

SCHEDULES

SCHEDULE 2

Section 4.

CONSEQUENTIAL AMENDMENTS

National Assistance Act 1948

- 1 In section 64(1) of the National Assistance Act 1948, for the definition of “trade dispute”, there shall be substituted—

““trade dispute” has the same meaning as in section 27 of the Social Security Contributions and Benefits Act 1992”.

Law Reform (Personal Injuries) Act 1948

- 2 In section 2 of the Law Reform (Personal Injuries) Act 1948 (measure of damages)

- (a) in subsection (1)(a), for the words “section 22 of the Social Security Act 1989” there shall be substituted the words “section 81 of the Social Security Administration Act 1992”; and
- (b) in subsection (1A), for the words “paragraph 4(1) of Schedule 4 to the Social Security Act 1989” there shall be substituted the words “section 85(1) of the Social Security Administration Act 1992”.

Maintenance Orders Act 1950

- 3 (1) In the following provisions of the Maintenance Orders Act 1950 (jurisdiction of and enforcement by courts)—

- (a) section 4(1)(d);
- (b) section 9(1)(d);
- (c) section 12(1)(d);
- (d) section 16(2)(a)(viii);
- (e) section 16(2)(b)(ix); and
- (f) section 16(2)(c)(viii),

for the words “section 24 of the Social Security Act 1986”, in each place where they occur, there shall be substituted the words “section 106 of the Social Security Administration Act 1992”.

- (2) In sections 4(2) and 9(2) of that Act for “24”, in each place where it occurs, there shall be substituted “106”.

Agriculture Act 1967

- 4 In subsection (3)(e) of section 67 of the Agriculture Act 1967 (sick pay for agricultural workers) for the words “payable under Part II of the Social Security

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Act 1975” there shall be substituted the words “payable under Parts II to V of the Social Security Contributions and Benefits Act 1992”.

Public Expenditure and Receipts Act 1968

- 5 In paragraph 1(b) of Schedule 3 to the Public Expenditure and Receipts Act 1968 for the words “The Social Security Act 1975 (c. 14), section 160(2)” there shall be substituted the words “The Social Security Administration Act 1992 (c. 5) section 124(3)”.

Administration of Justice Act 1970 Attachment of Earnings Act 1971

- 6 In paragraph 3A of Schedule 4 to the Administration of Justice Act 1970 and paragraph 3A of Schedule 2 to the Attachment of Earnings Act 1971 for the words “Social Security Act 1975” there shall be substituted the words “Social Security Contributions and Benefits Act 1992”.
- 7 In paragraph 6 of Schedule 8 to the Administration of Justice Act 1970 and paragraph 7 of Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders) the word “or” where first occurring shall be omitted and after “1986” there shall be inserted the words “or section 106 of the Social Security Administration Act 1992”.

Tribunals and Inquiries Act 1971

- 8 In section 7(3) of the Tribunals and Inquiries Act 1971 (chairmen etc.) for “(c) or (d)” there shall be substituted “(b), (c) or (e)”.
- 9 The following paragraph shall be substituted for paragraph 30A of Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals)—

“*Social Security*

- 30A (a) Social security appeal tribunals constituted under section 41 of the Social Security Administration Act 1992;
- (b) disability appeal tribunals constituted under section 43 of that Act;
- (c) medical appeal tribunals constituted under section 50 of that Act;
- (d) a Commissioner appointed under section 52 of that Act and any tribunal presided over by a Commissioner so appointed;
- (e) a tribunal constituted under regulations made under section 58 of that Act.”.

Employment and Training Act 1973

- 10 In subsection (3) of section 11 of the Employment and Training Act 1973 (financial provisions) for the words “Part II of the Social Security Act 1975” there shall be substituted the words “Parts II to V of the Social Security Contributions and Benefits Act 1992”.
- 11 In section 12(2) of that Act (duty of local education authorities to furnish Secretary of State with information in connection with determination of questions relating to contributions or benefit) for the words from “under” to the end of paragraph (b)

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there shall be substituted the words “under the Social Security Contributions and Benefits Act 1992”.

Social Security (Northern Ireland) Act 1975

12 The following subsection shall be inserted after subsection (4) of section 155 of the Social Security (Northern Ireland) Act 1975 (orders and regulations (general provisions))—

“(4A) If the Treasury so direct, regulations under section 123(2) or (3) above shall be made only in conjunction with them.”.

13 The following section shall be inserted after that section—

“155A Regulations under section 123(2) or (3) (Parliamentary control)

Section 176 of the Social Security Contributions and Benefits Act 1992 as it applies to regulations made by the Secretary of State under section 116(2) or (3) of that Act applies also to regulations made by him under section 123(2) or (3) above.”.

14 In section 158 of that Act—

- (a) at the beginning of subsection (2) there shall be inserted the words “Subject to subsection (2A) below,”; and
- (b) the following subsection shall be inserted after that subsection—

“(2A) Section 123(2) above extends to Great Britain as well as Northern Ireland.”.

Social Security (Consequential Provisions) Act 1975

15 In section 2(3)(a) of the Social Security (Consequential Provisions) Act 1975 (transitional provisions and savings) for the words “sections 166 and 167(3) of the Social Security Act 1975” there shall be substituted the words “sections 189 and 190(3) of the Social Security Administration Act 1992”.

House of Commons Disqualification Act 1975

16 In Part I (judicial offices disqualifying for membership) of Schedule 1 to the House of Commons Disqualification Act 1975, in the first entry beginning “Chief or other Social Security Commissioner”, for the words “(excluding a person appointed in pursuance of section 13(5) of the Social Security Act 1980)” there shall be substituted the words “(not including a deputy Commissioner)”.

