



# Social Security Act 1973

## 1973 CHAPTER 38

An Act to establish a basic scheme of social security contributions and benefits replacing the National Insurance Acts, to assimilate to it the operation of the Industrial Injuries Acts and the Old Cases Acts; to make further provision with respect to occupational pension schemes (including schemes financed from public funds), to establish an Occupational Pensions Board with functions in respect of such schemes (including in particular functions with respect to the recognition of schemes, the preservation of benefits and the modification of schemes for the purpose of obtaining recognition and other purposes); to establish a contributory reserve pension scheme under a Reserve Pension Board providing pensions in respect of service in employment which is not recognised pensionable employment; and for purposes connected with those matters.

[18th July 1973]

### Editorial Information

- X1 The base date version of this Act is as revised to 1.7.1992 and takes account of the effects on it of the consolidating legislation which came into force at that date.

### Extent Information

- E1 Act extends to the United Kingdom, for minor variations see [s. 95](#)

### Modifications etc. (not altering text)

- C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)  
C2 Act excluded (1. 7. 1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 5, 7\(2\), Sch. 3 Pt. II para.15.](#)  
C3 Act excluded (1. 7. 1992) by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9\), ss. 5, 7\(2\), Sch. 3 Pt. II para.15.](#)

### Commencement Information

- I1 Act not in force at Royal Assent see [s. 101\(2\)](#).

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**PART I**

**THE BASIC SCHEME**

**1**

(1) .....	F1
(7) .....	F2
(10) .....	F3

**Textual Amendments**

**F1** S. 1(1)–(6) repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

**F2** S. 1(7)–(9) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

**F3** Ss. 1(10), 2–22 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

<b>2–22</b> .....	F4
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**Textual Amendments**

**F4** Ss. 1(10), 2–22 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

**23**

(1) .....	F5
(2) .....	F6

**Textual Amendments**

**F5** S. 23(1) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

**F6** Ss. 23(2)–(6), 24–50 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

<b>24–50</b> .....	F7
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**Textual Amendments**

**F7** Ss. 23(2)–(6), 24–50 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

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## PART II

### OCCUPATIONAL PENSION SCHEMES

#### *Recognition*

#### **51 Recognised pensionable employment.**

(1) ..... <sup>F8</sup>

(3) In this Act—

(a) “occupational pension scheme” means any scheme or arrangement which is comprised in one or more instruments or agreements and which has, or is capable of having, effect in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of earners with qualifying service in an employment of any such description or category; and

(b) “public service pension scheme” means an occupational pension scheme established by or under an enactment or the Royal prerogative or a Royal charter, being a scheme—

(i) all the particulars of which are set out in, or in a legislative instrument made under, an enactment, Royal warrant or charter, or

(ii) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department,

and includes [<sup>F9</sup>any occupational pension scheme established, with the concurrence of the Minister for the Civil Service, by or with the approval of another Minister of the Crown and] any occupational pension scheme prescribed by regulations made by the Secretary of State and the Minister for the Civil Service jointly as being a scheme which ought in their opinion to be treated as a public service pension scheme for the purposes of this Part of this Act.

(4) ..... <sup>F8</sup>

(5) References . . . <sup>F10</sup> in the following provisions of this Part of this Act to employers are to be treated, in relation to persons within the application of an occupational pension scheme and qualifying or prospectively qualifying for its benefits, as including references to persons who in relation to them and their employments are treated by regulations as being employers for the purposes of this Part of this Act.

(6) ..... <sup>F8</sup>

(7) ..... <sup>F11</sup>

(8) ..... <sup>F8</sup>

[<sup>F12</sup>(10) Regulations may, for any purpose of this Part of this Act, prescribe the persons who are to be regarded as members or prospective members of an occupational pension scheme and as to the times at which, and the circumstances in which, a person is to be treated as becoming, or as ceasing to be, a member or prospective member.]

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**Textual Amendments**

- F8** Ss. 51(1),(2),(4),(6),(8),(9), 52(1)–(7)(9), 53–57, 58(3)–(5), 59(2)–(9), 60–62 repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#) and S.I. 1975/1503 (N.I. 15), [Sch. 6](#)
- F9** Words inserted by [Social Security Act 1980 \(c. 30\)](#), [s. 4\(1\)](#) w.e.f. 23.5.80
- F10** Words repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#), w.e.f. 21.11.75.
- F11** S. 51(7) repealed (1.10.89) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 6](#), para. 1 and Sch. 9
- F12** S. 51(10) repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), [Sch. 6](#)

[<sup>F13</sup>52 (1).....<sup>F14</sup>

(8) Regulations may . . . <sup>F15</sup> for any . . . <sup>F15</sup> purposes of this Part of this Act, prescribe persons who, in the case of a scheme of any prescribed category, are to be regarded as the trustees or managers of a scheme of that category.

(9).....<sup>F14</sup>]

**Textual Amendments**

- F13** S. 52 repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), [Sch. 6](#)
- F14** Ss. 51(1),(2),(4),(6),(8),(9), 52(1)–(7)(9), 53–57, 58(3)–(5), 59(2)–(9), 60–62 repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#) and S.I. 1975/1503 (N.I. 15), [Sch. 6](#)
- F15** Words repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#) w.e.f. 7.8.75.

53— .....<sup>F16</sup>  
57.

