



Social Security Act 1986

1986 CHAPTER 50

PART VII

MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

Miscellaneous

66 Pensioners' Christmas bonus

Schedule 6 to this Act (which makes provision relating to payments for pensioners) shall have effect.

67 Rates of payments of statutory sick pay and provisions as to recovery

(1) The following subsections shall be inserted after subsection (1) of section 7 of the Social Security and Housing Benefits Act 1982 (rate of payment of statutory sick pay)

—
“(1A) The Secretary of State may by regulations—

- (a) substitute alternative provisions for subsection (1)(a) to (c) above ;
and
- (b) make such consequential amendments of any provision contained in this Act as appear to him to be required.

(1B) A statutory instrument containing (whether alone or with other provisions) regulations under subsection (1A) above shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.”.

(2) The following paragraph shall be substituted for subsection (1A)(a) of section 9 of that Act (recovery by employers of amounts paid by way of statutory sick pay)—

- “(a) giving any employer who has made a payment of statutory sick pay a right, except in prescribed circumstances, to an amount, determined in such manner as may be prescribed—

Status: This is the original version (as it was originally enacted).

- (i) by reference to secondary Class 1 contributions paid in respect of statutory sick pay; or
- (ii) by reference to the aggregate of secondary Class 1 contributions so paid and secondary Class 1 contributions paid in respect of statutory maternity pay;”.

68 Liability of Secretary of State to pay statutory sick pay in prescribed circumstances

The following subsections shall be added at the end of section 1 of the Social Security and Housing Benefits Act 1982—

- “(5) Circumstances may be prescribed in which, notwithstanding the foregoing provisions of this section, the liability to make payments of statutory sick pay is to be a liability of the Secretary of State.
- (6) Any sums paid under regulations made by virtue of subsection (5) above shall be paid out of the National Insurance Fund.”.

69 Repeal of section 92 of Social Security Act 1975

Section 92 of the Social Security Act 1975 (which relates to arrangements to forgo benefit in return for unabated sick pay) shall cease to have effect.

70 Child benefit in respect of children educated otherwise than at educational establishments

- (1) In section 2 of the Child Benefit Act 1975 (meaning of " child ")—
 - (a) in paragraph (b) of subsection (1), for the words " by attendance at a recognised educational establishment" there shall be substituted the words " either by attendance at a recognised educational establishment or, if the education is recognised by the Secretary of State, elsewhere " ; and
 - (b) the following subsections shall be inserted after that subsection—
 - “(1A) The Secretary of State may recognise education provided otherwise than at a recognised educational establishment for a person who, in the opinion of the Secretary of State, could reasonably be expected to attend such an establishment only if the Secretary of State is satisfied that education was being so provided for that person immediately before he attained the age of sixteen.
 - (1B) Regulations may prescribe the circumstances in which education is or is not to be treated for the purposes of this Act as full-time.”.
- (2) Regulations purporting to be made under section 24(1) of that Act and made before the passing of this Act shall be treated as validly made.

71 Entitlement to mobility allowance-general

- (1) In paragraph (a) of section 37A(2) of the Social Security Act 1975 (duration of inability or virtual inability to walk for the purposes of entitlement to mobility allowance) for the words " time when a claim for the allowance is received by the Secretary of State " there shall be substituted the words " relevant date ".

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

- (2) The following subsections shall be inserted after that subsection—
- “(2A) Subject to subsection (2B) below, in subsection (2)(a) above " the relevant date " means the date on which the claimant's inability or virtual inability to walk commenced or the date on which his claim was received or treated as received by the Secretary of State, whichever is the later.
- (2B) Where—
- (a) a claimant is awarded an allowance for a period; and
 - (b) he subsequently claims an allowance for a further period,
- the relevant date is the first date not earlier than the end of the period for which the allowance was awarded on which the claimant was unable or virtually unable to walk.
- (2C) Regulations may make provision—
- (a) for permitting an award on a claim for a mobility allowance to be made either as from the date on which the claim is received or treated as received by the Secretary of State or for a period beginning after that date subject to the condition that the person in respect of whom the claim is made satisfies the prescribed requirements for entitlement when benefit becomes payable under the award;
 - (b) for the review of any such award if those requirements are found not to have been satisfied.”.

