4, and section 21 above, so far as it relates to paragraph 6 of Schedule 7, extend to England and Wales, Scotland and Northern Ireland.
- (6) The following provisions of this Act also extend to England and Wales, Scotland and Northern Ireland—
- section 1(1) and (2);
  - sections 2 to 4 and Schedule 2 ;
  - section 5(3);
  - section 23 ;
  - this section;
  - sections 27 to 29.
- (7) Where any enactment repealed by this Act extends to any part of the United Kingdom, the repeal extends to that part.

## **27 Commencement**

- (1) Subject to the following provisions of this section, the provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes.
- (2) The following provisions of this Act shall come into force on the day this Act is passed—
- section 6(4);
  - section 7(4);
  - section 9;
  - section 10;
  - section 15;
  - section 18(1) and (2);
  - section 21, so far as it relates to paragraph 6 or 8 of Schedule 7;
  - sections 22 and 23 ;
  - sections 25 and 26 ;
  - this section;
  - sections 28 and 29.
- (3) The following provisions of this Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed—
- section 8;
  - section 16;
  - section 19;
  - section 21, so far as it relates to paragraphs 4, 5, 7 and 9 of Schedule 7 ;
  - section 24, so far as it relates to section 38 of the Social Security Pensions Act 1975.

## **28 Transitional**

- (1) The Secretary of State may by regulations made by statutory instrument make such transitional provision or saving as he considers necessary or expedient in connection with the coming into force of any provision of this Act or the operation of any enactment which is repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may provide that references to dispensing opticians in the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 shall be treated as including suppliers of optical appliances who are not dispensing opticians as defined in those Acts.
- (3) Section 126(4) of the National Health Service Act 1977 and section 105(7) of the National Health Service (Scotland) Act 1978 shall have effect in relation to the power to make regulations under this section containing any such provision as is mentioned in subsection (2) above as if that subsection were contained in each of those Acts.
- (4) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament

## **29 Citation**

- (1) This Act may be cited as the Health and Social Security Act 1984.
- (2) Part II of this Act and section 24 above, so far as it relates to Part II of Schedule 8 to this Act, may be cited together with the Social Security Acts 1975 to 1982 as the Social Security Acts 1975 to 1984.

## SCHEDULES

### SCHEDULE 1

Section 1.

#### OPTICAL APPLIANCES

#### PART I

##### AMENDMENTS OF NATIONAL HEALTH SERVICE ACT 1977

- 1 In section 39 of the National Health Service Act 1977 (regulations as to arrangements for general ophthalmic services)—
  - (a) in paragraph (a), for the words " ophthalmic opticians and dispensing" there shall be substituted the words " and ophthalmic ";
  - (b) in paragraph (b), for the words " ophthalmic optician or dispensing " there shall be substituted the words " or ophthalmic " ; and
  - (c) in paragraph (d), for the words " ophthalmic opticians or dispensing " there shall be substituted the words " or ophthalmic " .
- 2 In sub-paragraph (1) of paragraph 2 of Schedule 12 to that Act (regulations for the making and recovery of charges), the following entry shall be substituted for the words from " Glasses " to " cost", in the first place where it occurs—
 

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

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

  - (a) for a child ;
  - (b) for a person whose resources fall to be treated under the regulations as being less than his requirements; or
  - (c) for a person of such other description as may be prescribed.

(2) In sub-paragraph (1) above " child " means—

  - (a) a person who is under the age of 16 years ; or
  - (b) a person who is under the age of 19 years and receiving qualifying full-time education.

(3) Regulations under this paragraph may direct how a person s resources and requirements are to be calculated and, without prejudice to



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the generality of this sub-paragraph, may direct that they shall be calculated—

(a) by reference—

(i) to any enactment; or

(ii) to the person's being or having been entitled to payments under any enactment, either as it has effect at the time when the regulations are made or as amended subsequently ; or

(b) by reference to a scale or an index or to any other data either in the form current when the regulations are made or in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.

(4) If regulations under this paragraph provide for payments to be made by an authority established under this Act, it shall be the duty of the Secretary of State to pay to the authority, in respect of each financial year, the sum attributable to the authority's disbursements under the regulations.

(5) Sums falling to be paid in pursuance of regulations made under this paragraph shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.”.

## PART II

### AMENDMENTS OF NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

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

2 In subsection (2)(a) of the said section, for the words " , ophthalmic optician's and dispensing optician's " there shall be substituted the words " and ophthalmic opticians ".

3 In subsection (2)(b), for the words " any ophthalmic optician or any dispensing optician " there shall be substituted the words " or any ophthalmic optician ".

4 In subsection (2)(d)—

(a) for the words " ophthalmic opticians or dispensing opticians " there shall be substituted the words " or ophthalmic opticians "; and

(b) for the words " ophthalmic optician or dispensing optician " there shall be substituted the words " or ophthalmic optician ".

5 In sub-paragraph (1) of paragraph 2 of Schedule 11 to that Act (charges for dental or optical appliances) the following entry shall be substituted for the words from " Glasses " to the end—

“Glasses.

Such sum as may be determined by or in accordance with directions given by the Secretary of State.”.

- 6 In paragraph 2 of Schedule 11, in sub-paragraph (7), for the words from the beginning to " testing " there shall be substituted—

“(7) In sub-paragraph (4), " the relevant time " means—

- (a) in relation to a dental appliance supplied otherwise than under Part II, the time of the examination leading to the supply of the appliance, or the first such examination ;”.

- 7 The following paragraph shall be inserted after that paragraph—

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

- (a) for a child ;
- (b) for a person whose resources fall to be treated under the regulations as being less than his requirements ; or
- (c) for a person of such other description as may be prescribed.

(2) In sub-paragraph (1) above " child " means—

- (a) a person who is under the age of 16 years ; or
- (b) a person who is under the age of 19 years and receiving qualifying full-time education.

(3) Regulations under this paragraph may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this sub-paragraph, may direct that they shall be calculated—

- (a) by reference—
  - (i) to any enactment; or
  - (ii) to the person's being or having been entitled to payments under any enactment,
 either as it has effect at the time when the regulations are made or as amended subsequently ; or
- (b) by reference to a scale or an index or to any other data either in the form current when the regulations are made or in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.

(4) If regulations under this paragraph provide for payments to be made by a Health Board, it shall be the duty of the Secretary of State to pay to the Board, in respect of each financial year, the sum attributable to the Board's disbursements under the regulations.

(5) Sums falling to be paid in pursuance of regulations made under this paragraph shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.”.

## SCHEDULE 2

Section 4.

### DISCIPLINARY PROVISIONS OF OPTICIANS ACT 1958

#### PART I

##### NEW SECTIONS

1 The following sections shall be inserted after section 10 of the Opticians Act 1958—

##### **“10A Disciplinary orders.**

In this Act—

"disciplinary order" means—

- (a) an erasure order ;
- (b) a suspension order ;
- (c) a penalty order ;

"erasure order" means—

- (a) in relation to a registered optician, an order that his name shall be erased from the register; and
- (b) in relation to an enrolled body corporate, an order that its name shall be erased from the list in which it is enrolled ;

"suspension order" means—

- (a) in relation to a registered optician, an order that his registration shall be suspended for a period specified in the order; and
- (b) in relation to an enrolled body corporate, an order that its enrolment in the list in which it is enrolled shall be suspended for a period specified in the order ; and

"penalty order" means an order that a registered optician or an enrolled body corporate shall pay to the General Optical Council a sum specified in the order.