**Textual Amendments**

- F16** Ss. 51(1),(2),(4),(6),(8),(9), 52(1)–(7)(9), 53–57, 58(3)–(5), 59(2)–(9), 60–62 repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#) and S.I. 1975/1503 (N.I. 15), [Sch. 6](#)

[<sup>F17</sup>58 **Transfer of benefit between schemes: linked qualifying service.**

(1) In this Act—

- (a) “transfer credits” means rights allowed to an earner under the rules of an occupational pension scheme by reference to a transfer to that scheme of his accrued rights from another scheme;
- (b) “accrued rights”, in relation to a scheme, includes any transfer credits allowed under that scheme; and
- (c) .....<sup>F18</sup>

and in this subsection “rights” includes rights to benefit and also options to have benefit paid in a particular form or at a particular time.

(2) [<sup>F19</sup>Subject to subsections (2A) and (2B) below]for the purposes of this Act, any period of an earner’s service in an employment is linked qualifying service in relation to a later period of service (whether in the same or another employment) if—

[ under the rules of a scheme applying to him in the earlier period of service—

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- <sup>F20</sup>(a) (i) there was made a transfer of his accrued rights under that scheme to another scheme applying to him in the later period of service; or  
(ii) those rights were secured by a policy of insurance or an annuity contract and were subsequently transferred to another scheme applying to him in the later period of service;]<sup>F21</sup>and]

- (b) in consequence of [<sup>F22</sup>the transfer of his accrued rights to the second scheme], there are (or were) allowed to him transfer credits under the rules of that other scheme,

except that, for any service to be taken into account as linked qualifying service, it must be actual service, no regard being had to any scheme rule which provides for service to be treated, for any purposes of benefit or otherwise, as longer or shorter than it actually is.

[ Only so much of the earlier period as is a period of service in respect of which there  
<sup>F23</sup>(2A) accrued under the first scheme any of the rights transferred to the second scheme shall be linked qualifying service in relation to the later period of service.

(2B) As respects any case where the rules of a scheme provide—

- (a) that an earner is not entitled to become a member unless he satisfies specified conditions, but  
(b) that, if he becomes a member, rights are to accrue to him in respect of periods of service before he satisfied any such conditions,

regulations may provide for any such periods to be treated, in such cases and to such an extent as may be prescribed, as linked qualifying service with later periods of service.]

(3) .....<sup>F24</sup>]

#### Textual Amendments

- F17** S. 58 repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**  
**F18** S. 58(1)(c) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5**  
**F19** Words inserted (1.10.89) by Social Security Act 1989 (c. 24) Sch. 6, para. 2(1)  
**F20** Para. substituted by Social Security Act 1986 (c. 50), **Sch. 10**, para. 2 w.e.f. 25.7.86.  
**F21** Word inserted (1.10.89) by Social Security Act 1989 (c. 24) Sch. 7, para. 1.  
**F22** Words substituted by Social Security Act 1986 (c. 50), **Sch. 10**, para. 2 w.e.f. 25.7.86.  
**F23** Subsections (2A) and (2B) inserted (1.10.89) by Social Security Act 1989 (c. 24) Sch. 6, para. 2(1)  
**F24** Ss. 51(1),(2),(4),(6),(8),(9), 52(1)–(7)(9), 53–57, 58(3)–(5), 59(2)–(9), 60–62 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

#### [<sup>F25</sup>59 Financing and security of minimum benefits.

- (1) For the purposes of this Part of this Act the resources of an occupational pension scheme are the funds out of which the benefits provided by the scheme . . . <sup>F26</sup> are payable from time to time, including the proceeds of any policy of insurance taken out, or annuity contract entered into, for the purposes of the scheme.

(2) .....<sup>F27</sup>]

#### Textual Amendments

- F25** S. 59 repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**  
**F26** Words repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** w.e.f. 7.8.75.

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**F27** Ss. 51(1),(2),(4),(6),(8),(9), 52(1)–(7)(9), 53–57, 58(3)–(5), 59(2)–(9), 60–62 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

**60**— ..... **F28**  
**62.**

**Textual Amendments**

**F28** Ss. 51(1),(2),(4),(6),(8),(9), 52(1)–(7)(9), 53–57, 58(3)–(5), 59(2)–(9), 60–62 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

*Preservation of benefit under occupational pension schemes*

**[<sup>F29</sup>63 Requirements relating to preservation of benefits.**

- (1) The requirements of this Part of this Act relating to preservation of benefit under occupational pension schemes (“the preservation requirements”) are those set out in Part I of Schedule 16 to this Act; and Part II of that Schedule shall have effect for enabling the Secretary of State to make regulations modifying the preservation requirements and generally in relation to the preservation of benefit under occupational pension schemes.
- (2) This section shall have effect for securing that occupational pension schemes in force on the appointed day or coming into force thereafter conform with the preservation requirements in so far as conformity can be achieved by the use of powers conferred by this section (in addition to any powers otherwise exercisable) on those concerned with such schemes and on the Occupational Pensions Board.
- (3) It is hereby declared that nothing in the foregoing provisions of this section or in Schedule 16 to this Act is to be taken—
  - (a) to apply with direct effect to any scheme (whether having effect before or after this section comes into force), or to the rights or liabilities of any person in, under or by virtue of a scheme; or
  - (b) to preclude a scheme from being so framed as to provide benefits on any ampler scale, or (subject to any express provision made in the Schedule) payable at any earlier time or otherwise more favourable to beneficiaries, than is called for by the preservation requirements.
- (4) In the case of an occupational pension scheme whose resources are derived as mentioned in [<sup>F30</sup>section 40(1) of the Social Security Pensions Act 1975 (in this Act referred to as “the Pensions Act”)], it shall be the responsibility—
  - (a) of the trustees and managers of the scheme or, in the case of a public service pension scheme, of the Minister, government department or other person or body concerned with its administration, to take such steps as are open to them for bringing the scheme into conformity (if it does not otherwise conform) with the preservation requirements; and
  - (b) of the Occupational Pensions Board to advise the trustees and managers, or, if it is a public service pension scheme, the Minister, department or others concerned with the scheme as to whether it does or does not (in the Board’s opinion) conform with those requirements and, if the Board are of opinion

