

SCHEDULES

SCHEDULE 6

Section 21(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Orders increasing contributions

- 1 (1) In subsection (6K) of section 4 of the principal Act (certain orders relating to contributions to be subject to the effect of subsequent orders under that section) after the word “under” there shall be inserted the words “Part IV of this Act or”.
- (2) The words “section 4 above or this Part of this Act” shall be substituted—
- (a) in section 121(3) of the principal Act, for the words “that section or section 122 below”;
 - (b) in section 123(3) of that Act, for the words “that section or under section 120 above”; and
 - (c) in section 123A(8) of that Act, for the words “this section”.

Contributions of registered dock workers

- 2 (1) In section 4(7) of the principal Act (reduced contributions for certain persons) the reference to section 145 of the Employment Protection (Consolidation) Act 1978 (which related to registered dock workers and which was repealed by Recovery from damages etc of sums equivalent to benefit: further provision.
- 7 The enactments specified in Schedule 1 to this Act shall have effect with the amendments specified in that Schedule.

Liability to maintain dependants

- 8 (1) After section 24 of the 1986 Act (recovery of expenditure on benefit from person liable for maintenance) there shall be inserted—

“24A Recovery of expenditure on income support: additional amounts and transfer of orders

- (1) In any case where—
- (a) the claim for income support referred to in subsection (1) of section 24 above is or was made by the parent of one or more children in respect of both himself and those children, and
 - (b) the other parent is liable to maintain those children but, by virtue of not being the claimant’s husband or wife, is not liable to maintain the claimant,

the sum which the court may order that other parent to pay under subsection (4) of that section may include an amount, determined in accordance with regulations, in respect of any income support paid to or for the claimant by virtue of such provisions as may be prescribed.

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- (2) Where the sum which a court orders a person to pay under section 24(4) above includes by virtue of subsection (1) above an amount (in this section referred to as a “personal allowance element”) in respect of income support by virtue of paragraph 1(2) of Schedule 2 to the Income Support (General) Regulations the Dock Work Act 1989 as from 3rd July 1989) shall be omitted.”
- (2) Notwithstanding the repeal of section 145 of the said Act of 1978 or of the reference to it in section 4(7) of the principal Act, regulation 133 of the Contributions Regulations (reduced rate of contributions for registered dock workers) shall continue to have effect, and be taken to have continued to have had effect at all times on and after 3rd July 1989, in relation to earnings paid or treated as paid before 6th April 1988 as it had effect by virtue of regulation 4 of the 1988 Regulations (which continues in force accordingly).
- (3) Nothing in this paragraph shall be taken to have prejudiced any power to amend or revoke the regulations to which it refers.
- (4) In this paragraph—
 “the Contributions Regulations” means the Social Security (Contributions) Regulations 1979; and
 “the 1988 Regulations” means the Social Security (Contributions) Amendment Regulations 1988.

Restriction on dependency increases

- 3 (1) In section 33 of the principal Act, in subsection (3) (which requires benefit payable by virtue of that section where the contribution conditions are only partially satisfied to be paid at a reduced rate) after the words “conditions are satisfied” there shall be inserted the words “(and may be nil)”.
- (2) In section 47A of that Act (rate of adult dependency increases to be determined in accordance with regulations in certain cases where the associated retirement pension is attributable to reduced contributions) after the words “pension is determined” there shall be inserted “(a)” and at the end of that section there shall be added the words “and
- (b) the regulations shall not provide for any such increase in a case where the retirement pension by reference to which the rate of the said benefit or invalidity pension is determined—
- (i) would have been payable only by virtue of section 33 above; and
- (ii) would, in consequence of a failure to satisfy a contribution condition, have contained no basic pension.”
- (3) In section 8 of the Social Security (Miscellaneous Provisions) Act 1977, in subsection (1) (which precludes any increase on account of a child in the amount of certain pensions payable by virtue of section 33(2) of the principal Act where a contribution condition is not satisfied) after the words “on account of a child” there shall be inserted the words “or an adult, or under section 28(7) of the principal Act (invalidity).”.
- (4) In subsection (2) of that section (which contains a similar restriction in relation to unemployment or sickness benefit where entitlement to a retirement pension would

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have arisen only by virtue of section 33) after the words “on account of a child” there shall be added the words “or an adult or under section 28(7) of the principal Act (invalidity).”

Regulations relating to industrial injuries and diseases

- 4 (1) In section 76 of the principal Act, after subsection (4) (power to make regulations for determining, among other things, the time at which a person is to be treated as having developed a prescribed injury or disease) there shall be inserted—

“(4A) Notwithstanding any other provision of this Act, the power conferred by subsection (4)(a) above includes power to provide that the time at which a person shall be treated as having developed a prescribed disease or injury shall be the date on which he first makes a claim which results in the payment of benefit by virtue of this Chapter in respect of that disease or injury.”