17 In Part III (other disqualifying offices)—

- (a) in the entry beginning “Adjudicating medical practitioner” for the words “Part III of the Social Security Act 1975” there shall be substituted the words “Part II of the Social Security Administration Act 1992”; and
- (b) in the entry beginning “Member of a Medical Appeal Tribunal appointed” for the words “paragraph 2(2) of Schedule 12 to the Social Security Act 1975” there shall be substituted the words “section 50 of the Social Security Administration Act 1992”.

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Northern Ireland Assembly Disqualification Act 1975

- 18 In Part I (judicial offices disqualifying for membership) of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 for the entry beginning “Chief or other Social Security Commissioner” there shall be substituted the following entry—
- “Chief or other Social Security Commissioner (not including a deputy Commissioner)”.

Social Security Pensions Act 1975

- 19 The Social Security Pensions Act 1975 shall be amended as follows.
- 20 (1) In subsection (1)(a) of section 26 (contracting-out of full contributions and benefits) for the words “the principal Act” there shall be substituted the words “the Contributions and Benefits Act”.
- (2) The following subsection shall be inserted after that subsection—
- “(1A) This Part of this Act shall also have effect, where an occupational pension scheme so provides or falls to be treated as so providing, for the purpose of making provision in relation—
- (a) to invalidity allowance under section 34 of the Contributions and Benefits Act;
- (b) to increases of Category A retirement pensions for invalidity under section 47 of that Act; and
- (c) to increases of unemployability supplement under paragraph 3 of Schedule 7 to that Act.”.
- 21 In subsection (5) of section 27 (contracted-out rates of Class I contributions) for the words “section 3 above” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.
- 22 In subsection (1) of section 28 (review and alteration of contracted-out rates of Class 1 contributions)—
- (a) in paragraph (a), after the words “Government Actuary” there shall be inserted the words “or the Deputy Government Actuary”, and
- (b) in paragraph (b), for the words “Government Actuary’s report,” there shall be substituted the words “report of the Government Actuary or Deputy Government Actuary,”.
- 23 (1) In subsection (1)(a) of section 29 (contracted-out rates of benefit) for the words “section 16 above” there shall be substituted the words “section 41 of the Contributions and Benefits Act”.
- (2) In subsections (2) and (2A) of that section for “16(2B), 28(7A) and 59(1A) of the principal Act” there shall be substituted “29A, 29B and 29C below”.
- (3) In subsection (3) after the word “section”, in the first place where it occurs, there shall be inserted the words “and in sections 29A, 29B and 29C below”.
- 24 The following sections shall be inserted after that section—

“29A Contracting-out and invalidity allowance

- (1) Where for any period—

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- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled to an invalidity pension under section 33 of the Contributions and Benefits Act; and
 - (c) the weekly rate of his invalidity pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,
- for that period section 34 of that Act shall have effect as if the following subsection were substituted for subsection (5)—

“(5) In this section “the relevant amount” means an amount equal to the aggregate of—

- (a) an amount equal to the additional pension; and
- (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,

reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of section 29 of the Pensions Act.”.

(2) Where for any period—

- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled to an invalidity pension under section 33 of the Contributions and Benefits Act; and
- (c) the weekly rate of his invalidity pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period the relevant amount shall be deducted from the appropriate weekly rate of invalidity allowance and he shall be entitled to invalidity allowance only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.

(3) In subsection (2) above “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of section 29 above.

(4) Where subsection (2) above applies, section 34(7) of the Contributions and Benefits Act shall have effect as if for the words “subsection (4) above” there were substituted the words “section 29A(2) of the Pensions Act”.

29B Contracting-out and increases of Category A retirement pension for invalidity

(1) Where for any period—

- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled to a Category A retirement pension under section 44 of the Contributions and Benefits Act; and
- (c) the weekly rate of his pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period section 47 of that Act shall have effect as if the following subsection were substituted for subsection (3)—

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- “(3) In subsection (2) above “the relevant amount” means an amount equal to the aggregate of—
- (a) an amount equal to the additional pension; and
 - (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,
- reduced by the amount of any reduction in the weekly rate of the Category A retirement pension made by virtue of section 29 of the Pensions Act.”.
- (2) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled to a Category A retirement pension under section 44 of the Contributions and Benefits Act; and
 - (c) the weekly rate of his Category A retirement pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,
- for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under section 47(1) of that Act and the pensioner shall be entitled to an increase under that subsection only if there is a balance remaining after that deduction and, if there is such a balance, of an amount equal to it.
- (3) In subsection (2) above “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions reduced by the amount of any reduction in the weekly rate of the Category A retirement pension made by virtue of section 29 above.

29C Contracting-out and increases of unemployment supplement

- (1) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled-
 - (i) to an invalidity pension under section 33 of the Contributions and Benefits Act;
 - (ii) to a Category A retirement pension under section 44; or
 - (iii) to a Category B retirement pension under section 49; and
 - (c) the weekly rate of the pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,
- for that period paragraph 3 of Schedule 7 to that Act shall have effect as if the following sub-paragraph were substituted for sub-paragraph (3)—
- “(3) In this paragraph “the relevant amount” means an amount equal to the aggregate of—
- (a) an amount equal to the additional pension; and
 - (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,
- reduced by the amount of any reduction in the weekly rate of the pension made by virtue of section 29 of the Pensions Act.”.

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(2) Where for any period—

- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled to any of the pensions under the Contributions and Benefits Act mentioned in subsection (1)(b) above; and
- (c) the weekly rate of the pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under that paragraph and the beneficiary shall be entitled to an increase only if there is a balance after that deduction and, if there is such a balance, only to an amount equal to it.