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- that the scheme does not conform, to indicate the steps which they consider should be taken with a view to securing conformity;
- and the following provisions of this section shall have effect in relation to schemes whose resources are so derived, but not in relation to public service pension schemes.
- (5) On an application made to them in respect of an occupational pension scheme by persons competent to make such an application in respect of it, the Occupational Pensions Board shall issue a determination as to whether or not the scheme conforms with the preservation requirements; and the persons competent to make such an application in respect of a scheme are—
- (a) the trustees or managers of the scheme;
  - (b) any person other than the trustees or managers who has power to alter any of the rules of the scheme;
  - (c) any person who is an employer of persons in service in an employment to which the scheme applies;
  - (d) any member or prospective member of the scheme;
  - (e) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this section in respect of a scheme of that category.
- (6) The Board may at any time of their own motion issue, in respect of a scheme which has come to their notice (including in particular a scheme which they are considering with a view to [<sup>F31</sup>contracting-out] or one in respect of which an application has been made to them under section 64 of this Act for an order authorising the modification of the scheme, or modifying it), any determination which they could issue in the case of that scheme on an application to them under subsection (5) above.
- (7) If the Board determine, in the case of a scheme, that it does not conform with the preservation requirements they shall, either at the time of issuing their determination or as soon thereafter as they think expedient—
- (a) by order direct the trustees or managers of the scheme, or any such persons as are referred to in subsection (5)(b) above, to exercise such powers as they possess for modifying the scheme with a view to bringing it into conformity with those requirements (for which purpose the Board shall include in their order such directions as they think appropriate to indicate the modification appearing to them to be called for); or
  - (b) if there is no person with power to modify the scheme as required by the Board, by order authorise the trustees or managers, or other persons named in the order (who may in particular include such an employer as is specified in subsection (5)(c) above) to make that modification; or
  - (c) themselves by order modify the scheme with a view to achieving the purposes above-mentioned.
- (8) The Board may exercise their powers under subsection (7) above from time to time in relation to any scheme in respect of which they have issued a determination under this section, and may exercise the powers together or separately.
- (9) Any modification of a scheme made in pursuance of an order of the Board under subsection (7)(b) or (c) above shall be as effective in law as if it had been made under powers conferred by or under the scheme; and such an order may be made and complied with in relation to a scheme—

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- (a) notwithstanding any enactment or rule of law, or any rule of the scheme, which would otherwise operate to prevent the modification being made;
  - (b) without regard to any such enactment, rule of law or rule of the scheme as would otherwise require, or might otherwise be taken to require, the implementation of any procedure, or the obtaining of any consent, with a view to the making of the modification.
- (10) An order of the Board under subsection (7)(a) above may require persons to exercise a power retrospectively (whether or not the power could otherwise be so exercised), and an order under subsection (7)(b) or (c) may operate retrospectively; and in this subsection “retrospectively” means with effect from a date before that on which the power is exercised or, as the case may be, the order is made, not being in either case a date earlier than the appointed day.
- (11) At any time when the Board are concerned with an occupational pension scheme for the purposes of issuing a determination under this section, they may include a determination (whether or not applied for) as to any of the particular matters specified in Part I of Schedule 16 to this Act (including that Part as modified by regulations under Part II of that Schedule).
- (12) For the purpose of arriving at a determination under this section in respect of a scheme the Board may, if they think it expedient having regard—
- (a) to the structure and character of the scheme; and
  - (b) to any anomalous or impractical consequences that may be expected to follow from its modification to achieve conformity with any particular provision of Part I of Schedule 16 to this Act (including that Part as modified under Part II of that Schedule),
- disregard that provision in relation to the scheme, or direct that it be applied with such modification as may be specified in their determination.

[ This section applies to persons employed by or under the Crown in like manner as if <sup>F32</sup>(13) such persons were employed by a private person. ]

#### Textual Amendments

- F29** S. 63 repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**
- F30** Words substituted by [Social Security Pensions Act 1975 \(c. 60\)](#), **Sch. 4**, w.e.f 21.11.75.
- F31** Words substituted by [Social Security Pensions Act 1975 \(c. 60\)](#), **Sch. 4**, w.e.f 21.11.75.
- F32** S. 63(13) added by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 2 Pt. I para. 52** w.e.f. 6.4.75.

#### *Modification and winding-up of schemes*

#### [<sup>F33</sup>64] **Modification and winding-up by order of Occupational Pensions Board.**

- (1) On an application made to them in respect of an occupational pension scheme by persons competent to make such an application in respect of it the Occupational Pensions Board may make an order—
- (a) authorising the modification of the scheme with a view to achieving any one or more of the purposes specified in subsection (3) below;



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- (b) modifying the scheme with a view to achieving any one or more of those purposes; or
- (c) directing or authorising the scheme to be wound up on grounds specified in subsection (4) below.

[ The Board shall also have power on such an application to make an order—

- <sup>F34</sup>(1A) (a) authorising the modification of the scheme with a view to achieving any one or more of such other purposes as may be prescribed; or
- (b) modifying the scheme with a view to achieving any one or more of those purposes.]