- (2) In section 77 of that Act, at the end of subsection (2) (power to modify provisions relating to disablement benefit and its administration) there shall be added the words—

“and for the purposes of this subsection the provisions of this Act which relate to the administration of disablement benefit or reduced earnings allowance shall be taken to include section 165A and any provision which relates to the administration of both the benefit in question and other benefits.”

- (3) Regulations 6(2)(c), 25 and 36 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (onset of occupational deafness and time for claiming in respect of occupational deafness or occupational asthma), and any former regulations which they directly or indirectly re-enact with or without amendment, shall be taken to be, and always to have been, validly made.

Certain officers in Northern Ireland to be eligible for appointment as adjudication officers for Great Britain

- 5 (1) In section 97 of the principal Act, in subsection (1) (appointment of adjudication officers) after the words “and may include” there shall be inserted “(a)” and at the end of that subsection there shall be added the words “or

(b) officers of the Northern Ireland Department appointed with the concurrence of that Department.”

- (2) In section 56 of the 1986 Act (legal proceedings) after subsection (4A) there shall be inserted—

“(4B) Any proceedings in respect of any act or omission of an adjudication officer which, apart from this subsection, would fall to be brought against a person appointed by virtue of section 97(1)(b) of the Social Security Act 1975 who is resident in Northern Ireland, other than proceedings for an offence, may instead be brought against the Chief Adjudication Officer; and, for the purposes of any proceedings so brought, the acts or omissions of the adjudication officer shall be treated as the acts or omissions of the Chief Adjudication Officer.”

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Adjudication

- 6 (1) In section 100 of the principal Act (appeal to social security appeal tribunal) there shall be added at the end—
- “(8) In any case where—
- (a) an adjudication officer has decided any claim or question under Chapter IV or V of Part II of this Act, and
- (b) the right to benefit under those Chapters of any person other than the claimant is or may be, under Schedule 9 to this Act, affected by that decision,
- that other person shall have the like right of appeal to a social security appeal tribunal as the claimant.
- (9) Subsection (2) above shall apply to a person with a right of appeal under subsection (7) or (8) above as it applies to a claimant.”
- (2) In section 101 of that Act, in subsection (2) (persons at whose instance an appeal lies from a social security appeal tribunal to a Commissioner on a point of law) the following paragraph shall be inserted after paragraph (b)—
- “(bb) in a case relating to industrial injuries benefit, a person whose right to benefit is or may be, under Schedule 9 to this Act, affected by the decision appealed against;”.
- (3) In subsection (3) of that section, in paragraph (c) (appeal at the instance of a trade union where the claimant was a member of the union) after the words “the claimant” there shall be inserted the words “or, in relation to industrial death benefit, the deceased”.
- (4) The amendments made by this paragraph shall be deemed to have come into force on the day on which paragraph 2 of Schedule 1 to the Social Security Act 1988 came into force.

Restrictions on entitlement to benefit in certain cases of error

- 7 (1) In section 104 of the principal Act (reviews), after the subsection (6) inserted by section 6(3) of this Act, there shall be inserted—
- “(7) Subsection (8) below applies in any case where—
- (a) on the determination, whenever made, of a Commissioner or the court (the “relevant determination”), a decision made by an adjudicating authority is or was found to have been erroneous in point of law, and
- (b) in consequence of that determination, any other decision—
- (i) which was made before the date of that determination, and
- (ii) which is referable to a claim made or treated as made by any person for any benefit,
- falls (or would, apart from subsection (8) below, fall) to be revised on a review carried out under subsection (1A) above after the coming into force of this subsection.
- (8) Where this subsection applies, any question arising on the review referred to in subsection (7)(b) above, or on any subsequent review of a decision which

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is referable to the same claim, as to any person's entitlement to, or right to payment of, any benefit—

- (a) in respect of any period before the date of the relevant determination, or
- (b) in the case of widow's payment, in respect of a death occurring before that date,

shall be determined as if the decision referred to in subsection (7)(a) above had been found by the Commissioner or court in question not to have been erroneous in point of law.

- (9) In determining whether a person is entitled to benefit in a case where his entitlement depends on his having been entitled to the same or some other benefit before attaining a particular age, subsection (8) above shall be disregarded for the purpose only of determining the question whether he was so entitled before attaining that age.

- (10) For the purposes of subsections (7) to (9) above—

- (a) "adjudicating authority" and "the court" have the same meaning as they have in section 165D below;
- (b) any reference to—
 - (i) a person's entitlement to benefit, or
 - (ii) a decision which is referable to a claim,

shall be construed in accordance with subsection (5) of that section; and

- (c) the date of the relevant determination shall, in prescribed cases, be determined in accordance with any regulations made under subsection (6) of that section."