(3) In subsection (2) above “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions.”.

25 In subsection (1B) of section 30 (contracted-out employment) for the words “section 4(2) and (6) of the principal Act” there shall be substituted the words “sections 6(1) and 8(3) of the Contributions and Benefits Act”.

26 In subsection (1A) of section 33 (requisite benefit for earner) for the words “section 3 of this Act” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.

27 (1) In subsection (2ZA) of section 35 (earner’s guaranteed minimum) for the words “section 3 of this Act” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.

(2) In subsections (5) and (7) of that section for the words “section 21 above” there shall be substituted the words “section 148 of the Administration Act”.

28 In subsection (6) of section 36 (requisite benefit for widow) for the words “section 27(6) of the principal Act” there shall be substituted the words “section 43(1) of the Contributions and Benefits Act”.

29 In subsection (7) of section 37A (annual increases of guaranteed minimum pensions) for the words from “sections” to “above” there shall be substituted the words “sections 29(1), 29A(1) and (2), 29B(1) and (2) and 29C(1) and (2) above”.

30 In subsection (4A) of section 41C (supplementary provisions) and in subsection (3) (a) of section 45 (premium where guaranteed minimum pension excluded from full revaluation) for the words “section 21 above” there shall be substituted the words “section 148 of the Administration Act”.

31 In subsection (6)(a) of section 44 (premium on termination of contracted-out scheme) for the words “section 21 above” there shall be substituted the words “section 148 of the Administration Act”.

32 In subsection (10) of section 51A (refusal and cancellation of contracting-out certificates) for the words “section 4(3) of the principal Act” there shall be substituted the words “section 6(3) of the Contributions and Benefits Act”.

33 In subsection (1) of section 52D (guaranteed minimum pensions under contracted-out schemes - supplementary) for the words “sections 16(2B), 28(7A) and 59(1A) of the principal Act and section 29(1) above” there shall be substituted the words “sections 29(1), 29A, 29B and 29C above”.

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- 34 In subsection (1) of section 59 (official pensions) for the words from “section 23”
to “1986” there shall be substituted the words “section 151 of the Administration
Act a direction is given that the sums mentioned in section 150(1)(c) of that Act”.
- 35 In section 60 (determination of questions)—
- (a) in subsection (1), for the words “section 93(1) of the principal Act” there
shall be substituted the words “section 17(1) of the Administration Act”;
and
 - (b) in subsection (3), for the words “section 93(1) nor section 98(1) of the
principal Act” there shall be substituted the words “section 17(1) nor
section 20(1) of the Administration Act”.
- 36 The following sections shall be inserted after section 60ZA—

“60ZB Offences relating to state scheme premiums

If a person fails to pay, at or within the time prescribed for the purpose,
any state scheme premium which is payable by him, he shall be guilty of
an offence and liable on summary conviction to a fine not exceeding level
3 on the standard scale.

60ZC Questions arising in proceedings

- (1) Where in any proceedings—
- (a) for an offence under this Act; or
 - (b) involving any question as to payment of a state scheme premium,
any such question arises as is mentioned in section 60(1) above, the
decision of the Secretary of State shall be conclusive for the purposes of the
proceedings.
- (2) If—
- (a) a decision of any such question is necessary for the determination
of proceedings; and
 - (b) the decision of the Secretary of State has not been obtained or a
question has been raised with a view to a review of the decision
obtained,
- the question shall be referred to the Secretary of State for determination or
review in accordance (subject to any necessary modifications) with sections
17 to 19 of the Administration Act.
- (3) Subsection (1) above does not apply if—
- (a) an appeal under section 18 of that Act is pending; or
 - (b) the time for appealing has not expired; or
 - (c) a question has been raised with a view to a review of the Secretary
of State’s decision under section 19,
- and the court dealing with the case shall adjourn the proceedings until such
time as a final decision on the question has been obtained.

60ZD Recovery of unpaid state scheme premiums on prosecution

Where—

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- (a) a person has been convicted of an offence under section 60ZB above of failing to pay a state scheme premium at or within the time prescribed for the purpose; and
 - (b) the premium remains unpaid at the date of the conviction,
- he shall be liable to pay to the Secretary of State a sum equal to the amount which he failed to pay.

60ZE Proof of previous offences

- (1) Subject to subsection (2) below, where a person is convicted of an offence mentioned in section 60ZD above, evidence may be given of any previous failure by him to pay state scheme premiums within the time prescribed for the purpose; and in that section “the conviction” and “the offence” mean respectively the conviction referred to in this subsection and the offence of which the person is convicted.
- (2) Such evidence may be given only if notice of intention to give it is served with the summons or warrant or, in Scotland, the complaint on which the person appeared before the court which convicted him.

60ZF Unpaid premiums - supplementary

- (1) Where in England and Wales a person charged with an offence to which section 60ZD above applies is convicted of that offence in his absence under section 12(2) of the Magistrates' Courts Act 1980, then if—
 - (a) it is proved to the satisfaction of the court, on oath or in the manner prescribed by rules under section 144 of that Act, that notice under section 60ZE(2) above has been duly served specifying the other state scheme premiums in respect of which the prosecutor intends to give evidence; and
 - (b) the clerk of the court has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit failing to pay the other premiums so specified or any of them,section 60ZE above shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.
- (2) In England and Wales, where—
 - (a) a person is convicted of an offence to which section 60ZD above applies; and
 - (b) an order is made under Part I of the Powers of Criminal Courts Act 1973 placing the offender on probation or discharging him absolutely or conditionally,sections 60ZD and 60ZE above and subsection (1) above shall apply as if it were a conviction for all purposes.
- (3) In Scotland, where—
 - (a) a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence; and

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(b) an order is made under Part I of the Criminal Procedure (Scotland) Act 1975 discharging him absolutely or placing him on probation, sections 60ZD and 60ZE above shall apply as if—

- (i) the conviction on indictment were a conviction for all purposes; or
- (ii) (as the case may be) the making of the order by the court of summary jurisdiction were a conviction.