(2) Nothing in this section applies to public service pension schemes.

(3) The purposes referred to in subsection (1)(a) and (b) above are those of enabling the scheme—

- (a) to be so treated that an employment to which it applies may be [<sup>F35</sup>contracted-out employment]by reference to it;
- (b) to qualify for the approval of the Inland Revenue for the purposes of Chapter II of Part II of the <sup>M1</sup>Finance Act 1970 or to provide benefits enhanced up to the limits suitable in a scheme for which such approval is sought;
- (c) to provide for the transfer of accrued rights to another scheme [<sup>F36</sup>(whether another occupational pension scheme or a personal pension scheme)]with a view to the acquisition, for those whose rights are transferred, of rights under the other scheme in connection with change of employment or otherwise, and for the allowance of transfer credits;
- (d) to comply with the preservation requirements (without prejudice, however, to anything in section 63(5) to (12) of this Act);

[ to comply with the equal access requirements specified in section 53 of the <sup>F37</sup>Pensions Act but without prejudice to anything in section 56 of that Act;]

- (e) to provide for accrued entitlement to benefit (whether in payment or not), so far as payable out of the resources of the scheme, to be surrendered by beneficiaries (at their option and not otherwise, so long as the scheme remains in force and is not being, or to be, wound up) in exchange for other rights assured by means of one or more policies of insurance or annuity contracts, or by other means;
- (f) to qualify under section 69 of this Act or to have included in, or removed from, it provisions designed to avoid the effect of the rules of law relating to perpetuities,

[ to comply with the voluntary contributions requirements specified in <sup>F38</sup>(g) subsection (1) of section 12 of the Social Security Act 1986, but without prejudice to anything in subsections (2) to (10) of that section,]

or of enabling the trustees or managers of the scheme, or others concerned with, or having rights under, it to enter into alternative arrangements having regard to any provision of this Act [<sup>F39</sup>or the Pensions Act], or of any other Act (passed or to be passed) amending or replacing any such provision, or making provision for similar purposes.

[ The purposes referred to in subsection (1)(a) and (b) above are those of enabling the <sup>F40</sup>(3) scheme—

- (c) to provide for the transfer of accrued rights to another scheme [<sup>F41</sup>(whether another occupational pension scheme or a personal pension scheme)]with a view to acquisition, for those whose rights are transferred, of rights under the

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other scheme in connection with change of employment or otherwise, and for the allowance of transfer credits;

- (f) to qualify under section 69 of this Act or to have included in, or removed from, it provisions designed to avoid the effect of the rules of law relating to perpetuities,

or of enabling the trustees or managers of the scheme or others concerned with, or having rights under, it to enter into alternative arrangements, having regard to any provision of this Act [<sup>F42</sup>or the Pensions Act], or of any other Act (passed or to be passed) amending or replacing any such provision, or making provision for similar purposes.]

- (4) The grounds on which the Board may direct or authorise a scheme to be wound up, on an application made to them in that behalf under subsection (1) above, are that, having regard to any provision of this Act [<sup>F42</sup>or the Pensions Act], or to any other Act (passed or to be passed) amending or replacing any such provision or making provision for similar purposes, the scheme ought to be replaced (in whole or in part) by a different scheme, or is no longer required.
- (5) In relation to an occupational pension scheme, the persons competent to make an application to the Board under this section are—
- (a) the trustees or managers of the scheme;
  - (b) any person other than the trustees or managers who has power to alter any of the rules of the scheme;
  - (c) any person who is an employer of persons in service in an employment to which the scheme applies; and
  - (d) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this section in respect of a scheme of that category.
- (6) The Board shall not entertain an application for an order by them under this section unless they are satisfied that the purposes of the application (whether the modification or the winding-up of the scheme in question)—
- (a) cannot be achieved otherwise than by means of such an order; or
  - (b) can only be achieved in accordance with a procedure which is liable to be unduly complex or protracted or involves the obtaining of consents which cannot be obtained, or can only be obtained with undue delay or difficulty;
- but subject to this the Board may on such an application make (with the consent of the applicants) any one or more such orders as are specified in subsection (1) above and may exercise any of the powers of this section from time to time; and the extent of their powers under this section is not limited, in relation to any purposes for which they are exercisable, to the minimum necessary to achieve those purposes.
- (7) The Board shall not make an order under this section (whether related to the modification or to the winding-up of a scheme) unless they are satisfied that it is reasonable in all the circumstances to make it; and they shall not make any such order as would or might in their opinion result in any existing or prospective entitlement of a member of the scheme, in respect of a period of service before the coming into force of the order or of any modification which the order authorises, being diminished or curtailed without his consent, unless they are satisfied that it is in the interests of the generality of members that the order should be made.

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(8) In considering whether or not to make an order, the Board shall have regard to the structure and character of the scheme and the benefits provided by it, to the provisions of this Act [<sup>F39</sup>or the Pensions Act] and Chapter II of Part II of the <sup>M2</sup>Finance Act 1970, and generally to all the circumstances.

(9) An order of the Board under this section—

- (a) if it is an order authorising the modification of a scheme, shall be framed so as to confer the power of modification on such persons as the Board think proper (including persons who were not parties to any application made to the Board) and shall include directions indicating the modifications which they consider to be called for;
- (b) if it is an order authorising a scheme to be wound up, shall include directions with respect to the manner and timing of the winding-up;

and any reference in this subsection to directions is to such directions as the Board think appropriate having regard to the purposes of the order.