- (2) After the section 165C of that Act inserted by section 6(2) of this Act there shall be inserted the following section—

"165D Restrictions on entitlement to benefit in certain cases of error

- (1) This section applies where—

- (a) on the determination, whenever made, of a Commissioner or the court (the "relevant determination"), a decision made by an adjudicating authority is or was found to have been erroneous in point of law; and
- (b) after both the coming into force of this section and the date of the relevant determination, a claim which falls, or which would apart from this section fall, to be decided in accordance with the relevant determination is made or treated under section 51B(1) of the Social Security Act 1986 as made by any person for any benefit.

- (2) Where this section applies, any question which arises on, or on the review of a decision which is referable to, the claim mentioned in subsection (1) (b) above and which relates to the entitlement of the claimant or any other person to any benefit—

- (a) in respect of a period before the relevant date, or
- (b) in the case of a widow's payment, in respect of a death occurring before that date,

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shall be determined as if the decision referred to in subsection (1)(a) above had been found by the Commissioner or court in question not to have been erroneous in point of law.

- (3) In determining whether a person is entitled to benefit in a case where—
- (a) his entitlement depends on his having been entitled to the same or some other benefit before attaining a particular age, and
 - (b) he attained that age—
 - (i) before both the date of the relevant determination and the date of the claim referred to in subsection (1)(b) above, but
 - (ii) not before the earliest day in respect of which benefit could, apart from this section, have been awarded on that claim,
 subsection (2) above shall be disregarded for the purpose only of determining the question whether he was entitled as mentioned in paragraph (a) above.
- (4) In this section—
- “adjudicating authority” means—
- (a) an adjudication officer, the Attendance Allowance Board, a social security appeal tribunal or a medical appeal tribunal;
 - (b) any of the following former bodies or officers, that is to say, the National Assistance Board, the Supplementary Benefits Commission, a benefit officer, an insurance officer or a supplement officer; or
 - (c) any of the officers who, or tribunals or other bodies which, in Northern Ireland correspond to those mentioned in paragraph (a) or (b) above;
- “the court” means the High Court, the Court of Appeal, the Court of Session, the High Court or Court of Appeal in Northern Ireland, the House of Lords or the Court of Justice of the European Community;
- “the relevant date” means whichever is the latest of—
- (a) the date on which the relevant determination was made;
 - (b) the date which falls twelve months before the date on which the claim referred to in subsection (1)(b) above is made or treated under section 51B(1) of the Social Security Act 1986 as made; and
 - (c) the earliest date in respect of which the claimant would, apart from this section, be entitled on that claim to the benefit in question.
- (5) For the purposes of this section—
- (a) any reference in this section to entitlement to benefit includes a reference to entitlement—
 - (i) to any increase in the rate of a benefit; or
 - (ii) to a benefit, or increase of benefit, at a particular rate; and
 - (b) any reference to a decision which is “referable to” a claim is a reference to—
 - (i) a decision on the claim,
 - (ii) a decision on a review of the decision on the claim, or

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(iii) a decision on a subsequent review of the decision on the review,

and so on.

(6) The date of the relevant determination shall, in prescribed cases, be determined for the purposes of this section in accordance with any regulations made for that purpose.”

(3) In paragraph 48 of Schedule 10 to the 1986 Act (which applies sections 87 and 165A(1) of the principal Act to income-related benefits) at the end of paragraph (b) there shall be inserted the words “and

(c) section 165D (restrictions on entitlement in certain cases of error)”.

Parliamentary control of regulations and orders

8 (1) In section 167 of the principal Act (Parliamentary control of orders and regulations) for subsections (2) to (4) there shall be substituted—

“(2) Subsection (1) above does not apply to a statutory instrument by reason only that it contains—

- (a) regulations under section 129 which the instrument states are made for the purpose of making provision consequential on the making of an order under section 4, 120, 122, 123A or 134;
- (b) regulations under powers conferred by any provision mentioned in paragraph (a) of that subsection which are to be made for the purpose of consolidating regulations to be revoked in the instrument;
- (c) regulations which, in so far as they are made under powers so conferred, only replace provisions of previous regulations with new provisions to the same effect.

(3) A statutory instrument—

- (a) which contains (whether alone or with other provisions) orders or regulations made under this Act by the Secretary of State, other than orders under section 30(6), 120 or 122, and
- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument—

- (a) which contains (whether alone or with other provisions) regulations made under this Act by the Lord Chancellor, and
- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(2) In section 62 of the Pensions Act, for subsections (1) and (2) there shall be substituted—