(3) Section 37A(7) (under which, except so far as may be provided by regulations, the question of a person's entitlement to a mobility allowance falls to be determined as at the time when a claim for the allowance is received by the Secretary of State) shall cease to have effect.

(4) Where—

 - (a) it has been determined that a person was entitled to mobility allowance; and
 - (b) the claim should have been determined as at the date when it was received by the Secretary of State, but was determined as at a later date, the fact that the claim was determined as at that date shall not invalidate the determination.

(5) Where the Secretary of State has made a payment to a person who has claimed mobility allowance on the ground that, if the person's claim had been received by the Secretary of State at a date later than that on which it was in fact received, the person would have been entitled to mobility allowance—

 - (a) the payment shall be treated as a payment of mobility allowance; and
 - (b) the person shall be treated as having been entitled to mobility allowance for the period in respect of which the payment was made.

72 Entitlement of certain women to mobility allowance

In relation to women born after 6th June 1918 but before 21st December 1919 sections 22 and 65(1) of the Social Security Pensions Act 1975, paragraphs 47, 49 and 51 to 53 of Schedule 4 to that Act and section 3(3) of the Social Security Act 1979 shall be deemed to have come into force—

- (a) for the purposes of the making of claims for, and the determination of claims and questions relating to, mobility allowance, on 29th March 1979 ; and
- (b) for all other purposes, on 6th June 1979.

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

73 Application of provisions of Act to supplementary benefit etc.

Schedule 7 to this Act shall have effect for the purpose of making provision in relation to the benefits there mentioned.

74 National Insurance contributions

(1) The subsection set out in subsection (2) below shall be inserted in the Social Security Act 1975—

- (a) in section 4 (Class 1 contributions) after subsection (6H), as subsection (6HH) ; and
- (b) in section 123A (further power to alter certain contributions) after subsection (6), as subsection (6A).

(2) The subsection is—

“Where the Secretary of State lays before Parliament a draft of an order under this section he shall lay with it a copy of a report by the Government Actuary on the effect which, in the Actuary's opinion, the making of such an order may be expected to have on the National Insurance Fund.”.

(3) In section 134 of that Act (appropriate employment protection allocation) the following subsections shall be inserted after subsection (5)—

“(5A) Without prejudice to section 122(3) and (4) above, the Secretary of State may, with the consent of the Treasury, by order amend this section, in relation to any tax year beginning after the tax year 1986-87—

- (a) by substituting a different percentage for the percentage for the time being specified in paragraph (i) or (ii) of subsection (4) above or for each of the percentages specified in those paragraphs ;
- (b) by directing that there shall be no appropriate employment protection allocation; or
- (c) by directing that there shall be an appropriate employment protection allocation only in the case of primary Class 1 contributions or only in the case of secondary Class 1 contributions.

(5B) At any time when an order under subsection (5A) above containing a direction under paragraph (b) of that subsection is in force, the Secretary of State may, with the consent of the Treasury, by order direct that there shall be an appropriate employment protection allocation of such percentage in the case of primary Class 1 contributions or secondary Class 1 contributions, or both, as may be specified in the order.

(5C) At any time when an order under subsection (5A) above containing a direction under paragraph (c) of that subsection is in force, the Secretary of State may, with the consent of the Treasury, by order direct that there shall be an appropriate employment protection allocation of such percentage as may be specified in the order in the case of the description of contributions in whose case there is, by virtue of the direction, no such allocation.

(5D) Any percentage specified as an allocation by an order under subsection (5B) or (5C) above shall be deemed to be inserted at the appropriate place in subsection (4) above and an order under subsection (5A)(a) above may accordingly be made in respect of it.”.

- (4) In section 167(1)(b) of that Act (orders subject to affirmative procedure) after " 134 (4A) " there shall be inserted " (5A), (5B) or (5C) ".
- (5) The powers to prescribe equivalents of a limit or bracket under section 4 of and paragraph 1(1C) of Schedule 1 to that Act include power to prescribe an amount not more than £1.00 more than the amount which is the arithmetical equivalent of the limit or bracket
- (6) In section 1(2) of the Social Security Pensions Act 1975 (lower earnings limit) for " 49p " there shall be substituted " 99p ".