##### **10B Suspension orders.**

- (1) The period specified in a suspension order shall not exceed twelve months.
- (2) While the registration of a person in the register is suspended by virtue of a suspension order he shall be treated as not being registered, notwithstanding that his name still appears in the register.
- (3) While the enrolment of a body corporate is suspended by virtue of a suspension order it shall be treated as not being enrolled, notwithstanding that its name still appears in the list.
- (4) Where a suspension order is made against a person or body corporate the registrar shall make in the register or list a note of that fact and of the period for which the registration or enrolment is to be suspended ; and the registrar shall erase the note at such time as the order for any reason ceases to have effect.

### **10C Penalty orders.**

- (1) A penalty order may specify any sum not exceeding the maximum penalty.
- (2) In this section "the maximum penalty" means £1,000 or such sum as is for the time being substituted in this definition by an order in force under subsection (3) below.
- (3) If it appears to the Privy Council that there has been a change in the value of money since the last occasion when the maximum penalty was fixed, whether by the coming into force of this section, or by order under this section, the Privy Council may by order substitute for the sum specified in subsection (2) above such other sum as appears to them justified by the change.
- (4) An order under subsection (3) above—
  - (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) shall not affect the punishment for an offence committed before that order comes into force.
- (5) A penalty order shall specify a period within which the sum specified in it is to be paid.
- (6) The General Optical Council may recover the sum specified in a penalty order from the person or body against whom the order was made if that person or body does not pay it within the period specified in the order.
- (7) The General Optical Council shall pay a sum paid under a penalty order or recovered under subsection (6) above into the Consolidated Fund.”.

2      The following section shall be substituted for section 11—

### **“11 Powers of Disciplinary Committee.**

- (1) If any registered optician—
  - (a) is convicted by any court in the United Kingdom of any criminal offence ; or
  - (b) is judged by the Disciplinary Committee to have been guilty of serious professional misconduct,
 the Committee may make a disciplinary order against him.
- (2) If—
  - (a) an enrolled body corporate is convicted of an offence under this Act, or of aiding, abetting, counselling or procuring the commission of, or inciting another person to commit, such an offence; or
  - (b) in the case of a body corporate which is for the time being enrolled by virtue of paragraph (a),
  - (c) or (d) of subsection (2) of section four of this Act, the Disciplinary Committee is of opinion that the condition, or any of the conditions, for the enrolment of the body corporate under that subsection is no longer satisfied,
 the Committee may make a disciplinary order against that body corporate.

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(3) Where a registered optician dies while he is either a director of an enrolled body corporate or the manager of that part of the business of an enrolled body corporate which consists of the testing of sight or the fitting and supply of optical appliances, he shall be deemed, for the purposes of subsection (2) of this section, to have continued to be a director of that body or a manager of that part of its business, as the case may be, until the expiration of the three months beginning with the date of his death or until a director or manager is appointed in his place, whichever occurs first.

(4) If it appears to the Disciplinary Committee that a registered optician or an enrolled body corporate—

- (a) has contravened or failed to comply with any rules made under section twenty-five of this Act; or
- (b) has failed to pay the sum specified in a penalty order within the period there specified,

the Committee may make a disciplinary order against the optician or body corporate.

(5) If it appears to the Disciplinary Committee that—

- (a) a registered optician or enrolled body corporate is engaged in the fitting and supply of optical appliances ; and
- (b) that the arrangements made by the optician or body corporate for carrying on his practice or his or its business are not such as to secure that the fitting and supply of optical appliances in the course of that practice or business are carried out by, or under the supervision of, an ophthalmic optician registered in the register of ophthalmic opticians engaged or proposing to engage both in the testing of sight and in the fitting and supply of optical appliances or a registered dispensing optician,

the Committee may make a disciplinary order against that optician or body corporate.

(6) Where—

- (a) a disciplinary order is made against a director of an enrolled body corporate ; or
- (b) a responsible officer of an enrolled body corporate is convicted of an offence under this Act; or
- (c) a disciplinary order is made against a registered optician employed by an enrolled body corporate and the act or omission constituting the ground on which the order was made was instigated or connived at by a responsible officer of the body corporate, or, if the act or omission was a continuing act or omission, a responsible officer of the body corporate had or reasonably ought to have had knowledge of its continuance,

the Disciplinary Committee may make a disciplinary order against the body corporate.

(7) In a case—

- (a) where—
  - (i) an enrolled body corporate is convicted of an offence under this Act; and

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- (ii) the offence was instigated or connived at by a responsible officer of the body corporate, or, if the offence was a continuing offence, a responsible officer of the body corporate had or reasonably ought to have had knowledge of its continuance ; or
- (b) where—
  - (i) a disciplinary order is made against an enrolled body corporate ; and
  - (ii) the act or omission constituting the ground on which the order was made was instigated or connived at by a responsible officer of the body corporate, or, if the act or omission was a continuing act or omission, a responsible officer of the body corporate had or reasonably ought to have had knowledge of its continuance,

the Disciplinary Committee may, if the responsible officer is a registered optician, make a disciplinary order against him.
- (8) The Disciplinary Committee shall not take a case into consideration during any period within which proceedings by way of appeal may be brought which may result in subsection (6) or (7) of this section being rendered inapplicable in that case or while any such proceedings are pending.
- (9) Where it appears to the Disciplinary Committee—
  - (a) that a body corporate which carries on business as an ophthalmic or dispensing optician at more than one set of premises is liable to have a disciplinary order made against it; and
  - (b) that the events giving rise to the liability were confined, or substantially confined, to a particular set of premises,

the Committee may, instead of making a disciplinary order against the body corporate, direct that the body corporate shall not use the title of optician, ophthalmic optician, dispensing optician, registered optician, enrolled optician or optometrist in connection with that set of premises; and if at any time thereafter it appears to the Committee that the body corporate has contravened a direction in force under this subsection, the Committee may make a disciplinary order against the body corporate.
- (10) A direction under subsection (9) of this section shall remain in force until revoked, on an application made to them in that behalf, by the Disciplinary Committee.
- (11) When the Disciplinary Committee—
  - (a) make a disciplinary order against an individual or body corporate ; or
  - (b) direct that a body corporate shall not use any of the titles specified in subsection (9) of this section in connection with a set of premises,

the registrar shall serve on that individual or body a notification of the order or direction.
- (12) Any power conferred by this section to make a disciplinary order is a power to make—
  - (a) an erasure order;
  - (b) a suspension order ;
  - (c) a penalty order; or

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(d) an erasure order or suspension order together with a penalty order.

(13) In this Act "responsible officer" means any director, manager, secretary or other similar officer of a body corporate, or of a branch or department of a body corporate, or any person purporting to act in any such capacity."

## PART II

### MINOR AND CONSEQUENTIAL AMENDMENTS

3 The Opticians Act 1958 shall also have effect subject to the amendments specified in the following paragraphs of this Schedule.

4 In subsection (1) of section 9 (preliminary investigations), for the words from "his" to "eleven" there shall be substituted the words "made against him or it a disciplinary order or an order under section thirteen".

5 (1) in subsection (1) of section 12 of that Act (restoration to register), for the words from "the name" to "direction" there shall be substituted the words "an erasure order has been made against an individual or body corporate".

(2) In subsection (2)(b) of that section, after the word "of" there shall be inserted the words "the Committee's decision on".

6 The following section shall be inserted after section 13—

#### **"13A Service of notifications.**

(1) A notification under section 11 or 13 above which is required to be served on a person may be served by being delivered personally, or being sent by post in a registered letter or by the recorded delivery service.

(2) For the purposes of this section, and of section 7 of the Interpretation Act 1978 (which defines "service by post") in its application to this section, a letter to a person other than a body corporate containing such a notification shall be deemed to be properly addressed if it is addressed to him at his address in the register or at his last known address if that address differs from his address in the register and it appears to the registrar that the notification is more likely to reach him at his last known address.