(10) Subsection (9) of section 63 of this Act shall apply with the necessary modifications in relation to an order of the Board under this section as it applies in relation to an order of theirs under subsection (7)(b) or (c) of that section, references in subsection (9) to modification being construed for this purpose as including references to winding-up; and—

- (a) an order authorising modification may enable those exercising any power conferred by the order to exercise it retrospectively (whether or not the power could otherwise be so exercised); and
- (b) an order modifying a scheme may modify it retrospectively;

and in this subsection “retrospectively” means with effect from a date before that on which the power is exercised or, as the case may be, the order is made, but only such date as may be proposed for the purposes of this subsection by the persons applying for the order.

[ Regulations may provide that in prescribed circumstances subsection (7) above shall <sup>F43</sup>(10A) not apply or shall apply with prescribed modifications.]

(11) In section 22 of the Finance Act 1971 (provisions for amendment of schemes with a view to obtaining Inland Revenue approval), subsections (4) to (10) (powers of Chief Registrar of Friendly Societies to amend Schemes) shall cease to have effect.]

#### Textual Amendments

- F33** S. 64 repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), Sch. 6
- F34** Subsection inserted by Social Security Act 1986 (c. 50), Sch. 10, para. 3 w.e.f. 1.11.86.
- F35** Words substituted by Social Security Pensions Act 1975 (c. 60), Sch. 4 para. 25, w.e.f. 21.11.75.
- F36** Words inserted (27.7.87) by The Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987 (S.I. 1987/1116, reg.4(2)).
- F37** S. 64(3)(dd) inserted by Social Security Pensions Act 1975 (c. 60), s. 56(5), w.e.f. 21.11.75.
- F38** S. 64(3)(g) inserted by Social Security Act 1986 (c. 50), S. 12(11), w.e.f. 6.4.88.
- F39** Words inserted by Social Security Pensions Act 1975 (c. 60), Sch. 4 para. 25, w.e.f. 21.11.75.
- F40** Under reg. 2 of S.I. 1987/1116, s. 64(3) as set out above, except paras. (a), (b), (d), (dd) and (e) has effect (27.7.87) in relation to personal pension schemes subject to the modification, in para. 2 of Sch. 1 to that S.I., of subsection (3)(c) as it stood before 27.7.87. S. 64(3) as so modified reads as set out herein.
- F41** As modified by S.I. 1987/1116, Sch. 1, para. 2.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- F42** Words inserted by [Social Security Pensions Act 1975 \(c. 60\), Sch. 4 para. 25](#), w.e.f. 21.11.75.  
**F43** [S. 64\(10A\)](#) inserted (1.10.89) by [Social Security Act 1989 \(c. 24\) Sch. 6, para. 3](#).

**Modifications etc. (not altering text)**

- C4** Under reg. 2 of, and para. 1 of Sch. 1 to, [S.I. 1987/1116](#), subsections (1) and (1A) of s. 64 have effect (27.7.87) in relation to personal pension schemes subject to the substitution, in subsection (1), of “a personal pension scheme” for “an occupational pension scheme”.
- C5** Under reg. 2 of [S.I. 1987/1116, s. 64\(3\)](#) as set out above, except paras. (a), (b), (d), (dd) and (e) have effect (27.7.87) in relation to personal pension schemes subject to the modification, in para. 2 of Sch. 1 to that S.I., of subsection (3)(c) as it stood before 27.7.87. S. 64(3) as so modified reads as set out secondly below.
- C6** Under para. 11(b) of Sch. 5 and under Sch. 9, to the [Social Security Act 1989 \(c. 24\), s. 64\(3\)\(dd\)](#) is due (*prosp.*) to be repealed.
- C7** Under reg. 2 of [S.I. 1987/1116, s. 64\(4\)](#), and s. 64(5) except para. (5)(c), have effect (27.7.87) in relation to personal pension schemes also.
- C8** Under reg. 2 of, and para. 3 of Sch. 1 to, [S.I. 1987/1116](#), subsections (6) to (10) of s. 64 have effect (27.7.87) in relation to personal pension schemes subject to the omission of the words “of service” in subsection (7).
- C9** [S. 64\(7\)](#) modified in certain circumstances by reg. 2(3) of [S.I. 1990/2021](#) (reduction or elimination of surpluses).

**Marginal Citations**

- M1** 1970 c. 24.  
**M2** 1970 c. 24.

**[<sup>F44</sup>65 Modification, etc. of public service pension schemes.**

- (1) Subject to the provisions of this section, the appropriate authority shall, in relation to a public service pension scheme, have power to make such provision for the modification or winding-up of the scheme as could be made by an order of the Occupational Pensions Board under section 64(1)(b) or (c) of this Act in the case of a scheme other than a public service pension scheme; and in this section “the appropriate authority”, in relation to a scheme, means such Minister of the Crown or government department as may be designated by the Minister for the Civil Service or, in Northern Ireland, the Ministry of Finance as having responsibility for the particular scheme.
- (2) The powers of the appropriate authority under this section shall be exercisable by means of an order—
- (a) directly modifying the scheme (without regard, in the case of a scheme contained in, or made under powers conferred by, an enactment, to the terms of the enactment or any of its restrictions);
  - (b) modifying an enactment under which the scheme was made or by virtue of which it has effect; or
  - (c) directing that the scheme be wound up and including directions with respect to the manner and timing of the winding-up;

and any such order shall contain such incidental, supplementary and transitional provisions as the appropriate authority considers to be required for the purposes of the order, including provisions adapting, amending or repealing any such enactment as is referred to in paragraph (a) or (b) above.]