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- “(1) Section 167 of the principal Act shall have effect as if, in subsection (1) (statutory instruments requiring affirmative parliamentary procedure), there were included in paragraph (a) a reference to regulations made by virtue of section 3 above.
- (2) Subsection (3) of the said section 167 (statutory instruments subject to annulment) shall have effect as if in paragraph (a), after the words “other than” there were inserted the words “an order which, under any provision of the Pensions Act, is required to be laid before Parliament after being made or””.
- (3) In section 22 of the Child Benefit Act 1975, for subsections (3) to (5) there shall be substituted—
- “(3) Subject to subsection (4) below, a statutory instrument containing (whether alone or with other provisions) any regulations under section 5 or 17(1) above shall not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) Subsection (3) above does not apply to a statutory instrument by reason only that it contains regulations under powers conferred by any provision mentioned in that subsection which are to be made for the purpose of consolidating regulations to be revoked in the instrument.
- (5) A statutory instrument—
- (a) which contains (whether alone or with other provisions) any regulations under this Act, and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In section 24(5) of the Social Security (Miscellaneous Provisions) Act 1977 for the words “containing regulations” there shall be substituted—
- “(a) which contains (whether alone or with other provisions) any regulations, and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,”.
- (5) In section 5(4) of the Social Security (No.2) Act 1980—
- (a) at the beginning there shall be inserted the words “A statutory instrument containing (whether alone or with other provisions)”;
 - (b) for the words “a draft of the regulations” there shall be substituted the words “a draft of the instrument”.
- (6) In section 7 of that Act, for subsection (4) there shall be substituted—
- “(4) A statutory instrument—
- (a) which contains (whether alone or with other provisions) any regulations under this Act, and

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- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (7) In section 45 of the 1982 Act, for subsection (2) there shall be substituted—
 - “(2) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory instrument; and any statutory instrument—
 - (a) which contains (whether alone or with other provisions) any such orders or regulations, other than an order under section 48(3) of this Act, and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (8) Section 27(3) and (4) of the Social Security Act 1985 (which relate to parliamentary control of statutory instruments and which are spent) shall cease to have effect.
- (9) In section 83 of the 1986 Act, for subsection (4) there shall be substituted—
 - “(4) A statutory instrument—
 - (a) which contains (whether alone or with other provisions) orders or regulations under this Act, other than orders under section 88 below, and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (10) After section 15 of the Social Security Act 1988 there shall be inserted the following section—
 - “**15A Regulations and orders etc**
 - (1) Section 166(1) to (3A) of the Social Security Act 1975 (regulations and orders: general provisions) shall apply in relation to any power conferred by any provision of this Act to make orders or regulations under this Act as they apply in relation to any power conferred by that Act to make orders or regulations, but as if for references to that Act there were substituted references to this Act.
 - (2) A statutory instrument—
 - (a) which contains (whether alone or with other provisions) any orders or regulations under this Act, other than orders under section 18 below, and

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- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In this Act—
- “prescribe” means prescribe by regulations; and
- “regulations” means regulations made under this Act by the Secretary of State.”
- (11) In consequence of sub-paragraph (10) above, the following provisions of that Act shall cease to have effect—
- (a) section 13(7) and (8);
- (b) in section 18(3) and (4) the words “made by statutory instrument”;
- (c) section 18(7) and (8).
- (12) In section 29 of the 1989 Act, for subsection (3) there shall be substituted—
- “(3) A statutory instrument—
- (a) which contains (whether alone or with other provisions) any regulations or orders under this Act, other than orders under section 33 below, and
- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.”;
- and, in consequence, subsection (4) shall cease to have effect.

Return of Class 2 contributions paid by low-earners

- 9 In Schedule 1 to the principal Act (contributions: supplementary provisions) in paragraph 6(1) (matters for which regulations may provide) after the paragraph (gg) inserted by section 2 of the 1989 Act there shall be inserted—
- “(gh) for the repayment, on the making of an application in the prescribed manner and within the prescribed time, of Class 2 contributions paid by a person in respect of a period which consists of, or falls within, a tax year for which his earnings from employment as a self-employed earner were, or were such as to be treated by regulations under subsection (5) of section 7 of this Act as being, at a lower rate than the one specified in that subsection for that year;
- (gj) for excepting a person from liability for contributions repaid by virtue of paragraph (gh) above, to the extent that he would not have been so excepted by virtue of section 7(5) of this Act;”.

Maternity allowance: contribution conditions for women paid otherwise than weekly

- 10 (1) In Schedule 3 to the principal Act, at the beginning of paragraph 3 (contribution conditions for maternity allowance) there shall be inserted the words—
- “(1) Subject to sub-paragraph (2) below,”.

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(2) At the end of that paragraph there shall be added—

“(2) In the case of a claimant who is or has been paid otherwise than weekly, any week—

- (a) in respect of which she did not pay contributions of a relevant Class, but
- (b) for which her earnings were such that, had she been paid weekly, she would have been required to pay primary Class 1 contributions in respect of that week, and
- (c) for which no such election as is mentioned in section 3(2)(a) of the Pensions Act (contributions at a reduced rate) was in force in her case,

shall be treated for the purposes of sub-paragraph (1) above as a week in respect of which she actually paid such contributions otherwise than at a reduced rate.