(3) A notification which is required to be served on a body corporate shall be duly served if it is served on the secretary or clerk of that body.

(4) For the purposes of this section, and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of a person, in the case of a body corporate or the secretary or clerk of a body corporate, shall be its address in the list or the address of its registered or principal office if that address differs from its address in the list and it appears to the registrar that the notification is more likely to reach the body corporate or its secretary or clerk there."

7 (1) In subsection (1) of section 14 (appeals), for the words from "that", in the first place where it occurs, to "premises" there shall be substituted the words "in relation to an individual or body corporate under section 11 or 13 of this Act".

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- (2) In subsection (3) of that section, for the words from the beginning to "the", in the first place where it occurs, there shall be substituted the words " Where no appeal is brought against—
- (a) a disciplinary order ; or
  - (b) a direction under subsection (9) of section eleven of this Act; or
  - (c) a direction under section thirteen of this Act,
- or where such an appeal is brought but withdrawn or struck out for want of prosecution, the order or " .
- (3) In subsection (4) of that section, for the words " direction under either of those sections, the direction " there shall be substituted the words " any such order or direction, it " .
- 8        In subsection (2) of section 15 (procedure)—
- (a) in paragraph (a), for the words " his or its name erased from the register or list" there shall be substituted the words " a disciplinary order or a direction under section thirteen of this Act made against him or it " ;
  - (b) in paragraph (e), for the words " infamous conduct in a professional respect" there shall be substituted the words " serious professional misconduct ";
  - (c) in paragraph (f), for the words " his " to " (4) " there shall be substituted the words " a disciplinary order made against him or it under subsection (4) or (5) " ; and
  - (d) in the proviso, for " (6)" there shall be substituted " (9) " .
- 9        In subsection (3) of section 23 (death or bankruptcy of registered optician), for the words " any direction that the name of a body corporate shall be erased from the list" there shall be substituted the words " a disciplinary order " .
- 10       In section 24 (offences by bodies corporate), for the words from " director " to " capacity " there shall be substituted the words " responsible officer of the body corporate " .
- 11       In subsection (1) of section 27 (expenses and accounts of General Optical Council), after the word " money " there shall be inserted the words " , other than a sum paid under a penalty order or recovered under section 10C(6) above, " .
- 12       In subsection (1) of section 29 (powers of Privy Council), for the words " directions to erase names from the register or list" there shall be substituted the words " disciplinary orders or directions under section 13 above " .
- 13       In subsection (1) of section 30—
- (a) the following definition shall be inserted after the definition of " disciplinary case " —  
       " " disciplinary order " has the meaning assigned to it by section 10A of this Act;";
  - (b) the following definition shall be inserted after the definition of " enrolled " —  
       " " erasure order " has the meaning assigned to it by section 10A of this Act;";
  - (c) the following definition shall be inserted after the definition of " optical appliance " —



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- “penalty order ” has the meaning assigned to it by section 10A of this Act;” and
- (d) the following definitions shall be inserted after the definition of “registered dispensing optician ” —
- “responsible officer ” has the meaning assigned to it by subsection (13) of section 11 of this Act;
- “suspension order ” has the meaning assigned to it by section 10A of this Act.”.

### SCHEDULE 3

Section 5.

#### FAMILY PRACTITIONER COMMITTEES

- 1 The National Health Service Act 1977 shall have effect subject to the following amendments.
- 2 The following section shall be substituted for section 17—

**“17 Directions as to exercise of functions.**

- (1) The Secretary of State may give directions with respect to the exercise of any functions exercisable by virtue of sections 13 to 16 above; and, subject to any directions given by the Secretary of State by virtue of this section, a Regional Health Authority may give directions with respect to the exercise by a District Health Authority of which the district is included in its region, of any functions exercisable by the District Health Authority by virtue of section 14 above.
- (2) It shall be the duty of a body to whom directions are given under subsection (1) above to comply with the directions.”.
- 3 In section 22 (co-operation between health authorities and local authorities)—
- (a) in subsection (1), after the words “health authorities ” there shall be inserted the words “, Family Practitioner Committees ”;
- (b) in subsection (2), for the words from “advise ” to “below ” there shall be substituted the words “bodies represented on them ”;
- (c) in the Table at the end of that subsection, the following paragraph shall be inserted in the second column at the end of each of the three two-column entries—

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“Any Family Practitioner Committee whose locality is wholly or partly in the District Health Authority's district.”;

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and

- (d) in section (4)(b), after the word “Authority ”—
- (i) in the first place where it occurs, there shall be inserted the words “or a Family Practitioner Committee ”; and
- (ii) in the second place where it occurs, there shall be added the words “or the locality of the Family Practitioner Committee ”.

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- 4       The following subsection shall be inserted after subsection (1) of section 30 (applications to provide general medical services)—
- “(1A) No medical practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his application for the inclusion of his name in the list kept by any Family Practitioner Committee referred to the Medical Practices Committee unless he satisfies the Family Practitioner Committee that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general medical services in the Committee's locality ; and where a Family Practitioner Committee is not so satisfied with respect to any applicant the Family Practitioner Committee shall not refer his application to the Medical Practices Committee.”.
- 5       (1) Section 36 (regulations as to arrangements for general dental services) shall be re-numbered so as to become section 36(1).
- (2) At the end of the resulting subsection (1) there shall be added as subsection (2)—
- “(2) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the list kept by any Family Practitioner Committee unless he satisfies the Committee that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general dental services in the Committee's locality.”.
- 6       In subsection (1) of section 44 (recognition of local representative committees)—
- (a) for the words from " area", in the first place where it occurs, to Authority ”, in the second place where it occurs, there shall be substituted the words " locality of any Family Practitioner Committee ";
- (b) the word " locality" shall be substituted for the words " area or district ", in each place where they occur.
- 7       In section 45 (functions of local representative committees)—
- (a) in subsection (1), for the words " the area of an Area Health Authority or for the district of a District Health Authority " there shall be substituted the words " a locality ";
- (b) in subsection (2)—
- (i) for the words " area or district" there shall be substituted the word " locality "; and
- (ii) the words " with the Secretary of State's approval" shall be omitted ; and
- (c) in subsection (3), the words "with the Secretary of State's approval" shall be omitted.
- 8       The following paragraph shall be substituted for paragraph (i) of section 56 (inadequate services)—
- “(i) he may authorise the Family Practitioner Committee to make such other arrangements as he may approve, or may himself make such other arrangements, and”.
- 9       In section 97 (means of meeting expenditure of health authorities out of public funds)—
- (a) the following paragraph shall be substituted for subsection (1)(b)—
- “(b) to each Family Practitioner Committee—

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- (i) sums not exceeding the amount allotted by him to the Committee for that year towards meeting the expenditure attributable to the performance by the Committee of their functions in that year ;
  - (ii) sums equal to the expenditure by them in that year which is attributable to disbursements to persons providing services in pursuance of Part II of this Act;”;
- (b) the following subsection shall be substituted for subsection (3)—
  - “(3) The Secretary of State may give directions to a Regional Health Authority or Family Practitioner Committee or to a District Health Authority whose district is in Wales with respect to the application of sums paid to them under subsection (1) above.”; and
- (c) in subsection (5), after the words " health authority " there shall be inserted the words " or Family Practitioner Committee ".