(4) In England and Wales, any sum which a person is liable to pay under sections 60ZD and 60ZE above and subsection (1) above shall be recoverable from him as a penalty.

(5) State scheme premiums recovered by the Secretary of State under those provisions are to be treated for all purposes as premiums paid to the Secretary of State in the respect of the person in respect of whom they were originally payable.”.

37 The following sections shall be inserted after section 61—

“61A Consultation with Social Security Advisory Committee about certain regulations

- (1) Subject to section 173 of the Administration Act, where the Secretary of State proposes to make regulations under section 51A(10) above, he shall refer the proposals, in the form of draft regulations or otherwise, to the Social Security Advisory Committee (“the Committee”).
- (2) The Committee shall consider any proposals referred to it by the Secretary of State under subsection (1) above and shall make to the Secretary of State a report containing such recommendations with regard to the subject-matter of the proposals as the Committee thinks appropriate.
- (3) If after receiving a report of the Committee the Secretary of State lays before Parliament any regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations a copy of the Committee’s report and a statement showing—
 - (a) the extent (if any) to which he has, in framing the regulations, given effect to the Committee’s recommendations; and
 - (b) in so far as effect has not been given to them, his reasons why not.
- (4) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of subsection (3) above shall be satisfied as respects either House of Parliament if a copy of the report and statement there referred to are laid before that House not later than the second day on which the House sits after the laying of the regulations.

61B Orders and regulations (general provisions)

- (1) Powers under this Act to make regulations or orders, except any power of the Occupational Pensions Board to make orders, are exercisable by statutory instrument.
- (2) Except in so far as this Act otherwise provides, any power conferred thereby to make regulations or an order may be exercised—

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- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

- (3) Without prejudice to any specific provision in this Act, a power conferred by this Act to make regulations or an order includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations or order to be expedient for the purposes of the regulations or order.
- (4) Without prejudice to any specific provisions in this Act, a power conferred by this Act to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- (5) A power conferred on the Secretary of State to make any regulations or order, where the power is not expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.”.

38 The following subsection shall be substituted for section 62(2)—

“(2) A statutory instrument—

- (a) which contains (whether alone or with other provisions) any order or regulations made under this Act by the Secretary of State, other than an order which, under any provision of this Act, is required to be laid before Parliament after being made; and
- (b) which is not subject to any requirement that a draft of the instrument shall 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.”.

39 In section 64(2)—

- (a) for the words “Subsection (5) of section 135 of the principal Act” there shall be substituted the words “Section 165(5) of the Administration Act”; and
- (b) for the words “subsection (3)(a) of that section” there shall be substituted the words “section 163(2)(a) of that Act”.

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- 40 (1) In section 66(1)—
- (a) the following definition shall be inserted before the definition of “average salary benefits”—
- ““the Administration Act” means the Social Security Administration Act 1992;”;
- (b) the following definition shall be inserted after that definition—
- ““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;”.
- (2) In section 66(2), for the words “section 29” there shall be substituted the words “sections 29 and 29C”.
- 41 In paragraph 8 of Schedule 1A (revaluation of pensions) for the words “section 23(2) above” there shall be substituted the words “section 151(1) of the Administration Act”.
- 42 In paragraph 6(3)(c) of Schedule 2 (contracting-out regulations) for the words “the principal Act” there shall be substituted the words “the Contributions and Benefits Act”.

Employment Protection Act 1975

- 43 In section 124(6) of the Employment Protection Act 1975 (financial provisions)—
- (a) for the words “section 135(3)(a) of the Social Security Act 1975” there shall be substituted the words “section 163(2)(a) of the Social Security Administration Act 1992”; and
- (b) for the words “subsection (5) of that section” there shall be substituted the words “section 165(5) of that Act”.

Social Security (Miscellaneous Provisions) Act 1977

- 44 (1) In subsection (1)(a) of section 21 of the Social Security (Miscellaneous Provisions) Act 1977 (calculation of guaranteed minimum pensions preserved under approved arrangements) after the words “Pensions Act” there shall be inserted the words “or section 148 of the Social Security Administration Act 1992”.
- (2) The following subsection shall be substituted for subsection (3) of that section—
- “(3) In this section—
- “earner” and “earnings” are to be construed in accordance with sections 3, 4 and 112 of the Social Security Contributions and Benefits Act 1992;
- “earnings factors” is to be construed in accordance with sections 22 and 23 of that Act;
- “tax year” means the 12 months beginning with 6th April in any year,
- and expressions used in Part III of the Pensions Act have the same meanings as in that Part.”.
- 45 In section 23(2) of that Act (financial provisions)—
- (a) for the words “Subsection (5) of section 135 of the principal Act” there shall be substituted the words “Section 165(5) of the Social Security Administration Act 1992”; and

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- (b) for the words “subsection (3)(a) of that section” there shall be substituted the words “section 163(2)(a) of that Act”.
- 46 In section 24(3) of that Act (supplemental)—
- (a) for the words “Subsections (1) to (5) of section 166 of the principal Act” there shall be substituted the words “Subsections (3) to (6) and (9) of section 189 of the Social Security Administration Act 1992”;
- (b) for the words “subsections (2) to (4) of the said section 166” there shall be substituted the words “subsections (4) to (6) of that section”; and
- (c) for the words from “and for the purposes” to the end there shall be substituted the words “and a power under any of sections 116 to 120 of the Social Security Contributions and Benefits Act 1992 or 177 to 179 of the Social Security Administration Act 1992 to make provision by regulations or Order in Council for modifications or adaptations of those Acts shall be exercisable in relation to any enactment contained in this Act.”.