(3) For the purposes of sub-paragraph (2) above, the amount of the claimant’s earnings for any week shall be determined in accordance with regulations.”

Tax years

11 In Schedule 20 to the principal Act (glossary of expressions) in the entry relating to “tax year”, the following paragraph shall be added at the end of the second column—

“The expression “1978-79” means the tax year beginning with 6th April 1978, and any correspondingly framed reference to a pair of successive years shall be construed as a reference to the tax year beginning with 6th April in the earlier of them.”

Old Cases Act schemes: changes in parliamentary control

12 In section 4 of the Old Cases Act, for subsection (8) (schemes to be made by statutory instrument subject to affirmative procedure, unless made for the purpose only of replacing provisions of previous schemes with provisions to the same effect or of making provision consequential on certain orders or regulations, and if made for that purpose only, to be subject to negative procedure) there shall be substituted—

“(8) The power to make a scheme shall be exercisable by statutory instrument, and an instrument—

- (a) which contains such a scheme (whether alone or with other provisions), and
- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

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shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Re-establishment courses and resettlement units

- 13 (1) In Schedule 5 to the Supplementary Benefits Act 1976, paragraph 1 (power to provide re-establishment courses and facilities for persons attending them) shall cease to have effect.
- (2) For paragraph 4 of that Schedule (power of Secretary of State to make contributions to voluntary organisations which provide re-establishment courses or resettlement units) there shall be substituted—

“Grants for voluntary organisations providing places

- 4 (1) The Secretary of State may, upon such terms and subject to such conditions as he may determine, give assistance by way of grant to any local authority or voluntary organisation which provides places for purposes similar to the purposes for which resettlement units are provided by the Secretary of State.
- (2) In this paragraph “local authority” means the council of a county, a district, a region, an islands area or a London borough, or the Common Council of the City of London.”

Mobility allowance for certain persons eligible for invalid carriages:pre-consolidation amendment.

- 14 The amendments of paragraph (a) of section 13(3) of the Social Security (Miscellaneous Provisions) Act 1977 by the National Health Service Act 1977 and the National Health Service (Scotland) Act 1978 shall be deemed never to have been made and that paragraph shall accordingly have effect and be deemed at all times to have had effect as originally enacted.

Statutory sick pay: alterations to the rates of payment

- 15 (1) In subsection (1A) of section 7 of the 1982 Act (rates of statutory sick pay: power by regulations to substitute alternative provisions for subsection (1)(a) to (c) and to make consequential amendments)—
- (a) for the word “regulations” there shall be substituted the word “order”; and
- (b) in paragraph (a), for the words “subsection (1)(a) to (c) above” there shall be substituted the words “the paragraphs of subsection (1) above”.
- (2) In subsection (1B) of that section (regulations under subsection (1A) to be subject to affirmative parliamentary procedure) for the word “regulations” there shall be substituted the words “an order”.

Statutory sick pay for NHS staff with divided contracts

- 16 In section 26 of the 1982 Act (interpretation) after subsection (5) (which confers power to treat two or more contracts of employment as one) there shall be inserted—
- “(5A) Where, in consequence of the establishment of one or more National Health Service trusts under Part I of the National Health Service and Community

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Care Act 1990 or the National Health Service (Scotland) Act 1978, a person's contract of employment is treated by a scheme under that Part or Act as divided so as to constitute two or more contracts, regulations may make provision enabling him to elect for all of those contracts to be treated as one contract for the purposes of this Part of this Act or of such provisions of this Part of this Act as may be prescribed; and any such regulations may prescribe—

- (a) the conditions that must be satisfied if a person is to be entitled to make such an election;
- (b) the manner in which, and the time within which, such an election is to be made;
- (c) the persons to whom, and the manner in which, notice of such an election is to be given;
- (d) the information which a person who makes such an election is to provide, and the persons to whom, and the time within which, he is to provide it;
- (e) the time for which such an election is to have effect;
- (f) which one of the person's employers under the two or more contracts is to be regarded for the purposes of statutory sick pay as his employer under the one contract;

and the powers conferred by this subsection are without prejudice to any other power to make regulations under this Part of this Act.”

Income support and trade disputes etc: “the relevant sum”

- 17 (1) Section 23 of the 1986 Act (income support and trade disputes etc) shall be amended in accordance with sub-paragraphs (2) and (3) below.
- (2) For subsection (6) (meaning of “relevant sum”) there shall be substituted—
- “(6) Subject to subsection (7) below, “the relevant sum” for the purposes of subsection (5) above shall be £19.50.”
- (3) For paragraph (a) of subsection (7) (annual increase of the relevant sum by reference to the percentage increase in applicable amounts under the up-rating order) there shall be substituted—
- “(a) increasing that sum by the percentage by which the personal allowance under paragraph 1(1) of Part I of Schedule 2 to the Income Support (General) Regulations 1987 for a single person aged not less than 25 has been increased by the order; and”.