10           The following section shall be inserted after section 97A—

**“97B Financial duties of Family Practitioner Committees.**

- (1) It is the duty of every Family Practitioner Committee, in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance of those functions in that year, other than expenditure attributable to disbursements to persons providing services in pursuance of Part II of this Act, in respect of their provision of such services, does not exceed the aggregate of—
  - (a) the amounts allotted to the Committee for that year under section 97(1) above ;
  - (b) any other sums received by the Committee under this Act in that year ; and
  - (c) any sums received otherwise than under this Act in that year by the Committee for the purpose of enabling the Committee to defray any such expenditure.
- (2) The Secretary of State may give such directions to a Family Practitioner Committee as appear to him to be requisite to secure that the Committee comply with the duty imposed on them by subsection (1) above and it shall be the duty of the Committee to comply with the direction.
- (3) Directions under subsection (2) above may be specific in character.
- (4) The Secretary of State may, by directions, determine—
  - (a) whether sums of a description specified in the directions are or are not to be treated for the purposes of this section as being receivable under this Act by a Family Practitioner Committee for the purposes of their functions ;
  - (b) whether expenditure of a description specified in the directions is or is not to be treated for the purposes of this section as being attributable to a Family Practitioner Committee's performance of their functions ; or
  - (c) the extent to which and the circumstances in which sums received but not yet spent by a Family Practitioner Committee under

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section 97(1) above are to be treated for the purposes of this section as part of the expenditure of the Committee attributable to the performance of their functions and to which financial year's expenditure in the performance of such functions they are to be attributed.”.

- 11 In section 128(1) (interpretation and construction) the following definition shall be substituted for the definition of " health authority " —

“" health authority " means a Regional or District Health Authority or a special health authority but does not include a Family Practitioner Committee ;”.

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

## “PART II

### FAMILY PRACTITIONER COMMITTEES

- 6 (1) Subject to paragraph 7 below, a Family Practitioner Committee shall consist of a chairman and 30 other members.
- (2) The chairman shall be appointed by the Secretary of State.
- (3) The other members shall be appointed by the Secretary of State, as follows—
- (a) 8 shall be appointed from persons nominated by the Local Medical Committee for the locality of the Family Practitioner Committee, and one of them must be, but not more than one of them shall be, a medical practitioner having the qualifications prescribed in pursuance of section 38 above ;
  - (b) 3 shall be appointed from persons nominated by the Local Dental Committee for that locality ;
  - (c) 2 shall be appointed from persons nominated by the Local Pharmaceutical Committee for that locality;
  - (d) 1 shall be an ophthalmic optician appointed from persons nominated by such members of the Local Optical Committee for that locality as are ophthalmic opticians ;
  - (e) 1 shall be a dispensing optician appointed from persons nominated by such members of the Local Optical Committee as are dispensing opticians ;
  - (f) 4 shall be appointed from persons nominated by local authorities any part of whose area is in the locality of the Family Practitioner Committee ;
  - (g) 4 shall be appointed from persons nominated by District Health Authorities any part of whose district is in the locality of the Family Practitioner Committee ; and
  - (h) 7 shall be appointed after such consultations with such bodies as the Secretary of State considers appropriate.
- (4) One member must be a person who—
- (a) is registered in the register of qualified nurses, midwives and health visitors—

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

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Practitioner Committee for that locality should not be in accordance with paragraph 6 above, he may by order provide that that paragraph shall apply in relation to the Committee for that locality with such modifications as are specified in the order.

- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, before he makes an order under sub-paragraph (1) above, to consult the Family Practitioner Committee for the locality and any District Health Authority any part of whose district is in the locality of the Family Practitioner Committee with respect to the order.
  - (3) It shall also be his duty, in making any such order, to have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between members falling to be appointed in pursuance of paragraph 6 above as there would be if no modification were made.
- 7A (1) Any member of a Family Practitioner Committee appointed by virtue of paragraph 6(3)(e) above shall cease to be a member of the Committee on the day on which the repeal of that paragraph by section 24 of the Health and Social Security Act 1984 comes into force.
- (2) The following paragraph shall be substituted on that day for paragraph 6(3)(e) above—
- “(e) I shall be appointed from persons nominated—
- (i) by the Local Medical Committee for the locality of the Family Practitioner Committee ;
  - (ii) by the Local Dental Committee for that locality,
  - (iii) by the Local Pharmaceutical Committee for that locality; or
  - (iv) by the Local Optical Committee for that locality;”
- 13 In paragraph 9 of Schedule 5 (pay and allowances of chairmen of certain authorities)
- 
- (a) in sub-paragraph (1) the words "other than a Family Practitioner Committee" shall cease to have effect; and
  - (b) in sub-paragraphs (2) and (3) the words "other than such a Committee" shall cease to have effect.
- 14 In paragraph 10(1) of that Schedule (employment of officers by certain authorities) (as amended by paragraph 3(1) of Schedule 6 to the Health and Social Services and Social Security Adjudications Act 1983) the words " (other than a Family Practitioner Committee) " shall cease to have effect.
- 15 The following sub-paragraphs shall be substituted for paragraph 2(d) to (g) of Schedule 7 (additional provisions as to Community Health Councils)—
- “(d) the consultation of Councils by District Health Authorities or relevant Family Practitioner Committees with respect to such matters, and on such occasions, as may be prescribed ;
  - (e) the furnishing of information to Councils by such Authorities and Committees, and the right of members of Councils to enter and inspect premises controlled by such Authorities ;

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- (f) the consideration by Councils of matters relating to the operation of the health service within their districts, and the giving of advice by Councils to such Authorities and Committees on such matters ;
  - (g) the preparation and publication of reports by Councils on such matters, and the furnishing and publication by such Authorities or Committees of comments on the reports; and”.
- 16 In paragraph 3(d) of that Schedule, for the words "Area or District Health Authority" there shall be substituted the words " District Health Authority or Family Practitioner Committee ".
- 17 The following paragraph shall be added at the end of that Schedule—
- “8 A Family Practitioner Committee is a relevant Family Practitioner Committee in relation to a Council's district if any part of the Committee's locality is in that district, but is only a relevant Committee in relation to that Council to the extent that the Council performs its functions in relation to that part.”.

## SCHEDULE 4

Section 11.

### SEVERE DISABLEMENT ALLOWANCE

#### PART I

##### CONSEQUENTIAL AMENDMENTS

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

- 1 In section 2(1) of the Law Reform (Personal Injuries) Act 1948 after the words " non-contributory invalidity pension " there shall be inserted the words " severe disablement allowance ".

##### *Income and Corporation Taxes Act 1970 (c.10)*

- 2 In section 219(1)(a) of the Income and Corporation Taxes Act 1970 after the words “ non-contributory invalidity pension " there shall be inserted the words " severe disablement allowance ".

##### *Social Security Act 1975 (c.14)*

- 3 In the following provisions of the Social Security Act 1975—  
section 34(1)(b);  
section 49(a);  
section 79(3)(a) and (d);  
section 135(2)(b); and  
paragraph 2 of Part III of Schedule 4 and paragraph 9 of Part IV of that Schedule,  
for the words " non-contributory invalidity pension " there shall be substituted the words " severe disablement allowance ".