Rent Act 1977

- 47 The following section shall be inserted after section 72 of the Rent Act 1977—

“72A Amounts attributable to services

In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992, where a rent is registered, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or rent assessment committee, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the committee.”.

Rating (Disabled Persons) Act 1978

- 48 In section 4(9) of the Rating (Disabled Persons) Act 1978 (rebates for lands and heritages with special facilities for disabled persons), for “1986” there shall be substituted “1986 or section 134 of the Social Security Administration Act 1992”.

Employment Protection (Consolidation) Act 1978

- 49 In subsection (4) of section 123 of the Employment Protection (Consolidation) Act 1978 (payment of unpaid contributions to pension schemes) for “1986,” there shall be substituted “1986 or Part XII of the Social Security Contributions and Benefits Act 1992.”.
- 50 (1) In subsection (4) of section 132 of that Act (recoupment of benefit) for the words “the Social Security Act 1986” there shall be substituted the words “Part III or V of the Social Security Administration Act 1992”.
- (2) In subsection (6) of that section, in the definition of “unemployment benefit”, for the words “the Social Security Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits Act 1992”.
- 51 (1) In sub-paragraph (1)(b) of paragraph 14 of Schedule 13 to that Act (redundancy payments where employment wholly or partly abroad)—
- (a) the following sub-paragraph shall be inserted before sub-paragraph (i)—

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“(ia) where the week is a week of employment beginning after 1st July 1992, an employed earner for the purposes of the Social Security Contributions and Benefits Act 1992 in respect of whom a secondary Class 1 contribution was payable under that Act; or”; and

(b) in sub-paragraph (i) after “1976” there shall be inserted the words “and not falling within sub-paragraph (ia) above”.

(2) In sub-paragraph (4)(b) of that paragraph after “1975” there shall be inserted the words “or the Social Security Contributions and Benefits Act 1992”.

Capital Gains Tax Act 1979

52 In sub-paragraph (2) of paragraph 5 of Schedule 1 to the Capital Gains Tax Act 1979 (application of provisions about reliefs in relation to property held on trust for disabled persons)—

(a) for the words “35 of the Social Security Act 1975 or” there shall be substituted the words “64 of the Social Security Contributions and Benefits Act 1992 or section 35 of”; and

(b) for the words “37ZA of the Social Security Act 1975” there shall be substituted the words “71 of the Social Security Contributions and Benefits Act 1992”.

Vaccine Damage Payments Act 1979

53 In section 1(4) of the Vaccine Damage Payments Act 1979 (assessment of disablement) for the words “section 57 of the Social Security Act 1975 or” there shall be substituted the words “section 103 of the Social Security Contributions and Benefits Act 1992 or section 57 of”.

54 In subsection (2) of section 12 of that Act (financial provisions) for the words “Schedule 20 to the Social Security Act 1975” there shall be substituted the words “section 191 of the Social Security Administration Act 1992”.

Pneumoconiosis etc. (Workers' Compensation) Act 1979

55 (1) In subsection (3) of section 2 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (conditions of entitlement), in the definition of “death benefit”—

(a) for the words “section 76 of the Social Security Act 1975” there shall be substituted the words “section 108 of the Social Security Contributions and Benefits Act 1992”; and

(b) for the words “section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975” there shall be substituted the words “paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992”.

(2) In the definition of “disablement benefit”, after “1975”—

(a) in the first place where it occurs, there shall be inserted the words “or section 108 of the Social Security Contributions and Benefits Act 1992”; and

(b) in the second place where it occurs, there shall be inserted the words “or paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992”.

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- 56 In section 4(3) of that Act (appeal on question of law)—
- (a) for the words “94 of the Social Security Act 1975” there shall be substituted the words “18 of the Social Security Administration Act 1992”; and
 - (b) for “93(1)” there shall be substituted “17(1)”.

- 57 In section 10(2) of that Act (construction)—
- (a) for the words “the Social Security Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992”; and
 - (b) for the words “that Act” there shall be substituted the words “either of those Acts”.

Justices of the Peace Act 1979

- 58 In section 58(2)(b) of the Justices of the Peace Act 1979 for the words “Social Security Act 1975” there shall be substituted the words “Social Security Contributions and Benefits Act 1992”.

Social Security Act 1980

- 59 In section 21(3) of the Social Security Act 1980 (supplemental) for the words “Subsections (2) and (3) of section 166 of the principal Act” there shall be substituted the words “Section 175(3) and (4) of the Social Security Contributions and Benefits Act 1992”.

Magistrates' Courts Act 1980

- 60 The following paragraph shall be inserted after the paragraph which paragraph 82 of Schedule 2 to the Family Law Reform Act 1987 inserted in subsection (1) of section 65 of the Magistrates' Courts Act 1980 (domestic proceedings)—
- “(n) section 106 of the Social Security Administration Act 1992;”.

Local Government, Planning and Land Act 1980

- 61 In subsection (1) of section 154 of the Local Government, Planning and Land Act 1980 (rent rebates) for the words “Part II of the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1991 and the Social Security Administration Act 1992”.