Certain housing benefit to be paid as rent allowance instead of rent rebate

- 18 In section 28 of the 1986 Act, in subsection (1)(b) (housing benefit in respect of certain payments to housing authorities to take the form of a rent rebate) after the words “rent rebate” there shall be inserted the words “,or, in prescribed cases, of a rent allowance,” and after subsection (5) of that section there shall be inserted—
- “(5A) The cases that may be prescribed under subsection (1)(b) above do not include any case where the payment in respect of which the housing benefit is granted is a payment in respect of a dwelling which, within the meaning of Part VI of the Local Government and Housing Act 1989, is a house or other property of an authority within the authority's Housing Revenue Account.”

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Housing benefit finance

- 19 (1) In section 30 of the 1986 Act (housing benefit finance), after subsection (2) there shall be inserted—
- “(2ZA) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection (2)(a) or (b) above may not be determined by reference to—
- (a) an authority’s expenditure in respect of any housing benefit, or in respect of any rebate or allowance within the meaning of the Social Security and Housing Benefits Act 1982, granted during any previous year; or
 - (b) any subsidy under this section or that Act paid to an authority in respect of any previous year.”
- (2) In subsection (2A) of that section (things which the Secretary of State may do by reference to determinations of rent officers)—
- (a) after the words “the Secretary of State—” there shall be inserted—
 - “(za) may provide for any calculation under paragraph (a) of subsection (2) above to be made,”; and
 - (b) in paragraph (a), for the words “paragraph (a) of subsection (2) above” there shall be substituted the words “that paragraph”.

Community charge benefit in the form of reduction of charge in subsequent year

- 20 In section 31A(1)(b) and (2)(b) of the 1986 Act (which provides that community charge benefit may take the form of a reduction in the amount of the charge which a person is liable to pay in respect of the relevant chargeable financial year)—
- (a) for the words “is liable” there shall be substituted the words “is or becomes liable”; and
 - (b) after the word “relevant” there shall be inserted the words “,or any subsequent,”.

Community charge benefit finance

- 21 (1) In section 31F of the 1986 Act, for subsection (3) (amount by reference to which community charge benefit subsidy is to be calculated) there shall be substituted—
- “(3) Any calculation under subsection (2) above shall be made by reference to the total amount of the community charge benefits allowed by the authority during the year with any additions specified in the order but subject to any deductions so specified.”
- (2) After subsection (5) of that section there shall be inserted—
- “(5A) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection (3) or (4) above may not be determined by reference to—
- (a) an authority’s expenditure in respect of community charge benefits allowed during any previous year, or
 - (b) any subsidy paid under this section to an authority in respect of any previous year.”

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

- (3) For subsection (6) of that section (conditions for payment of community charge benefit subsidy) there shall be substituted the following—

“(6) Subsidy under this section shall be payable by the Secretary of State at such time and in such manner as the Treasury may direct; and subsections (8A) to (8F) of section 30 above shall apply in relation to a charging authority or a levying authority and subsidy under this section as they apply in relation to a rating authority, a housing authority or a local authority and subsidy under that section.”

Statutory maternity pay for NHS staff with divided contracts

- 22 In section 50 of the 1986 Act (interpretation) after subsection (2) (which confers power to treat two or more contracts of employment as one) there shall be inserted—

“(2A) Where, in consequence of the establishment of one or more National Health Service trusts under Part I of the National Health Service and Community Care Act 1990 or the National Health Service (Scotland) Act 1978, a woman’s contract of employment is treated by a scheme under that Part or Act as divided so as to constitute two or more contracts, regulations may make provision enabling her to elect for all of those contracts to be treated as one contract for the purposes of this Part of this Act or of such provisions of this Part of this Act as may be prescribed; and any such regulations may prescribe—

- (a) the conditions that must be satisfied if a woman is to be entitled to make such an election;
- (b) the manner in which, and the time within which, such an election is to be made;
- (c) the persons to whom, and the manner in which, notice of such an election is to be given;
- (d) the information which a woman who makes such an election is to provide, and the persons to whom, and the time within which, she is to provide it;
- (e) the time for which such an election is to have effect;
- (f) which one of the woman’s employers under the two or more contracts is to be regarded for the purposes of statutory maternity pay as her employer under the one contract;

and the powers conferred by this subsection are without prejudice to any other power to make regulations under this Part of this Act.”

Functions of the Deputy Government Actuary

- 23 In section 63(11) of the 1986 Act (report of Government Actuary on likely effect of annual up-rating order on National Insurance Fund) for the words “giving the latter’s opinion” there shall be substituted the words “or the Deputy Government Actuary, giving that Actuary’s opinion”.