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

#### Textual Amendments

**F44** S. 65 repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), Sch. 6

#### Modifications etc. (not altering text)

**C10** “Ministry” to be construed (1.1.74) as “Department” by virtue of Northern Ireland Constitution Act 1973 (c. 36), Sch. 5. para. 8(1).  
S. 65 excluded (*prosp.*) by 1993 c. 8, ss. 16(a), 31(2) (with s. 1)

### *The Occupational Pensions Board*

## **66 Establishment of the Board; their functions and procedure.**

- (1) The Occupational Pensions Board shall be a body corporate by that name and have—
  - (a) the functions conferred on them by this Act [<sup>F45</sup>, the Pensions Act and Part I of the Social Security Act 1986]; and
  - (b) such advisory [<sup>F46</sup>or other]functions as may be conferred on them by the Secretary of State in respect of occupational pension schemes (including public service pension schemes).
- (2) The Board shall consist of a chairman, a deputy chairman and not less than 8 nor more than 12 other members, all appointed by the Secretary of State; and of the members other than the chairman and deputy chairman, one shall be appointed after consultation with organisations representative of employers, and one shall be appointed after consultation with organisations representative of employed earners (being in either case such organisations as the Secretary of State thinks it appropriate to consult).
- (3) ..... <sup>F47</sup>
- (4) The Board shall be included among the tribunals in relation to which the Council on Tribunals may under section 5 of the <sup>M3</sup>Tribunals and Inquiries Act 1971 make general recommendations as to appointments to membership; and the functions of the Council shall include that of keeping under review, and from time to time reporting on—
  - (a) the constitution of the Board; and
  - (b) their working, so far as relating to matters dealt with by the Board by means of a formal hearing, or on review.
- (5) Schedule 17 to this Act shall have effect with respect to the Board and their affairs.
- [<sup>F48</sup>(6) The Secretary of State may from time to time direct the Board to make a report to him on the exercise of their functions; and it shall be the duty of the Board to comply with any such direction as soon as is practicable.
- (6A) The Secretary of State shall lay before each House of Parliament a copy of any report made to him in response to a direction under subsection (6) above.]
- (7) The Secretary of State may make regulations generally as to the procedure to be followed by the Board in the exercise of their functions and the manner in which their functions are to be exercised and may in particular make provision—
  - (a) as to the procedure to be adopted in connection with the issue, cancellation, variation or surrender of [<sup>F49</sup>contracting-out certificates][<sup>F50</sup>and appropriate

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- scheme certificates], and with applications, determinations and the making of orders;
- (b) as to the hearing of parties, the taking of evidence and the circumstances (if any) in which a document of any prescribed description is to be treated, for the purposes of any proceedings before the Board, as evidence, or conclusive evidence, of any prescribed matter;
  - (c) as to the time to be allowed for making any application or renewed application to the Board (whether for an order or determination of the Board, or for the review of a determination, or otherwise);
  - (d) as to the manner in which parties to any proceedings before the Board may, or are to, be presented for the purposes of the proceedings.
- (8) Regulations under subsection (7) above may provide for enabling the Board to summon persons to attend before them and give evidence (including evidence on oath) for any purposes of proceedings in connection with an occupational pension scheme, to produce any documents required by the Board for those purposes, or to furnish any information which the Board may require relating to any such scheme which is the subject matter of proceedings pending before them.
- (9) So far as regulations under subsection (7) above relate to procedure on any formal hearing by the Board, the power of the Secretary of State to make them shall be exercisable only after consultation with the Council on Tribunals.

[<sup>F51</sup>(10) References in this section—

- (a) to this Part of the Act, the Pensions Act and Part I of the Social Security Act 1986 include references to any provisions in force in Northern Ireland and corresponding to provisions of this Part of this Act, the Pensions Act or Part I of the Social Security Act 1986; and
- (b) to contracting-out certificates and appropriate scheme certificates include references to contracting-out certificates and appropriate scheme certificates within the meaning of any such provisions.]

#### Textual Amendments

- F45** Words substituted by [Social Security Act 1986 \(c. 50\)](#), [Sch. 10](#), para. 4, w.e.f. 1.5.87
- F46** Words inserted by [Social Security Act 1985 \(c.53\)](#), [Sch. 5](#), para. 1, w.e.f. 1.1.86.
- F47** [S. 66\(3\)](#) repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), [Sch. 3 Pt. I](#)
- F48** [S. 66\(6\),\(6A\)](#) substituted by [Social Security Act 1981 \(c. 33\)](#) Sch. 2, para. 1, w.e.f. 10.8.81.
- F49** Words substituted by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 4 para. 26](#) w.e.f. 21.11.75.
- F50** Words added by [Social Security Act 1986 \(c. 50\)](#), [Sch. 10](#), para. 4, w.e.f. 1.5.87.
- F51** [S. 66\(10\)](#) substituted by virtue of [Social Security Act 1986 \(c. 50\)](#), [Sch. 10](#), para. 4, w.e.f. 1.5.87

#### Marginal Citations

- M3** 1971 c. 62.