Civil Jurisdiction and Judgments Act 1982

- 62 In paragraph 5(c) of Schedule 5 to the Civil Jurisdiction and Judgments Act 1982 (proceedings excluded from Schedule 4) for the words “or any enactment applying in Northern Ireland and corresponding to it,” there shall be substituted the words “section 106 of the Social Security Administration Act 1992 or any enactment applying in Northern Ireland and corresponding to either of them,”.

Forfeiture Act 1982

- 63 (1) In subsection (2) of section 4 of the Forfeiture Act 1982 (Commissioner to decide whether rule applies to social security benefits) for the words “section 115 of the

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Social Security Act 1975” there shall be substituted the words “section 59 of the Social Security Administration Act 1992”.

- (2) In subsection (4) of that section for the words “Section 166(2) to (3A) of the Social Security Act 1975” there shall be substituted the words “Section 175(3) to (5) of the Social Security Contributions and Benefits Act 1992”.
- (3) In subsection (5) of that section—
- (a) in the definition of “Commissioner”, for the words “Social Security Act 1975” there shall be substituted the words “Social Security Administration Act 1992”; and
 - (b) in the definition of “relevant enactment” the following entry shall be added after the entry relating to the Social Security Acts 1975 to 1991—

“the Social Security Contributions and Benefits Act 1992.”.

Transport Act 1982

- 64 In section 70(2)(a) of the Transport Act 1982 (payments in respect of applications for exemption from wearing seat belts)—
- (a) in sub-paragraph (i) for the words “35 of the Social Security Act 1975” there shall be substituted the words “64 of the Social Security Contributions and Benefits Act 1992”;
 - (b) in sub-paragraph (iA) for “37ZA” there shall be substituted “71”; and
 - (c) in sub-paragraph (iii) for “57” there shall be substituted “103” and for “61(1)”, “104(1)”.

Value Added Tax Act 1983

- 65 In the seventh note to Group 14 (drugs, medicines, aids for the handicapped) of Schedule 5 (zero-rating) to the Value Added Tax Act 1983 for the words “37ZA of the Social Security Act 1975” there shall be substituted the words “71 of the Social Security Contributions and Benefits Act 1992”.

Inheritance Tax Act 1984

- 66 (1) In paragraph (b) of sections 74(4) and 89(4) of the Inheritance Tax Act 1984 (disabled persons for purposes of provisions about trusts for disabled persons) for the words “35 of the Social Security Act 1975 or” there shall be substituted the words “64 of the Social Security Contributions and Benefits Act 1992 or section 35 of”.
- (2) In paragraph (c) of those subsections for the words “37ZA of the Social Security Act 1975” there shall be substituted the words “71 of the Social Security Contributions and Benefits Act 1992”.

Social Security Act 1985

- 67 (1) At the end of subsection (1) of section 5 of the Social Security Act 1985 (managers of occupational pension schemes) there shall be added the words “or
- (c) of Part VI of the Social Security Administration Act 1992.”.

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(2) In subsection (2) of that section for the words “Section 166 of the Social Security Act 1975” there shall be substituted the words “Section 61B of the Social Security Pensions Act 1975”.

68 In section 32(8) of that Act (commencement) for the words “Subsections (2) and (3) of section 166 of the Social Security Act 1975” there shall be substituted the words “Section 175(3) and (4) of the Social Security Contributions and Benefits Act 1992”.

Bankruptcy (Scotland) Act 1985

69 In section 31 of the Bankruptcy (Scotland) Act 1985 (vesting of debtor’s estate at date of sequestration) in subsection (8) for the words “and to paragraph 8(2) of Schedule 4 to the Social Security Act 1989” there shall be substituted the words “and to section 89(2) of the Social Security Administration Act 1992.”

Housing Act 1985

70 In subsection (2)(b) of section 425 of the Housing Act 1985 (the local contribution differential) for the words “section 30 of the Social Security Act 1986” there shall be substituted the words “section 135 of the Social Security Administration Act 1992”.

71 In Item 4 in Part I of Schedule 14 to that Act (items to be credited to the Housing Revenue Account) for the words “Part II of the Social Security Act 1986” there shall be substituted the words “section 135 of the Social Security Administration Act 1992”.

72 In paragraph 3 of Part IV of that Schedule (rate fund contributions to the Housing Revenue Account) for the words “section 30(6) of the Social Security Act 1986” there shall be substituted the words “section 135(7) of the Social Security Administration Act 1992”.

Insolvency Act 1986

73 In paragraph 6 of Schedule 6 to the Insolvency Act 1986 (preferential debts) for the words “Social Security Act 1975” there shall be substituted the words “Social Security Contributions and Benefits Act 1992”.

Wages Act 1986

74 In subsection (1) of section 7 of the Wages Act 1986 (meaning of “wages”)—

- (a) in paragraph (e), after “1982” there shall be added the words “or Part XI of the Social Security Contributions and Benefits Act 1992”; and
- (b) at the end of paragraph (f) there shall be added the words “or Part XII of the Social Security Contributions and Benefits Act 1992”.

Social Security Act 1986

75 The Social Security Act 1986 shall be amended as follows.

76 In section 3(4) (amount of minimum contributions) for the words “section 4(2) and (6) of the Social Security Act 1975” there shall be substituted the words “sections 6(1) and 8(3) of the Social Security Contributions and Benefits Act 1992”.