- 4       At the end of each of the following provisions of that Act—  
           section 98(2)(b);  
           section 100(3)(2);  
           section 102(2);  
           section 103(1)(b); and  
           section 104(1)(c)(ii),  
       there shall be added the words " or severe disablement allowance ".
- 5       In section 108(1) of that Act—  
       (a) after the words " industrial injuries benefit" there shall be inserted the words  
           " and severe disablement allowance ";
- (b) at the beginning of paragraph (a) there shall be inserted the words " in  
           relation to industrial injuries benefit, "; and
- (c) at the beginning of paragraph (b) there shall be inserted the words " in  
           relation to both benefits, ".
- 6       At the end of section 108(2) of that Act there shall be added the words " or, in  
       such cases relating to severe disablement allowance as may be prescribed, by an  
       adjudication officer. ".
- 7       In section 109(1) of that Act after the words " disablement benefit " there shall be  
       inserted the words " or severe disablement allowance ".
- 8       In section 110 of that Act—  
       (a) in subsection (6), after the words " and in particular may " there shall be  
           inserted the words " in any case relating to disablement benefit "; and
- (b) in subsection (7), after the words " disablement benefit" there shall be  
           inserted the words " or severe disablement allowance, as the case may be, ".
- 9       In section 112(1)(b) of that Act after the words " relevant accident " there shall be  
       inserted the words " or, in a case relating to severe disablement allowance, at the  
       prescribed time ".
- 10      In Schedule 8 to that Act—  
       (a) in paragraph 1—  
           (i) for the words " section 57 " there shall be substituted the words "   
               section 36 or 57 " ; and  
           (ii) in sub-paragraph (b) at the beginning there shall be inserted the  
               words " except in the case of an assessment for the purposes of  
               section 36, ";
- (b) after paragraph 4 there shall be inserted the following paragraph—  
           “4A       Paragraph 4 above shall not apply in the case of an assessment  
                   of any person's disablement for the purposes of section 36 but  
                   the period to be taken into account for any such assessment  
                   shall be the period during which that person has suffered and  
                   may be expected to continue to suffer from the relevant loss of  
                   faculty beginning not later than—  
                   (a) the first claim day if his entitlement to benefit falls to  
                       be determined in accordance with section 36(3)(b) as  
                       modified by regulations under section 36(7)(b);



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(b) where his disablement has previously been assessed for the purposes of section 36 at a percentage which is not less than 80 per cent,—

(i) if the period taken into account for that assessment was or included the period of 196 days ending immediately before the first claim day, the first claim day, or

(ii) if the period so taken into account included any day falling within that period of 196 days, the day immediately following that day or, if there is more than one such day, the last such day ;

(c) in any other case, 196 days before the first claim day; and, in any case, ending not later than the day on which that person, if a woman, attains the age of 65 or, if a man, attains the age of 70.

In this paragraph "the first claim day" means the first day in respect of which the person concerned has made the claim in question for a severe disablement allowance"; and

(c) after paragraph 5 there shall be inserted the following paragraph—

“5A Paragraph 5 above shall not apply in relation to an assessment of any person's disablement for the purposes of section 36 but—

(a) any such assessment shall state the degree of disablement in the form of a percentage and shall specify the period taken into account by the assessment; and

(b) for the purposes of any such assessment—

(i) a percentage which is not a whole number shall be rounded to the nearest whole number or if it falls equally near two whole numbers shall be rounded up to the higher; and

(ii) a percentage between 5 and 100 which is not a multiple of 10 shall be treated, if it is a multiple of 5, as being the next higher percentage which is a multiple of 10 and, in any other case, as being the nearest percentage which is a multiple of 10 ; and

(c) if on the assessment the person's disablement is found to be less than 5 per cent. that degree of disablement shall for the purposes of section 36 be disregarded and, accordingly, the assessment shall state that he is not disabled.”.

11 In Schedule 20 to that Act—

(a) the following entry shall be inserted after the entry relating to " Long-term benefit " —

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““ Loss of physical faculty ”.

Includes disfigurement whether or not accompanied by any actual loss of faculty.”;

and

- (b) at the end of the entry relating to " relevant loss of faculty " there shall be added the words " or, in a case within section 36, the loss of faculty which results in disablement ".

#### *Child Benefit Act 1975 (c.61)*

- 12 In section 17(5) and (6) of the Child Benefit Act 1975, after the words " non-contributory invalidity pension " there shall be inserted the words " or severe disablement allowance ".
- 13 In paragraph 5 of Schedule 1 to that Act, for the words " non-contributory invalidity pension " there shall be substituted the words " severe disablement allowance ".

#### *Pensioners' Payments and Social Security Act 1979 (c. 48)*

- 14 In section 2(1)(a) of the Pensioners' Payments and Social Security Act 1979, the following sub-paragraph shall be substituted for sub-paragraph (iv)—  
 “(iv) a severe disablement allowance ;”.

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

- 15 In the Social Security and Housing Benefits Act 1982—  
 (a) the following paragraph shall be substituted for section 18(1)(e)—  
 “(e) a severe disablement allowance.”; and  
 (b) in paragraph 5(1)(a) of Schedule 1, after the words "in validity pension" there shall be inserted the words " or a severe disablement allowance ".

## PART II

### TRANSITIONAL

- 16 Without prejudice to the generality of section 27 above, different days may be appointed under that section for the purposes—  
 (a) of section 11 above ; and  
 (b) of this Schedule,  
 in relation to persons of different ages, but where different days are so appointed, no person shall be entitled to non-contributory invalidity pension in respect of any day on or after the first such day.
- 17 Without prejudice to the generality of section 28 above, regulations under that section may include provision for any person who, immediately before the day appointed under section 27 above for the purposes of section 11 above or, if more than one such day is appointed, the first such day, is entitled to non-contributory invalidity pension to be entitled for that day and subsequent days to a severe disablement allowance, whether or not—

- (a) he is disabled within the meaning of section 36(5) of the Social Security Act 1975 (as substituted by section 11 above); or
- (b) where more than one such day is appointed, the first day so appointed was appointed in relation to persons of his age.

## SCHEDULE 5

Section 13.

### DEPENDENT CHILDREN

- 1 The Social Security Act 1975 and the Industrial Injuries and Diseases (Old Cases) Act 1975 shall have effect subject to the amendments specified in the following paragraphs of this Schedule.
- 2 In section 12(1) of the Social Security Act 1975 (description of contributory benefits)—
  - (a) in paragraphs (a) and (b), after the word " and " there shall be inserted the words " , where the beneficiary is over pensionable age, " ; and
  - (b) in paragraph (d), the words "and child" shall cease to have effect.
- 3 In section 41 of that Act (increases in benefits payable in respect of dependent children)—
  - (a) in subsection (2)(a) and (b), after the word " benefit" there shall be added the words " where the beneficiary is over pensionable age " ;
  - (b) subsections (2)(d) and (3) shall cease to have effect; and
  - (c) the following subsections shall be inserted after subsection (2)—
    - “(2A) Where—
      - (a) a beneficiary is one of two persons who are—
        - (i) spouses residing together ; or
        - (ii) an unmarried couple ; and
      - (b) the other person had earnings in any week,  
the beneficiary's right to payment of increases for the following week under subsection (1) above shall be determined in accordance with subsection (2B) below.
    - (2B) No such increase shall be payable—
      - (a) in respect of the first child where the earnings were £80 or more ; and
      - (b) in respect of a further child for each complete £10 by which the earnings exceeded £80.
    - (2C) The Secretary of State may by order substitute larger amounts for the amounts for the time being specified in subsection (2B) above.
    - (2D) In this section—
      - " unmarried couple" means a man and a woman who are not married to each other but are living together as husband and wife ; and
      - " week " means such period of 7 days as may be prescribed by regulations made for the purposes of this section”.

- 4 In section 64 of that Act (increases in disablement pension payable in respect of dependent children) the following subsections shall be inserted after subsection (1)

“(1A) Where—

(a) a beneficiary is one of two persons who are—

(i) spouses residing together ; or

(ii) an unmarried couple ; and

(b) the other person had earnings in any week,

the beneficiary's right to payment of increases for the following week under this section shall be determined in accordance with subsection (1B) below.

