

1987 No. 354

SOCIAL SECURITY

**The Social Security Act 1986 (Commencement No. 5)
Order 1987**

Made - - - - *6th March 1987*

The Secretary of State for Social Services, in exercise of the powers conferred on him by section 88(1) of the Social Security Act 1986(a) and of all other powers enabling him in that behalf, hereby makes the following order:-

Citation and interpretation

1.—(1) This Order may be cited as the Social Security Act 1986 (Commencement No. 5) Order 1987.

(2) In this Order, unless the context otherwise requires, references to sections and Schedules are references to sections of and Schedules to the Social Security Act 1986.

Appointed day

2. Subject to article 3 below, the day appointed for the coming into force of the provisions of the Social Security Act 1986 which are specified in Schedule 1 to this Order is 6th April 1987.

Exceptions

3. The appointment of 6th April 1987 for the coming into force of paragraph 67 of Schedule 10 (amendments to rates of allowances under Old Cases Act schemes) shall not have effect in relation to any person who has retired, or is treated as having retired, from regular employment, for the purposes of the Social Security Act 1975(b), for so long as he continues to be treated as retired for those purposes.

Amendment of the Social Security Act 1986 (Commencement No. 4) Order 1986

4. Part II (provisions coming into force on 6th April 1987) of the Schedule to the Social Security Act 1986 (Commencement No. 4) Order 1986(c) is amended by-

- (a) the insertion, after the words "Section 38, to the extent that it is not already in force" of the words "except to the extent that it repeals so much of section 5(1) of the Social Security Act 1980(d) as amends section 12(1)(d) of the Social Security Act 1975";
- (b) the substitution, for the words "Schedule 8 and section 75 so far as it relates to it", of the words "Schedule 8, except paragraph 7(1)(b), and section 75 so far as it relates to that Schedule"; and
- (c) the omission of references to the provisions specified in Schedule 2 below, being provisions repealed by section 86(2) of and Schedule 11 to the Social Security Act 1986.

(a) 1986 c.50; section 83(1) provides for section 166(1) to (3A) of the Social Security Act 1975 (c.14) (extent of powers) to apply to the powers conferred by section 88(1).

(b) 1975 c.14.

(c) S.I. 1986/1959.

(d) 1980 c.30.

6th March 1987

Minister of State, Department of Health and Social Security

SCHEDULE 1

Article 2

PROVISIONS COMING INTO FORCE ON 6TH APRIL 1987

<i>Provisions of the Social Security Act 1986</i>	<i>Subject matter</i>
Section 18(1)	Pensions and components
Schedule 3 in the respects specified below, and section 39 so far as it relates to them— paragraph 4, paragraph 5(1), to the extent that it adds a subsection (10) to section 59A of the Social Security Act 1975, paragraph 5(3), paragraphs 6, 7 and 16	Industrial injuries
Schedule 10, paragraphs 1, 10, 11, 67 (except as provided in article 3) and 73, and section 86(1) so far as it relates to them	
The following repeals in Schedule 11, and section 86(2) so far as it relates to them— The provisions of the Social Security Act 1975 specified below—	Repeals
(i) in section 1(1)(b), the words “and the Maternity Pay Fund”,	(maternity pay)
(ii) in section 122(4), the words “or the Maternity Pay Fund”,	
(iii) in section 134(5)(b), the words from “and the Maternity Pay Fund” to “determine”	
Employment Protection Act 1975(a), in section 40, subsections (2) and (4)	(maternity pay)
Supplementary Benefits Act 1976(b), section 26	(legal proceedings)
Social Security (Miscellaneous Provisions) Act 1977(c), in section 18, subsection (1)(c) and subsection (2)(a) and (b)	(maternity pay)
All the provisions of the Employment Protection (Consolidation) Act 1978(d) specified in Schedule 11 to the Social Security Act 1986 except—	(maternity pay)
(i) in section 123(5), the words “occupational pension”,	
(ii) in section 127(3), the word “such” in the second place where it occurs,	
(iii) in section 132(6), the definition of “supplementary benefit”	
Social Security Act 1979(e), section 3(2), section 12 and in Schedule 3, paragraph 16	(uprating)
Social Security Act 1985(f) in Schedule 5, paragraph 7.	(unemployment benefit)

- (a) 1975 c.71.
 (b) 1976 c.71.
 (c) 1977 c.5.
 (d) 1978 c.44.
 (e) 1979 c.18.
 (f) 1985 c.53.