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- 77 In section 4(1) (effect of payment of minimum contributions on rate of certain benefits) for the words from “sections 16(2B)” to “section 29” there shall be substituted the words “sections 34(4) and 47(2) of the Social Security Contributions and Benefits Act 1992, paragraph 3(2) of Schedule 7 to that Act and sections 29 to 29C”.
- 78 In section 7(5) (schemes becoming contracted-out between 1986 and 1993) for the words “section 4(2) and (6) of the Social Security Act 1975” there shall be substituted the words “sections 6(1) and 8(3) of the Social Security Contributions and Benefits Act 1992”.
- 79 In subsection (5) of section 9 (guaranteed minimum pensions) for the words “section 16(5) of that Act” there shall be substituted the words “section 41(7) of the Social Security Contributions and Benefits Act 1992”.
- 80 In subsection (4)(a) of section 16 (actuarial tables) after the words “Government Actuary” there shall be inserted the words “or the Deputy Government Actuary”.
- 81 In subsection (1) of section 17A (reciprocity as to pensions with other countries) for the words “Section 143 of the Social Security Act 1975” there shall be substituted the words “Section 179 of the Social Security Administration Act 1992”.
- 82 In section 52(2) (questions for determination by Secretary of State) for the words “section 93(1) of the Social Security Act 1975” there shall be substituted the words “section 17(1) of the Social Security Administration Act 1992”.
- 83 In subsection (3)(c) of section 59 (disclosure of information) for the words “Part III of the Social Security Act 1975 including that Part as extended by section 52(3) above” there shall be substituted the words “sections 17 to 62 of the Social Security Administration Act 1992”.
- 84 In section 83(1) (general provisions about orders and regulations) for the words “Section 166(1) to (3A) of the Social Security Act 1975” there shall be substituted the words “Section 61B(1) to (4) of the Social Security Pensions Act 1975”.

Abolition of Domestic Rates Etc. (Scotland) Act 1987

- 85 The Abolition of Domestic Rates Etc. (Scotland) Act 1987 shall be amended as follows.
- 86 In subsection (7) of section 9 (reduced liability for personal community charge) for the words “the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”.
- 87 At the end of section 20B(2)(a) (regulations regarding use of social security information) there shall be added the words “the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992”.
- 88 In paragraph 4(2) of Schedule 1A (exemption of the severely mentally impaired from personal community charge)—
- (a) for paragraphs (a), (b), (d) and (e) there shall be substituted the following paragraphs—
 - “(a) he is entitled to an invalidity pension under section 33, 40 or 41 of the Social Security Contributions and Benefits Act 1992;
 - (b) he is entitled to a severe disablement allowance under section 68 of that Act;

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- (e) he is entitled to unemployability supplement under Part I of Schedule 7 to that Act;” and
 - (b) for paragraphs (g) and (h), there shall be substituted the following paragraphs—
 - “(g) he is entitled to an attendance allowance under section 64 of the Social Security Contributions and Benefits Act 1992;
 - (h) he is entitled to an increase of the weekly rate of his disablement pension under section 104 of that Act;”.
- 89 In paragraph 5 of Schedule 1A (exemption of children from personal community charge) for the words “Schedule 1 to the Child Benefit Act 1975” there shall be substituted the words “Schedule 9 to the Social Security Contributions and Benefits Act 1992”.
- 90 In paragraph 4 of Schedule 2 (payment of community charges)—
 - (a) in sub-paragraph (7) for the words “or community charge benefit in pursuance of Part II of the Social Security Act 1986” there shall be substituted the words “in pursuance of the Social Security Act 1986 or community charge benefit in pursuance of Part VII of the Social Security Contributions and Benefits Act 1992”; and
 - (b) in sub-paragraph (12) for the words “section 20(11) of the Social Security Act 1986” there shall be substituted the words “section 137(1) of the Social Security Contributions and Benefits Act 1992”.
- 91 In paragraph 5 of that Schedule in each of sub-paragraphs (1) and (7)(c) for the words “or community charge benefit in pursuance of Part II of the Social Security Act 1986” there shall be substituted the words “in pursuance of the Social Security Act 1986 or community charge benefit in pursuance of Part VII of the Social Security Contributions and Benefits Act 1992”.
- 92 In paragraph 7A(1) of that Schedule for the words “the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”.

Income and Corporation Taxes Act 1988

- 93 (1) Section 617 of the Income and Corporation Taxes Act 1988 (treatment of social security benefits and contributions for tax purposes) shall be amended as follows.
- (2) In subsection (1) for the words from “Chapters”, where it first occurs, to “Pensions Act 1975” there shall be substituted the words “Parts II to IV of the Social Security Contributions and Benefits Act 1992”.
- (3) In subsection (2)—
 - (a) in paragraph (a), for the words “the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”; and
 - (b) in paragraph (aa), for the words “section 70 of the Social Security Act 1975” there shall be substituted the words “paragraph 18 of Schedule 7 to the Social Security Contributions and Benefits Act 1992”.
- (4) In subsection (3)(a) for the words “Act 1975” there shall be substituted the words “Contributions and Benefits Act 1992”.

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- (5) In subsection (4) for the words “the Social Security Act 1975” there shall be substituted the words “Part I of the Social Security Contributions and Benefits Act 1992”.
- (6) In subsection (5) for the words “(2) of section 9 of the Social Security Act 1975 or” there shall be substituted the words “(3) of section 15 of the Social Security Contributions and Benefits Act 1992 or subsection (2) of section 9”.

Social Security Act 1988

- 94 In section 13(4)(e) of the Social Security Act 1988 (schemes for distribution of welfare foods) for the words “the Social Security Act 1975” there shall be substituted the words “the Social Security Administration Act 1992”.
- 95 In section 15(2) of that Act (financial provision) for the words “sections 2, 6, 7, 9 and 10” there shall be substituted the words “section 9”.
- 96 In section 15A(1) of that Act (regulations and orders) for the words “Section 166(1) to (3A) of the Social Security Act 1975” there shall be substituted the words “Section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992”.