(1B) No such increase shall be payable—

(a) in respect of the first child where the earnings were £80 or more ; and

(b) in respect of a further child for each complete £10 by which the earnings exceeded £80.

(1C) The Secretary of State may by order substitute larger amounts for the amounts for the time being specified in subsection (1B) above.

(1D) In this section " week " means such period of 7 days as may be prescribed by regulations made for the purposes of this section.”.

- 5 The following section shall be substituted for section 70 of that Act—

**“70 Children of deceased's family.**

(1) Subject to Schedule 9 (limits on benefit payable on death), where at his death, the deceased was entitled to child benefit in respect of a child or children, then, for any period for which—

(a) the widow of the deceased is entitled—

(i) to death benefit (other than a gratuity) under sections 67 and 68 of this Act; and

(ii) to child benefit in respect of that child or one or more of those children ; or

(b) such other person as may be prescribed is entitled to child benefit in respect of that child or one or more of those children;

the widow or, as the case may be, the person so prescribed shall be entitled in respect of that child, or in respect of each respectively of those children, to death benefit by way of an allowance at the weekly rate specified in Schedule 4, Part V, paragraph 15.

(2) Section 65(1) and (2) of this Act apply in relation to an allowance under this section as they apply in relation to an increase of benefit under section 64.”.

- 6 The following paragraph shall be substituted for paragraph 15 of Part V of Schedule 4 to that Act—

“15. Weekly rate of allowance under section 70 in respect of children.

In respect of each qualifying child ...  
£7.60”

- 7 In Schedule 20 to that Act—

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- (a) in the definition of " week ", for the words " and 45(3)" there shall be substituted the words " 41, 45(3) and 64 "; and
- (b) after the definition of " unemployability supplement" there shall be inserted the following definition—  
    “" Unmarried couple " See section 41”.

8 In the Industrial Injuries and Diseases (Old Cases) Act 1975—

- (a) the following paragraph shall be substituted for section 7(3)(c)—  
    “(c) where the person is entitled to child benefit in respect of a child or children, and is in receipt of an allowance which comprises such an increase as is mentioned in paragraph (a) above, by an amount equal to any increase which would be payable under section 64 of that Act in respect of that child or those children if he were entitled to disablement pension plus unemployability supplement;”;  
    and
- (b) the following subsection shall be substituted for section 7(4)—  
    “(4) Where under this section an allowance comprises such an increase as is mentioned in paragraph (a) of subsection (3) above, that subsection shall have effect as if for paragraph (d) there were substituted the following paragraph—  
        “(d) where the person is treated under the provisions of the scheme as residing with his wife or contributing at a weekly rate of not less than the relevant amount towards her maintenance, by the relevant amount (that is to say an amount equal to any increase which would be payable under section 66 of that Act in respect of her if he were entitled to disablement pension plus unemployability supplement).”.”.

## SCHEDULE 6

Section 20.

### PROTECTION OF PENSIONS

The following provisions shall be inserted after section 41 of the Social Security Pensions Act 1975—

#### *“Protection of pensions*

#### **41A Earners' pensions.**

- (1) If—
  - (a) there is an interval between—
    - (i) the date on which an earner ceases to be in employment which is contracted-out by reference to an occupational pension scheme ("the termination of employment date "); and
    - (ii) the date on which his guaranteed minimum pension under that scheme commences ("the commencement of payment date ");

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- (b) the relevant sum exceeds his guaranteed minimum on the day after the termination of employment date ; and
- (c) on the commencement of payment date or at any time thereafter his guaranteed minimum pension under the scheme exceeds the amount of his guaranteed minimum under it on the day after the termination of employment date,

the weekly rate on the commencement of payment date and at any time thereafter of the pension payable to him under the scheme shall be an amount not less than the aggregate of the following—

- (i) the relevant sum ;
- (ii) the excess mentioned in paragraph (c) above ; and
- (iii) any amount which is an appropriate addition at that time.

(2) In subsection (1) above " appropriate addition " means—

- (a) where a scheme provides that part of an earner's pension shall accrue after the termination of employment date by reason of employment after that date, an amount equal to the part which has so accrued ; and
- (b) where a scheme provides that an earner's pension which has accrued before that date shall be enhanced after it if payment of the pension is postponed, the amount by which the excess of the pension on the day after the termination of employment date over the earner's guaranteed minimum on the day after the termination of employment date has been enhanced by reason of the postponement.

(3) Subject to subsections (6) to (8) below, in this section " the relevant sum " means—

- (a) if the earner reaches normal pension age on or before the termination of employment date, an amount equal to the weekly rate of his pension on the day after the termination of employment date ; and
- (b) if he reaches normal pension age after the termination of employment date, an amount equal to the weekly rate of—
  - (i) any short service benefit which has accrued to him on the termination of employment date ; or
  - (ii) where no short service benefit has then accrued to him, any other benefit to which this paragraph applies and which has then accrued to him.

(4) The benefit other than short service benefit to which subsection (3)(b) above applies is benefit—

- (a) which would have been provided as either the whole or part of the earner's short service benefit; or
- (b) of which the earner's short service benefit would have formed part, if paragraph 6(1) of Schedule 16 to the Social Security Act 1973 had effect with the substitution—
  - (i) in paragraph (a), of a reference to the earner's age on the termination of employment date (as defined in subsection (1)(a)(i) above) for the reference to the age of 26 ; and
  - (ii) in paragraph (b), of a reference to the service which the earner had on that date for the reference to 5 years' qualifying service.

(5) Any such benefit is only to be included in the relevant sum to the extent that it does not exceed the amount which the scheme would have had to provide as short service

benefit if paragraph 6(1) of Schedule 16 to the Social Security Act 1973 had effect as mentioned in subsection (4) above.

- (6) To the extent that amounts attributable to transfer credits have accrued by reason of any transfer before the commencement of this section they are to be disregarded for the purposes of subsection (1)(c) and (ii) above.
- (7) If any part of the earner's pension is postponed beyond the termination of employment date, the relevant sum is an amount equal to what would have been the weekly rate of his pension on the day after the termination of employment date if there had been no such postponement.
- (8) If—
  - (a) an earner's employment ceases to be contracted-out by reference to an occupational pension scheme but the scheme continues to apply to it; or
  - (b) an earner transfers from employment which is contracted-out by reference to an occupational pension scheme to employment to which the scheme applies but which is not contracted-out by reference to it,the amount of any short service or other benefit which has accrued to the earner shall be computed for the purposes of subsection (3)(b) above as it would be computed if he had ceased on the termination of employment date to be in employment to which the scheme applies.
- (9) An earner shall be treated for the purposes of this section as if benefit under a scheme had accrued to him—
  - (a) if—
    - (i) one of the events mentioned in subsection (8) above occurs before he has attained the age at which, if he had attained it, that benefit would have accrued to him; and
    - (ii) he continues to be in employment to which the scheme applies until he attains that age ; or
  - (b) if—
    - (i) one of those events occurs before he has a particular period of service ; and
    - (ii) that benefit would have accrued to him if he had that period ; and
    - (iii) he continues to be in employment to which the scheme applies until he has it.
- (10) Nothing in this section shall be construed as entitling an earner who has not reached normal pension age to any portion of a pension under a scheme to which he would not otherwise be entitled.
- (11) In this section, " short service benefit" is to be construed in accordance with Schedule 16 to the Social Security Act 1973.

