

SCHEDULES

SCHEDULE 10

MINOR AND CONSEQUENTIAL AMENDMENTS

PART V

COMMON PROVISIONS

Social Security Act 1973 (c. 38)

- 82 In section 68(1) of the Social Security Act 1973 (submission to Occupational Pensions Board of proposals to make regulations) for the word " Where " there shall be substituted the words "Subject to section 61 of the Social Security Act 1986, where ".

Social Security Act 1975 (c. 14)

- 83 In subsection (6)(aa) of section 14 of the Social Security Act 1975 (unemployment benefit and sickness benefit) and in subsection (4)(aa) of section 15 of that Act (invalidity pension) for the words " 126A of this Act" there shall be substituted the words "63(1)(d) of the Social Security Act 1986 ".
- 84 In subsection (1) of section 28 of that Act (Category A retirement pension) the words from " (subject" to " rule)) " shall be omitted.
- 85 The following subsection shall be substituted for subsection (3) of section 90 of that Act (obligations of claimant)—
- “(3) The regulations relevant under subsection (2) above are—
- (a) those made by virtue of the following provisions of this Chapter, namely—
 - (i) section 88(a), and
 - (ii) section 89(1) and (2); and
 - (b) those made by virtue of section 51(1)(h), (k) and (l) of the Social Security Act 1986.”.

- 86 In section 141(2) (reference of proposals to make regulations to Industrial Injuries Advisory Council) for the word " Where" there shall be substituted the words "Subject to section 61 of the Social Security Act 1986, where ".

- 87 The following section shall be substituted for section 165A of that Act—

Status: This is the original version (as it was originally enacted).

“165A General provision as to necessity of claim for entitlement to benefit.

- (1) Except in such cases as may be prescribed, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—
- (a) he makes a claim for it in the prescribed manner and within the prescribed time; or
 - (b) by virtue of regulations made under section 51 of the Social Security Act 1986 he is treated as making a claim for it.
- (2) Where under subsection (1) above a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it—
- (a) if the benefit is a widow's payment, she shall not be entitled to it in respect of a death occurring more than twelve months before the date on which the claim is made or treated as made ; and
 - (b) if the benefit is any other benefit, except disablement benefit or reduced earnings allowance, the person shall not be entitled to it in respect of any period more than twelve months before that date.”.

88 The words ", reduced earnings allowance " shall be inserted in section 165A(3)(c), as originally enacted, after the words "disablement benefit ".

89 In section 167(3) of that Act (parliamentary procedure) for the words ", 123A or 126A or an up-rating order" there shall be substituted the words "or 123A ".

90 In paragraph 8 of Schedule 16 (exemption in respect of up-rating regulations from requirements to consult Industrial Injuries Advisory Council) for the words from " one or more " to the end there shall be substituted the words " one or more of the following provisions—

- (a) section 120 and 122 of this Act; and
- (b) section 63 of the Social Security Act 1986."

Social Security Pensions Act 1975 (c. 60)

91 In section 23 of the Social Security Pensions Act 1975 (increase of long-term benefits)—

- (a) in subsections (2) and (3), for the words " the said section 124 " there shall be substituted the words "section 63 of the Social Security Act 1986 ";
- (b) in subsection (2), for the words " subsection (1)(b) above " there shall be substituted the words "section 63(1)(b) of that Act ";
- (c) in subsection (3), for the words "subsection (1)(c) or (d) above" there shall be substituted the words "section 63(1)(c) or (d) of that Act ".

92 In section 24(1)(a) of that Act (graduated retirement benefit) for the words " 124 to 126 of the principal Act" there shall be substituted the words "sections 63 and 64 of the Social Security Act 1986 ".

93 In subsection (1) of section 59 of that Act (official pension) for the words " that section " there shall be substituted the words "section 63 of the Social Security Act 1986 ".

94 In section 61(2) of that Act (consultation about regulations)—

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

- (a) for the word " Where " there shall be substituted the words "Subject to section 61 of the Social Security Act 1986, where "; and
- (b) after the words " of this Act" there shall be inserted the words "or of Part I of the Social Security Act 1986 ".

95 In Schedule 1 to that Act (deferred retirement)—

- (a) in paragraphs 2(5) and 4(3)(b), for the words " 124 of the principal Act" there shall be substituted the words "63 of the Social Security Act 1986 "; and
- (b) in paragraph 4A(3)(a), for the words " 126A of the principal Act" there shall be substituted the words "63(1)(d) of the Social Security Act 1986 ".

Child Benefit Act 1975 (c. 61)

96 At the end of subsection (1) of section 6 of the Child Benefit Act 1975 (child benefit claims and payments) there shall be added the words "and within the prescribed time ".

97 In paragraph 1 of Schedule 3 to that Act (increases in rate of benefit), after the word " Act" there shall be inserted the words "or section 63 of the Social Security Act 1986 ".

Social Security Act 1980 (c. 30)

98 In section 10 of the Social Security Act 1980 (consultation with Social Security Advisory Committee on proposals for regulations)—

- (a) in subsection (1), after the word " subsection " there shall be inserted the words "and to section 61 of the Social Security Act 1986 "; and
- (b) in subsection (9), after the word " section " there shall be inserted the words "or section 61 of the Social Security Act 1986 ".

99 In paragraph 12(2) of Schedule 3 to that Act (regulations not requiring submission to Social Security Advisory Committee) for the words from " sections of " to the end there shall be substituted the words " provisions—

- (a) section 120, 122 or 123A of the principal Act;
- (b) section 63 of the Social Security Act 1986,

or contained in a statutory rule which states that it contains only provisions in consequence of an order under section 120 of the Social Security (Northern Ireland) Act 1975 or any enactment applying in Northern Ireland and corresponding to section 63 of the Social Security Act 1986."

Social Security Act 1985 (c. 53)

100 In section 9(9) of the Social Security Act 1985 (abatement of invalidity allowance) for the words " sections 124 and 126A of the Social Security Act 1975" there shall be substituted the words "section 63 of the Social Security Act 1986 ".