Income support: implementation of increases due to attainment of particular ages

- 24 After section 64A of the 1986 Act (effect of alteration in component rates of income support) there shall be inserted the following section—

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

“64B Implementation of increases in income support due to attainment of particular ages

- (1) This section applies where—
 - (a) an award of income support is in force in favour of a person (“the recipient”); and
 - (b) there is a component which becomes applicable, or applicable at a particular rate, in his case if he or some other person attains a particular age.
- (2) If, in a case where this section applies, the recipient or other person attains the particular age referred to in paragraph (b) of subsection (1) above and in consequence—
 - (a) the component in question becomes applicable, or applicable at a particular rate, in the recipient’s case (whether or not some other component ceases, for the same reason, to be applicable, or applicable at a particular rate, in his case), and
 - (b) after taking account of any such cessation, the recipient becomes entitled to an increased amount of income support,

then, except as provided by subsection (3) below, as from the day on which he becomes so entitled, the amount of income support payable to or for him under the award shall be that increased amount, without any further decision of an adjudication officer, and the award shall have effect accordingly.
- (3) Subsection (2) above does not apply in any case where, in consequence of the recipient or other person attaining the age in question, some question arises in relation to the recipient’s entitlement to any benefit under the benefit Acts, other than—
 - (a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in his case; and
 - (b) the question whether, in consequence, the amount of his income support falls to be varied.
- (4) In this section “component”, in relation to a person and his income support, means any of the sums specified in regulations under section 22(1) above.”

Statutory maternity pay for servicewomen

- 25 Section 79(5) of the 1986 Act (which precludes the payment of statutory maternity pay to women members of HM forces) shall cease to have effect.

Christmas bonus for pensioners

- 26 (1) In Schedule 6 to the 1986 Act, in paragraph 3 (Christmas bonus for pensioners: circumstances in which a person is to be treated as entitled to a qualifying benefit in a relevant week) the following provisions shall cease to have effect—
- (a) sub-paragraph (2)(a)(ii) and (iii) (persons otherwise not entitled to a qualifying benefit in consequence of the former limit on pensioners' earnings or the requirement to claim the qualifying benefit); and

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

- (b) sub-paragraph (3)(d) (couples: members otherwise not entitled to an increase in respect of the other member in consequence of the requirement to claim the benefit).

- (2) This paragraph shall be deemed to have come into force on 1st October 1989.

Benefits for women widowed before 11th April 1988

- 27 (1) The Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1987 shall have effect, and be taken always to have had effect, with the substitution for regulations 3 and 4 (transitional provisions about widowed mother's allowance where the husband died before 11th April 1988, which were retrospectively amended by section 6(2) of the 1989 Act, and savings) of the following—

“3 Regulation 16(1) of the principal Regulations shall apply to a widow whose late husband died before 11th April 1988 as if regulation 2(6) above had not been made.”

- (2) In any case where—

- (a) a claim for a widow's pension or a widowed mother's allowance is made, or treated as made, before the passing of this Act, and
- (b) the Secretary of State has made a payment to or for the claimant on the ground that if the claim had been received immediately after its passing she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,

the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.

- (3) Where, in consequence of regulation 2(6) of the Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1987 (deemed entitlement to child allowance for purposes of widowed mother's allowance etc), an adjudicating authority has decided before the passing of this Act that a widow whose husband died before 11th April 1988 either—

- (a) is not entitled to a benefit under section 25 or 26 of the principal Act, or
- (b) is entitled to such a benefit at a particular rate,

an adjudication officer may review that decision, notwithstanding anything in section 104 of the principal Act.

- (4) In any case where—

- (a) it is determined on such a review that the widow in question was entitled to a benefit under section 25 or 26 of the principal Act, or was entitled to such a benefit at a higher rate, and
- (b) the application for the review was made before the end of the period of twelve months beginning with the passing of this Act,

the decision on the review may take effect on 11th April 1988 or any later date, notwithstanding any provision of any Act or instrument restricting the payment of any benefit or increase of benefit to which a person would otherwise be entitled by reason of a review in respect of any period before the review.

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

- (5) Subsection (4) of section 104 of the principal Act (appeals from reviews) shall apply in relation to a review under this paragraph as it applies in relation to a review under that section.
- (6) In this paragraph “adjudicating authority” means—
 - (a) an adjudication officer;
 - (b) a social security appeal tribunal;
 - (c) a Commissioner, as defined in Schedule 20 to the principal Act.
- (7) The amendment by sub-paragraph (1) above of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending those provisions.
- (8) Nothing in this paragraph shall be taken to prejudice section 16 or 17 of the Interpretation Act 1978 (effect of repeals, substitutions etc).