#### **41B Widows' pensions.**

- (1) If—
  - (a) there is an interval between the earner's termination of employment date and whichever of the following is the earlier—
    - (i) the date of his death ;
    - (ii) his commencement of payment date ; and

- (b) the relevant sum exceeds one half of the earner's guaranteed minimum on the day after the termination of employment date ; and
- (c) at any time when a pension under the occupational pension scheme is required to be paid to his widow her guaranteed minimum pension under the scheme exceeds one half of his guaranteed minimum on the day after the termination of employment date,

the weekly rate of the pension to be paid to her at that time shall be an amount not less than the aggregate of the following—

- (i) the relevant sum ;
- (ii) the excess mentioned in paragraph (c) above ; and
- (iii) any amount which is an appropriate addition at that time.

(2) In subsection (1) above " appropriate addition " means—

- (a) where a scheme provides that part of a widow's pension shall accrue after the termination of employment date by reason of the earner's employment after that date, an amount equal to the part which has so accrued ; and
- (b) where a scheme provides that a widow's pension which has accrued before that date shall be enhanced after it if payment of the earner's pension is postponed, the amount by which the excess of the widow's pension on the day after the termination of employment date over one half of the earner's guaranteed minimum on the day after the termination of employment date has been enhanced by reason of the postponement.

(3) Subject to subsection (5) below, in this section "the relevant sum " means an amount equal to the weekly rate at which, on the assumption specified in subsection (4) below, a pension would have commenced to be paid to the widow if she had satisfied the conditions for entitlement to a pension which are specified in the scheme.

(4) The assumption mentioned in subsection (3) above is that the earner died on the day after the termination of employment date, and no other assumption which is contrary to the facts is to be made for the purpose of calculating the relevant sum in a particular case.

(5) To the extent that amounts attributable to transfer credits have accrued by reason of any transfer before the commencement of this section they are to be disregarded for the purposes of subsection (1)(c) and (ii) above.

#### **41C Provisions supplementary to sections 41A and 41B.**

(1) Subject to subsection (2) below, sections 41A and 41B above override any provision of a scheme to the extent that it conflicts with them.

(2) Sections 41A and 41B above do not override a protected provision of a scheme.

(3) In subsection (2) above " protected provision " means—

- (a) any provision contained in a scheme by virtue of—
  - (i) paragraph 9(2), 15(2), (3) or (4), 16(2), (3) or (4), 17(2) or 18 of Schedule 16 to the Social Security Act 1973 ; or
  - (ii) section 36(7), (8) or (9) or 39 above ; and
- (b) any provision of a scheme to the extent that it deals with priorities on a winding-up ; and
- (c) any provision of a scheme which is included in it for the purpose of effecting a transfer of rights or liabilities authorised by regulations under section 38(1) above.



- (4) In making any calculation for the purposes of section 41A or 41B above—
  - (a) any commutation, forfeiture or surrender of the whole or part of a pension ;
  - (b) any charge or lien on the whole or part of a pension ; and
  - (c) any set-off against the whole or part of a pension,shall be disregarded.
- (5) Any reference in section 41A or 41B above to the weekly rate of a pension is to be construed, in relation to a pension payable otherwise than weekly, as a reference to the weekly sum which would be payable in respect of a pension of that amount payable weekly.
- (6) Sections 41A and 41B above do not apply to a pension to which an earner or his widow is entitled in respect of employment if before the commencement of this section—
  - (a) he left the employment, or left it for the last time ; or
  - (b) the employment ceased, or ceased for the last time, to be contracted-out in relation to him.
- (7) The Secretary of State may by regulations direct that sections 41A and 41B above and this section shall have effect, in such cases as he may specify in the regulations, subject to such modifications as he may there specify.
- (8) In subsection (7) above " modification " includes, without prejudice to the generality of that subsection, addition, omission and amendment.

**41D Advice of Occupational Pensions Board on questions whether section 41A or 41B overrides provision of the schemes.**

The Occupational Pensions Board may at any time, and shall if requested by the trustees or managers of an occupational pension scheme, advise on any question whether or not any provision of section 41A or 41B above (including, without prejudice to section 20(2) of the Interpretation Act 1978, any such provision as modified by regulations under section 41C(7) above) does or does not override any provision of the scheme.

**41E Determination of questions whether schemes conform with sections 41A to 41C.**

- (1) On an application made to them in respect of an occupational pension scheme (other than a public service pension scheme) by persons competent to make such an application in respect of it, the Occupational Pensions Board shall issue a determination on any such question as is mentioned in section 41D above.
- (2) The persons competent to make an application under this section in respect of a scheme are—
  - (a) the trustees or managers of the scheme ;
  - (b) any person other than the trustees or managers who has power to alter any of the rules of the scheme ;
  - (c) any person who is an employer of persons in service in an employment to which the scheme applies ;
  - (d) any member or prospective member of the scheme ;
  - (e) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an

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application for the purposes of this section in respect of a scheme of that category.”.

## SCHEDULE 7

Section 21.

### MISCELLANEOUS SOCIAL SECURITY AMENDMENTS

#### *Social Security Act 1975 (c.14)*

- 1 In subsection (2) of section 48 of the Social Security Act 1975 (pension increases: supplementary provisions), " 45A " shall be inserted after " 45 ".
- 2 In Schedule 20 to that Act (glossary of expressions) the following definition shall be inserted after the definition of " The Old Cases Act " —

|   |  |
|---|--|
| <p>“" Payments by way of occupational pension "</p> | <p>Has the same meaning as in section 5 of the Social Security (No. 2) Act 1980.”.</p> |
|---|--|

#### *Social Security Pensions Act 1975 (c.60)*

- 3 In section 4(1) of the Social Security Pensions Act 1975 (exemption from liability to pay primary Class 1 contributions on earnings in respect of periods after pensionable age)—
  - (a) at the beginning there shall be inserted the words " Except as may be prescribed ", and
  - (b) the words " in respect of any period " shall cease to have effect
- 4 The following subsection shall be inserted after section 43(2) of that Act—
 

“(2A) For the purposes of this Act any period of an earner's service in an employment is linked qualifying service in relation to a later period of service (whether in the same or another employment) if—

  - (a) under the rules of a scheme applying to him in the earlier period of service there was made a transfer of his accrued rights under that scheme to another scheme applying to him in the later period of service ; and
  - (b) in consequence of that transfer, there are (or were) allowed to him transfer credits under the rules of that other scheme,

except that, for any service to be taken into account as linked qualifying service, it must be actual service and no regard shall be had to any scheme rule which provides for service to be treated for any purposes of benefit or otherwise as longer or shorter than it actually was.”
- 5 In section 66(1) of that Act (interpretation)—
  - (a) in the definition of " linked, qualifying service " for " 38(4) " there shall be substituted " 43(2A) "; and
  - (b) the following definition shall be substituted for the definition of " transfer credits " —
 

“" transfer credits" means rights allowed to an earner under the rules of an occupational pension scheme by reference to a transfer to that scheme of his accrued rights from another scheme.”.

*Social Security Act 1980 (c.30)*

- 6 In section 9(7) of the Social Security Act 1980 (definition of relevant enactments regulations under which are to be referred to the Social Security Advisory Committee) for the words " the Social Security Acts 1975 to 1979 ", in both places where they occur, there shall be substituted the words " the Social Security Acts 1975 to 1984. ".