[<sup>F52</sup>**67** **Review of Board's determinations.**

- (1) Subject to the provisions of this section and section 86 of this Act (appeal on point of law), where the Occupational Pensions Board have—
- (a) determined to issue, cancel or vary a [<sup>F53</sup>contracting-out certificate][<sup>F54</sup>or an appropriate scheme certificate]; or

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- (b) determined to make, or not to make, any order which they have power to make under this Part of this Act; or
  - (c) determined any other question which it is within their functions to determine, their determination shall be final.
- (2) The Board may on the application of a person appearing to them to be interested—
- (a) at any time review any such determination of theirs as is mentioned in subsection (1) above, or a determination given by them on a previous review, if they are satisfied that there has been a relevant change of circumstances since the determination was made, or that the determination was made in ignorance of a material fact or based on a mistake as to a material fact [<sup>F55</sup>or was erroneous in point of law];
  - (b) at any time within a period of 6 months from the date of the determination, or within such longer period as they may allow in any particular case, review such a determination on any ground.
- (3) The Board's powers on a review under this section shall include power to vary or revoke any determination or order previously made, to substitute a different determination or order, and generally to deal with the matters arising on the review as if they had arisen on the original determination.]
- (4) Subject to subsection (5) below, regulations made by the Secretary of State may make provision with respect to the procedure to be adopted on any application for a review under this section [<sup>F56</sup>or under any corresponding provision in force in Northern Ireland] and generally with respect to such applications and reviews; but nothing in this subsection shall be taken to prevent such a review being entered upon by the Board without an application being made.
- (5) The power of the Secretary of State to make regulations under subsection (4) above shall be exercisable only after consultation with the Council on Tribunals.

#### Textual Amendments

**F52** S. 67(1)–(3) repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**

**F53** Words substituted by **Social Security Pensions Act 1975 (c. 60)**, **Sch. 4 para. 27** w.e.f. 21.11.75.

**F54** Words inserted by **Social Security Act 1986 (c. 50)**, **Sch. 10**, para. 5 w.e.f. 1.5.87.

**F55** Words inserted by **Social Security Act 1986 (c. 50)**, **Sch. 5**, para. 1 w.e.f. 6.4.87.

**F56** Words inserted by **Social Security Act 1975 (c. 60)**, **Sch. 4**, part I, para. 27(b), w.e.f. 21.11.75

## 68 Submission to the Board of proposals to make regulations.

- (1) [<sup>F57</sup>Subject to section 61 of the Social Security Act 1986, where]the Secretary of State proposes to make any regulations under this Part of this Act [<sup>F58</sup>(other than regulations made for the purpose only of consolidating other regulations revoked thereby)]he shall refer the proposals, in the form of draft regulations or otherwise, to the Occupational Pensions Board.
- (2) The Board shall consider any proposals referred to them under this section and make a report to the Secretary of State containing such recommendations as they think fit with regard to the subject-matter of the proposals; and if after receiving the Board's report the Secretary of State lays before Parliament regulations or draft regulations which comprise the whole or any part of the subject-matter of proposals referred to

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

the Board he shall lay with the regulations or draft a copy of the report and a statement showing—

- (a) the extent (if any) to which the Secretary of State has, in framing the regulations, given effect to the recommendations contained in the Board's report; and
  - (b) in so far as effect has not been given to any such recommendations, his reasons why not.
- (3) In relation to any regulations required or authorised under this Act to be made by the Secretary of State in conjunction with the Treasury, any reference in the foregoing provisions of this section to the Secretary of State shall be construed as a reference to him and the Treasury acting jointly.

#### **Textual Amendments**

**F57** Words substituted by [Social Security Act 1986 \(c. 50\)](#), **Sch. 10**, para. 82, w.e.f. 25.7.86

**F58** Words substituted by [Social Security Act 1979 \(c. 18\)](#), **Sch. 3 para. 3** w.e.f. 22.3.79

#### *Miscellaneous*

#### **[<sup>F59</sup>69 Rule against perpetuities.**

- (1) At any time when [<sup>F60</sup>a personal or occupational]pension scheme qualifies under this section it shall be exempt from the operation of any rules of law relating to perpetuities which would otherwise invalidate, or might be taken to invalidate, any of the trusts of the scheme or any disposition made under it or for its purposes (whether trusts created, or dispositions made, before or after the scheme first qualified under this section).
- (2) A public service pension scheme qualifies under this section at all times; and otherwise a scheme qualifies at any time when—
  - (a) it is [<sup>F61</sup>contracted-out][<sup>F62</sup>or an appropriate scheme under Part I of the Social Security Act 1986]in relation to any employment; or
  - (b) it satisfies the requirements of regulations under this subsection.
- (3) Regulations under subsection (2) above may require a scheme—
  - (a) to contain provisions in any prescribed form, or to any prescribed effect; or
  - (b) to have, or to be such that it may be expected to qualify for, tax-exemption or tax-approval;

and the regulations may be so framed that, in prescribed circumstances, the requirements can be treated as satisfied if application has been duly made to the Inland Revenue with a view to obtaining tax-approval for the scheme.
- (4) In subsection (3) above, “tax-exemption” and “tax-approval” mean respectively exemption from tax and approval of the Inland Revenue in either case under any such provision of the Income Tax Acts as may be prescribed by regulations.
- (5) Regulations may include provision whereby a scheme [<sup>F62</sup>which ceases—
  - (a) if it is an occupational pension scheme, to be contracted-out; or
  - (b) if it is a personal pension scheme, to be an appropriate scheme,
 or]ceases to satisfy the requirements of regulations under subsection (2) above, may nevertheless be treated as continuing to qualify under this section for a further period



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

of 2 years from the cesser, or for such longer period as the Occupational Pensions Board consider to be reasonable in the case of a particular scheme.