SCHEDULE 2

Article 4

REPEALS WHICH ARE NOT TO COME INTO FORCE ON 6TH APRIL 1987

<i>Provisions repealed by the Social Security Act 1986</i>	<i>Subject matter</i>
Family Income Supplements Act 1970(a), section 11	Offences concerning false statements
National Insurance Act 1974(b), in section 6(1) the words "the Supplementary Benefits Act 1976, the Family Income Supplements Act 1970,"	Correction and setting aside of decisions in connection with the Family Income Supplements Act 1970 and the Supplementary Benefits Act 1976
Social Security Act 1975(c), section 117(4) and, in subsection (5), paragraph (a) and the word "and" immediately following it	Industrial death benefit
Supplementary Benefits Act 1976(d), section 21	Offences concerning false statements.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order appoints 6th April 1987 for the coming into force of the provisions of the Social Security Act 1986 which are specified in Schedule 1, including provisions which alter entitlement to benefit for industrial injuries.

Article 3 excepts certain pensioners from the bringing into force, by the Order, of some of the alterations.

Article 4 amends the Social Security Act 1986 (Commencement No. 4) Order 1986 by preserving section 12(1)(d) of the Social Security Act 1975 (maternity allowance) in its present amended form and by omitting from the provisions brought into force on 6th April 1987 paragraph 7(1)(b) of Schedule 8 to the Social Security Act 1986 (removal of existing power to recalculate earnings factors) and the repeals of provisions specified in Schedule 2 (offences in relation to supplementary benefit and family income supplement, the correction and setting aside of decisions relating to those benefits and the awarding of industrial death benefit).

(a) 1970 c.55.

(b) 1974 c.14; section 6 has been amended by the Child Benefit Act 1975 (c.61), Schedule 4, paragraph 8, the Supplementary Benefits Act 1976 (c.71), Schedule 7, paragraph 36, the Social Security (Consequential Provisions) Act 1975 (c.18), Schedule 2, paragraph 70, the Social Security Pensions Act 1975 (c.60), Schedule 4, paragraph 35, the Social Security and Housing Benefits Act 1982 (c.24), Schedule 4, paragraph 7 and the Social Security Act 1986, Schedule 10, paragraph 103.

(c) 1975 c.14.

(d) 1976 c.71; section 21 was amended by the Social Security Act 1980 (c.30), Schedule 2, paragraph 20.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 8	1.11.86	1986/1719
s. 11	6. 4.87	1986/1719
s. 16	1.11.86	1986/1719
s. 27 (partially)	6. 4.87	1986/1959
s. 32 (partially)	6. 4.87	1986/1959
s. 38	6. 4.87	1986/1959
s. 39, Sch. 3 (partially)	1.10.86	1986/1609
ss. 40 and 41	6. 4.87	1986/1959
s. 42 (with saving)	5.10.86	1986/1609
ss. 43 and 44	5.10.86	1986/1609
s. 46 (partially)	15.3.87	1986/1959
(partially)	6. 4.87	1986/1959
ss. 47 and 48	6. 4.87	1986/1959
s. 49, Sch. 4 (partially)	15.3.87	1986/1959
(partially)	6. 4.87	1986/1959
s. 50	6. 4.87	1986/1959
s. 51 (partially)	1.10.86	1986/1609
(partially)	6. 4.87	1986/1959
s. 52, Sch. 5 (with saving)	6. 4.87	1986/1958
ss. 53 to 60	6. 4.87	1986/1959
s. 62	1.10.86	1986/1609
s. 67 (partially)	1.10.86	1986/1609
(partially)	6. 4.87	1986/1959
ss. 68 and 69	6. 4.87	1986/1959
s. 71	1.10.86	1986/1609
s. 73, Sch. 7 (partially)	6. 4.87	1986/1959
s. 75, Sch. 8	6. 4.87	1986/1959
s. 79 (partially)	6. 4.87	1986/1959
s. 80 (partially)	6. 4.87	1986/1959
s. 82, Sch. 9	6. 4.87	1986/1958
s. 86(1), Sch. 10 (partially)	1.10.86	1986/1609
(partially)	1.11.86	1986/1719
(partially)	6. 4.87	1986/1719
(partially)	6. 4.87	1986/1959
s. 86(2), Sch. 11 (partially)	1.10.86	1986/1609
(partially)	5.10.86	1986/1609
(partially)	1.11.86	1986/1719
(partially)	6. 4.87	1986/1959
(partially)	7. 4.87	1986/1959

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