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

- 7 In section 4(2) of the Social Security and Housing Benefits Act 1982 (qualifying days) for the words " as may be agreed " there shall be substituted the words " as may, subject to regulations, be agreed ".
- 8 The following section shall be inserted after section 23 of that Act—

**“23A Deductions from statutory sick pay.**

- (1) It is hereby declared for the avoidance of doubt that an agreement between an employer and an employee authorising any deductions from any statutory sick pay which the employer is liable to pay the employee in respect of any period shall not be void by reason only of section 1(2)(a) of this Act if the employer—
- (a) is authorised by that or another agreement to make the same deductions from any contractual remuneration which he is liable to pay in respect of the same period ; or
  - (b) would be so authorised if he were liable to pay contractual remuneration in respect of that period.
- (2) The Truck Act 1896 shall apply in relation to an agreement between an employer and a workman (within the meaning of that Act) for the deduction of any amount from statutory sick pay as it applies to a contract for any deduction from the sum contracted to be paid by an employer to a workman ; and, accordingly, any reference in that Act to such a contract shall include a reference to such an agreement and any reference to the sum contracted to be paid shall include a reference to a payment of statutory sick pay.”.

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

- 9 In Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 (social security adjudications)—
- (a) in sub-paragraph (1) of paragraph 31 (transitional regulations) for the words " and this Schedule " there shall be substituted the words " this Schedule and section 16 of the Health and Social Security Act 1984 "; and
  - (b) in sub-paragraph (3), for the words from " and this Schedule ", in the first place where they occur, to the end of the sub-paragraph there shall be substituted the words " this Schedule and section 16 of the Health and Social Security Act 1984 and before the expiry of the period of six months beginning with their commencement ".

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## SCHEDULE 8

Section 24.

## REPEALS

## PART I

## HEALTH

| Chapter                                  | Short Title                       | Extent of Repeal  |
|--|-----------------------------------|---|
| <a href="#">6 &amp; 7 Eliz. 2 c. 32.</a> | Opticians Act 1958.               | In section 13(3), the words from " and " onwards.   |
| <a href="#">1971 c. 62.</a>              | Tribunals and Inquiries Act 1971. | In Schedule 1, in paragraph 17(a) the words from " or established " to " 1980 ".  |
| <a href="#">1977 c. 49.</a>              | National Health Service Act 1977. | <p>In section 12(b), the words " or under section 2 of the Health Services Act 1980 ".</p> <p>In section 15, in subsection (1), the words from " This subsection " to the end and subsection (2).</p> <p>In section 19(1)(e), the words " and dispensing ".</p> <p>In section 39(c), the words " and the ophthalmic or dispensing optician who is to supply the appliances ".</p> <p>In section 44(1)(c), the words " and dispensing opticians ".</p> <p>In section 45(2) and (3), the words " with the Secretary of State's approval".</p> <p>Section 46(1)(e).</p> <p>In section 72(5)(a), the words " or dispensing ".</p> <p>In section 81(b), the words " or general ophthalmic services " and the words " or optical".</p> <p>In section 82(b), the words " or general ophthalmic services " and the words " or optical".</p> |

| Chapter | Short Title | Extent of Repeal   |
|---------|-------------|--|
|         |             | <p>In section 83(b), the words " or the general ophthalmic services ".</p> <p>In section 97(1)(a) and (c) and (2), the words " or further allotted ".</p> <p>In section 98(2), the second paragraph.</p> <p>In section 128(1), the definition of " dispensing optician ".</p> <p>In Schedule 5, in paragraph 1(2)(c), the words "and dispensing ", in paragraph 2(2)(a), the words " and dispensing ", in paragraph 6, as originally enacted, sub-paragraph (1)(g) and in sub-paragraph (3)(a), the words " or, as the case may be, a dispensing", in paragraph 6, as substituted by paragraph 12 of Schedule 3 above, sub-paragraph (3)(e), sub-paragraph (5)(iv) and sub-paragraph (8), in paragraph 9, in sub-paragraph (1), the words " other than a Family Practitioner Committee " and in sub-paragraphs (2) and (3), the words " other than such a Committee" and in paragraph 10, the words " other than a Family Practitioner Committee ".</p> <p>In Schedule 9, paragraph 4(e).</p> <p>In Schedule 12, in paragraph 2(1), the words from " In this sub-paragraph" to the end, in paragraph 2, sub-paragraph (2)(iii), sub-paragraph (5), in sub-paragraph (6), the words " or sub-paragraph (5) " and in sub-paragraph (7), the words " and (5)", in paragraph (a), the words " or to an optical</p> |

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| Chapter     | Short Title                                  | Extent of Repeal   |
|-------------|--|--|
| 1978 c. 29. | National Health Service (Scotland) Act 1978. | <p>appliance supplied under this Act", the words " or testing of sight " and the words " or testing" and in sub-paragraph (8), the words " or lenses" and in paragraph 5, the words " or optical".</p> <p>In section 9(1)(e), the words " and dispensing ".</p> <p>In section 26, subsection (1) (b) and the word " and " immediately preceding it and in subsection (2)(c), the words " and the ophthalmic or dispensing optician who is to supply the appliances ".</p> <p>In section 29(1), paragraph (e).</p> <p>In section 64(5)(a), the words " or dispensing ".</p> <p>In section 73(b), the words " or general ophthalmic services " and the words " or optical ".</p> <p>In section 74(b), the words " or general ophthalmic services " and the words " or optical ".</p> <p>In section 75(b), the words " or the general ophthalmic services ".</p> <p>In section 85(1), the words " or further allotted ".</p> <p>In section 108(1), the definition of " dispensing optician ".</p> <p>In Schedule 8, paragraph 5(e).</p> <p>In Schedule 11, in paragraph 2, sub-paragraph (2)(iii), sub-paragraph (5), in sub-paragraph (6), the words " or sub-paragraph (5)" and in sub-paragraph (8), the words " or lenses ", and in</p> |

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| Chapter                     | Short Title               | Extent of Repeal  |
|-----------------------------|---------------------------|---|
| <a href="#">1980 c. 53.</a> | Health Services Act 1980. | <p>paragraph 5, the words " or optical "</p> <p>In section 1, in subsection (6) the words " Subject to section 2 below ".</p> <p>Section 2.</p> <p>Section 18.</p> <p>In Schedule 1, paragraph 30, in paragraph 35, the words from " and in subsection (2) " to the end, paragraph 37, paragraphs 56 and 57, in paragraph 69, sub-paragraph (b) and the word " and" immediately preceding it, paragraph 77(b), paragraph 79, paragraph 82(2) and (3), and paragraphs 87 to 99.</p> <p>In Schedule 5, paragraph 2(2) and (4) and paragraph 6(2) and (4).</p> |

## PART II

### SOCIAL SECURITY

| Chapter                     | Short Title                        | Extent of Repeal  |
|-----------------------------|------------------------------------|---|
| <a href="#">1975 c. 14.</a> | Social Security Act 1975.          | <p>In section 12(1)(d), the words " and child ".</p> <p>Section 41(2)(d) and (3).</p> <p>Section 57(2).</p> <p>In Schedule 4, Part IV, in paragraph 1(a) and (c) and in paragraph 3, the entries relating to increases for qualifying children.</p> |
| <a href="#">1975 c. 60.</a> | Social Security Pensions Act 1975. | <p>In section 4(1), the words " in respect of any period ".</p> <p>In section 38, in subsection (3), the definition of " transfer credits " and subsection (4).</p>   |
| <a href="#">1975 c. 61.</a> | Child Benefit Act 1975.            | In Schedule 4, paragraph 25.  |

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| Chapter                     | Short Title  | Extent of Repeal                         |
|-----------------------------|--|--|
| <a href="#">1977 c. 5.</a>  | Social Security (Miscellaneous Provisions) Act 1977. | In section 22(2), the words "36(2)(b) ". |
| <a href="#">1980 c. 30.</a> | Social Security Act 1980.                            | Section 3(5).                            |
| <a href="#">1982 c. 24.</a> | Social Security and Housing Benefits Act 1982.       | In Schedule 4, paragraph 18(4).          |