Unauthorised disclosure of information relating to particular persons

- 28
- (1) In section 19 of the 1989 Act, in subsection (7) (construction of references to government departments) after the word “include” there shall be inserted “(a)” and at the end there shall be added the words “and
 - (b) the Scottish Courts Administration.”
 - (2) In subsection (9)(d) of that section (lawful authority: court proceedings) after the words “this Act” there shall be inserted the words “or in any corresponding enactment having effect in Northern Ireland”.
 - (3) In subsection (10) of that section—
 - (a) in paragraph (b) (mental health receivers) for the words “or any corresponding enactment having effect in Northern Ireland” there shall be substituted the words “or a controller appointed under Article 101 of the Mental Health (Northern Ireland) Order 1986”;
 - (b) in paragraph (d)(i), for the words “or any similar appointee in Northern Ireland” there shall be substituted the words “or sub-paragraph (a) of rule 38(1) of Order 109 of the Rules of the Supreme Court (Northern Ireland) 1980”;
 - (c) in paragraph (d)(ii), for the words from “that rule” onwards there shall be substituted the words “the said rule 41(1) or a controller ad interim appointed under sub-paragraph (b) of the said rule 38(1)”;
 - (d) in the words following paragraph (d), after the word “receiver,” there shall be inserted the word “controller.”
 - (4) In Schedule 2 to that Act (persons employed in social security adjudication or administration) for the entry in Part I relating to the Inland Revenue there shall be substituted—

“Other public departments and offices

A member or officer of the Commissioners of Inland Revenue.
 A civil servant in the Scottish Courts Administration.”

- (5) In that Part, after the entry “An insurance officer” there shall be inserted—
 “A supplement officer.”

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

(6) In Part II of that Schedule (construction of references to government departments etc) paragraph 1(2) (definitions) shall be omitted and for paragraph 3 (which relates to the Lord Chancellor’s Department) there shall be substituted—

“3 Any reference in Part I of this Schedule to the Lord Chancellor’s Department or the Scottish Courts Administration is a reference to that Department or Administration only to the extent that the functions carried out by persons in its employ are, or are connected with—

- (a) functions of the Chief, or any other, Social Security Commissioner; or
- (b) functions of the Council on Tribunals or the Scottish Committee of that Council which relate to social security or to occupational or personal pension schemes or to war pensions.”

(7) In paragraph 4 of that Part (the Inland Revenue) in paragraph (b), the words “as defined in paragraph 1(2) above” shall be omitted and after that paragraph there shall be inserted—

“5 In this Part of this Schedule—

“occupational pension scheme” has the meaning given by section 66(1) of the Pensions Act;

“personal pension scheme” has the meaning given by section 84(1) of the 1986 Act;

“war pension” has the meaning given by section 25(4) of this Act.”

Employment related schemes for pensions or other benefits: equal treatment for men and women

29 In Schedule 5 to that Act, in paragraph 5 (unfair maternity provisions) in sub-paragraph (2)(a), after the word “women” there shall be inserted the word “members”.

Incapacity for work: councillor’s allowances and expenses

30 (1) In Schedule 8 to that Act, paragraph 2 (which makes provision with respect to local authority councillors and incapacity for work) shall be amended in accordance with sub-paragraphs (2) to (4) below.

(2) In sub-paragraph (2) (certain benefits to be reduced by the excess of the councillor’s allowance over the earnings limit specified in regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983, which was £35 at the passing of this Act) for the words “the amount of councillor’s allowance” there shall be substituted the words “the net amount of councillor’s allowance”.

(3) In the definition of “councillor’s allowance” in sub-paragraph (6), the following shall be omitted—

- (a) in the paragraph (a) substituted by paragraph 113 of Schedule 11 to the Local Government and Housing Act 1989, the words “or in section 18(2) of that Act of 1989”; and
- (b) in the paragraph (b) so substituted, the words “other than such an allowance as is mentioned in section 18(2) of that Act of 1989”.

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

- (4) In that sub-paragraph, after the definition of “incapacity benefit” there shall be inserted—

““net amount”, in relation to any councillor’s allowance to which a person is entitled, means the aggregate amount of the councillor’s allowance or allowances to which he is entitled for the week in question, reduced by the amount of any expenses incurred by him in that week in connection with his membership of the council or councils in question;”.

- (5) In section 36(7) of the principal Act (regulations relating to severe disablement allowance), in paragraph (cc) (which was inserted by paragraph 2(5) of Schedule 8 to the 1989 Act and authorises the reduction of benefit by the excess of the amount of councillor’s allowance over a prescribed sum) for the words “the amount of councillor’s allowance” there shall be substituted the words “the net amount of councillor’s allowance”.

Joint citations

- 31 In the following enactments, for the words “the Social Security Acts 1975 to 1989” in each place where they occur there shall be substituted the words “the Social Security Acts 1975 to 1990”—

- (a) section 6(1) of the National Insurance Act 1974;
- (b) sections 9(7) and 18(1) of the Social Security Act 1980;
- (c) section 4(5) of the Forfeiture Act 1982;
- (d) section 5(1)(a) of the Social Security Act 1985;
- (e) paragraph (b) of the definition of “the benefit Acts” in section 84(1) of the 1986 Act.