75 Earnings factors

The Social Security Acts 1975 and the Social Security (Miscellaneous Provisions) Act 1977 shall be amended in accordance with Schedule 8 to this Act in relation to earnings factors for the tax year in which this section comes into force and subsequent tax years.

76 Amendments relating to forfeiture of benefits

- (1) The Forfeiture Act 1982 shall be amended as follows.
- (2) The following subsections shall be inserted after subsection (1) of section 4 (Social Security Commissioner to determine whether forfeiture rule applies to social security benefits)—
 - “(1A) Where a Commissioner determines that the forfeiture rule has precluded a person (in this section referred to as " the offender ") who has unlawfully killed another from receiving the whole or part of any such benefit or advantage, the Commissioner may make a decision under this subsection modifying the effect of that rule and may do so whether the unlawful killing occurred before or after the coming into force of this subsection.
 - (1B) The Commissioner shall not make a decision under subsection (1A) above modifying the effect of the forfeiture rule in any case unless he is satisfied that, having regard to the conduct of the offender and of the deceased and to such other circumstances as appear to the Commissioner to be material, the justice of the case requires the effect of the rule to be so modified in that case.
 - (1C) Subject to subsection (1D) below, a decision under subsection (1A) above may modify the effect of the forfeiture rule in either or both of the following ways—
 - (a) so that it applies only in respect of a specified proportion of the benefit or advantage;
 - (b) so that it applies in respect of the benefit or advantage only for a specified period of time.
 - (1D) Such a decision may not modify the effect of the forfeiture rule so as to allow any person to receive the whole or any part of a benefit or advantage in respect of any period before the commencement of this subsection.
 - (1E) If the Commissioner thinks it expedient to do so, he may direct that his decision shall apply to any future claim for a benefit or advantage under a relevant enactment, on which a question such as is mentioned in subsection (1) above arises by reason of the same unlawful killing.

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- (1F) It is immaterial for the purposes of subsection (1E) above whether the claim is in respect of the same or a different benefit or advantage.
- (1G) For the purpose of obtaining a decision whether the forfeiture rule should be modified the Secretary of State may refer to a Commissioner for review any determination of a question such as is mentioned in subsection (1) above that was made before the commencement of subsections (1A) to (1F) above (whether by a Commissioner or not) and shall do so if the offender requests him to refer such a determination.
- (1H) Subsections (1A) to (1F) above shall have effect on a reference under subsection (1G) above as if in subsection (1A) the words " it has been determined " were substituted for the words " a Commissioner determines".
- (3) In subsection (2) of that section, after the words " that subsection " there shall be inserted the words " or any decision under subsection (1A) above".
- (4) In section 5 (exclusion of murderers) after the word " Act ", in the second place where it occurs, there shall be inserted the words " or in any decision made under section 4(1A) of this Act ".

77 Refreshments for school pupils

- (1) The words " and may do so either on the premises or at any place other than the school premises where education is being provided " shall be inserted—
 - (a) after "refreshment" in subsection (1)(a) of section 22 of the Education Act 1980; and
 - (b) after "management" in subsection (1)(a) of section 53 of the Education (Scotland) Act 1980.
- (2) The following subsections shall be substituted for subsections (2) and (3) of each of those sections—
 - “(2) Subject to subsection (3) below, an authority must charge for anything provided by them under subsection (1)(a) above and must charge every pupil the same price for the same quantity of the same item.
 - (3) In relation to a pupil whose parents are in receipt of income support or who is himself in receipt of it an authority shall so exercise the power conferred by subsection (1)(a) above as to ensure that such provision is made for him in the middle of the day as appears to the authority to be requisite and shall make that provision for him free of charge.”.

78 Travelling expenses

The Secretary of State may pay such travelling expenses as, with the consent of the Treasury, he may determine—

- (a) to persons required by him to attend an interview in connection with the operation of any of the benefit Acts;
- (b) to persons attending local offices in connection with the operation—
 - (i) of any of those Acts; or
 - (ii) of any prescribed enactment.