Legal Aid Act 1988

- 97 In section 34(6) of the Legal Aid Act 1988 (calculation of income or capital) for the words “social security benefits” there shall be substituted the words “benefits under Part VII of the Social Security Contributions and Benefits Act 1992 (income-related benefits)”.

Local Government Finance Act 1988

- 98 The following paragraph shall be substituted for sub-paragraph (2) of paragraph 4 (exemption of the severely mentally impaired from personal community charge) of Schedule 1 to the Local Government Finance Act 1988—
- “(2) The conditions are that—
- (a) he is entitled for the day to an invalidity pension under section 33 of the Social Security Contributions and Benefits Act 1992;
- (b) he is entitled for the day to a severe disablement allowance under section 68 of that Act;
- (c) he is on the day of pensionable age within the meaning given by section 122 of that Act.”.
- 99 At the end of paragraph 14(2)(a) of Schedule 2 to that Act (community charges: administration) there shall be added the words “the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992,”.
- 100 In paragraph 6(1) of Schedule 4 to that Act (community charges: enforcement) for the words “the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”.
- 101 In paragraph 28(2) of that Schedule after “1979,” there shall be inserted the words “sections 17 to 62 of the Social Security Administration Act 1992”.

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Housing (Scotland) Act 1988

- 102 The following section shall be inserted after section 48 of the Housing (Scotland) Act 1988—

“48A Amounts attributable to services

In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992, where a rent is determined under section 25 or 34 above, the rent assessment committee shall note in their determination the amount (if any) of the rent which, in the opinion of the committee, is fairly attributable to the provision of services, except where that amount is in their opinion negligible; and the amounts so noted may be included in the information specified in an order under section 49 below.”.

Housing Act 1988

- 103 The following section shall be inserted after section 41 of the Housing Act 1988—

“41A Amounts attributable to services

In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992, where a rent is determined under section 14 or 22 above, the rent assessment committee shall note in their determination the amount (if any) of the rent which, in the opinion of the committee, is fairly attributable to the provision of services, except where that amount is in their opinion negligible; and the amount so noted may be included in the information specified in an order under section 42 below.”.

- 104 The following subsection shall be substituted for subsection (7) of section 121 of that Act (rent officers: additional functions relating to housing benefits etc)—

“(7) In this section—

“housing benefit” means housing benefit under Part VII of the Social Security Contributions and Benefits Act 1992; and

“rent allowance subsidy” has the meaning assigned to it by section 135 of the Social Security Administration Act 1992.”.

Social Security Act 1989

- 105 (1) In subsection (7) of section 6 of the Social Security Act 1989 (benefits for women widowed before 11th April 1988) for the words “section 104 of the principal Act” there shall be substituted the words “section 25 of the Social Security Administration Act 1992”.

(2) In subsection (9) of that section—

(a) for the words “Subsection (4) of section 104 of the principal Act” there shall be substituted the words “Section 28 of the Social Security Administration Act 1992”; and

(b) for the words “that section” there shall be substituted the words “section 25 of that Act”.

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- 106 In section 29(1) of that Act (general provisions about regulations and orders) for the words “subsections (1) to (3A) of section 166 of the principal Act” there shall be substituted the words “Section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992”.

Finance Act 1989

- 107 In section 178 of the Finance Act 1989 (rates of interest) in subsection (2)(gg) for the words “paragraph 5 of Schedule 1 to the Social Security Act 1975” there shall be substituted the words “paragraph 6 of Schedule 1 to the Social Security Contributions and Benefits Act 1992”.

Children Act 1989

- 108 In the following provisions of the Children Act 1989—
- (a) section 17(9) (no repayment of assistance);
 - (b) section 29(3) (no recoupment of costs); and
 - (c) paragraph 21(4) of Part III of Schedule 2 (no liability to contribute to maintenance),
- for the words “Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”.

Capital Allowances Act 1990

- 109 In the following provisions of the Capital Allowances Act 1990—
- (a) section 22(6)(a) (first-year allowances: transitional relief for regional projects); and
 - (b) section 36(4)(a) (definition of “motor car”),
- for the words “Social Security Act 1975” there shall be substituted the words “Social Security Contributions and Benefits Act 1992”.

Social Security Act 1990

- 110 In section 18(2) of the Social Security Act 1990 (general financial provisions) for the words from “sections 4” to “26” there shall be substituted the words “paragraphs 2”.
- 111 In section 19(1) of that Act (general provisions about regulations and orders) for the words “subsections (1) to (3A) of section 166 of the principal Act” there shall be substituted the words “section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992”.
- 112 (1) In sub-paragraph (3) of paragraph 27 of Schedule 6 to that Act (benefits for women widowed before 11th April 1988) for the words “section 104 of the principal Act” there shall be substituted the words “section 25 of the Social Security Administration Act 1992”.
- (2) In sub-paragraph (5) of that paragraph for the words “Subsection (4) of section 104 of the principal Act” there shall be substituted “Section 28 of the Social Security Administration Act 1992”.

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Child Support Act 1991

- 113 In subsection (2) of section 43 of the Child Support Act 1991 (contribution to maintenance by deduction from benefit) for the words “section 51 of the Social Security Act 1986 by virtue of subsection (1)(r),” there shall be substituted the words “section 5 of the Social Security Administration Act 1992 by virtue of subsection (1)(t),”.
- 114 In section 45 of that Act (interpretation)—
- (a) in the definition of “benefit Acts” for the words “Social Security Acts 1975 to 1991” there shall be substituted the words “Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992”; and
 - (b) in the definition of “disability living allowance” for the words “Social Security Act 1975” there shall be substituted the words “benefit Acts”.