- (6) As respects the operation of the rules of law referred to in subsection (1) above—
- (a) this section does not validate with retrospective effect any trusts created or dispositions made under or for the purpose of a scheme if (taking into account, where applicable, section 3(1) of the <sup>M4</sup>Perpetuities and Accumulations Act 1964 (“wait and see”) or the corresponding Northern Ireland enactment) those trusts or dispositions were already required to be treated as void under the rules before the scheme qualified under this section; and
  - (b) if a scheme ceases to qualify, trusts so created and dispositions so made shall then again be subject to the rules as if the scheme had never qualified (but without prejudice to any rights which vested during the period of qualification).
- (7) There shall cease to have effect—
- (a) the <sup>M5</sup>Superannuation and other Trust Funds (Validation) Act 1927 (power to register superannuation schemes, with consequent exemption from the rule against perpetuities), except section 9 and section 11 so far as it provides for citation and extends section 9 to Northern Ireland; and
  - (b) the corresponding Northern Ireland enactment, that is to say the <sup>M6</sup>Superannuation and other Trust Funds (Validation) Act (Northern Ireland) 1928;
- but regulations may provide, in relation to a scheme whose fund was registered under either Act immediately before its repeal took effect, for the scheme to retain the benefit of the Act, subject to prescribed conditions and either indefinitely or for a prescribed period.
- (8) The said Acts of 1927 and 1928 shall each, until its repeal by subsection (7) above, have effect with the following modifications—
- (a) no new application shall be made under section 3 of the Act for the registration of any fund (without prejudice to the effectiveness of any application previously made or pending); and
  - (b) the registration of a fund may be cancelled notwithstanding that the fund has not been wound up, if the trustees apply in writing to the registrar stating that they desire its cancellation.]

#### Textual Amendments

- F59** S. 69 repealed (N.I.), except so far as it relates to so much of the Superannuation and other Trust Funds (Validation) Act 1927 (c. 41) as extends to Northern Ireland, by S.I. 1975/1503 (N.I. 15), art. 74(2), Sch. 6
- F60** Words substituted by Social Security Act 1986 (c. 50), Sch. 10, para. 6, w.e.f. 1.5.87
- F61** Words substituted by Social Security Pensions Act 1975 (c. 60), Sch. 4 Pt. I para. 28 w.e.f. 21.11.75.
- F62** Words substituted by Social Security Act 1986 (c. 50), Sch. 10, para. 6, w.e.f. 1.5.87

#### Modifications etc. (not altering text)

- C11** Section 69(7) has not yet commenced.

#### Marginal Citations

- M4** 1964 c. 55.  
**M5** 1927 c. 41.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**M6** 1928 c. 6 (N.I.)

**70** ..... **F63**

#### Textual Amendments

**F63** S. 70 repealed (1.1.87) by [Wages Act 1986 \(c. 48\)](#), [Sch. 5, Pt. III](#) and (N.I.) by [S.I. 1975/1503 \(N.I.15\)](#), [art. 74\(2\)](#), [Sch. 6](#).

#### [<sup>F64</sup>71] **Friendly societies.**

- (1) The Secretary of State may, after consultation with the Chief Registrar of Friendly Societies or, in Northern Ireland, the Registrar of Friendly Societies for Northern Ireland, make such regulations as he thinks appropriate for enabling a registered society to conduct approved group insurance business with a view to the establishment of occupational pension schemes . . . <sup>F65</sup>.
- (2) The power to make regulations under this section shall extend to enabling registered societies to conduct such business as is mentioned in subsection (1) above freed from any restrictions of the relevant legislation as to the amounts which a member, or a person claiming through a member, is entitled to receive from any one or more societies or branches.
- (3) Regulations under this section may include such adaptations and modifications of the relevant legislation, and such other supplementary and incidental provisions, as the Secretary of State considers to be necessary or expedient for achieving the purposes referred to in subsection (1) above.
- (4) In this section—
  - (a) as it applies to Great Britain—
    - (i) “the relevant legislation” means the <sup>M7</sup>Friendly Societies Acts 1896 to 1971 and Part II of Schedule 8 to the Finance Act 1966,
    - (ii) “registered society” has the same meaning as in the said Acts of 1896 to 1971, and
    - (iii) “approved group insurance business” has the same meaning as in section 10 of the <sup>M8</sup>Friendly Societies Act 1971;
  - (b) as it applies to Northern Ireland—
    - (i) “the relevant legislation” means the <sup>M9</sup>Friendly Societies Act (Northern Ireland) 1970,
    - (ii) “registered society” has the same meaning as in that Act, and
    - (iii) “approved group insurance business” has the same meaning as in paragraph 11(5) of Schedule 2 to that Act.]

#### Textual Amendments

**F64** S. 71 repealed (N.I.) by [S.I. 1975/1503 \(N.I. 15\)](#), [art. 74\(2\)](#), [Sch. 6](#)

**F65** Words repealed by [Social Security Amendment Act 1974 \(c. 58\)](#), [Sch. 2](#) w.e.f. 17.1.75.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C12** S. 71 extended to personal pension schemes (1.5.87) by [Social Security Act 1986 \(c. 50\)](#), [Sch. 10](#), para. 7.

**C13** [The Interpretation Act 1987 \(c. 30\)](#) s. 17(2)(a) applies to the references to the Friendly Societies Acts 1896 to 1971 and to Part II of Schedule 8 to the Finance Act 1966

**Marginal Citations**

**M7** 1966 c. 18.

**M8** 1971 c. 66.

**M9** 1970 c. 31 (N.I.).

[<sup>F66</sup>**72** **Fees for official services to schemes.**

Where at the request of the trustees or managers of an occupational pension scheme or of any employer of earners who are members of such a scheme, official services are provided in connection with the operation or administration of the scheme either by the Secretary of State or by the Occupational Pensions Board on his behalf, the Secretary of State may require the payment of fees for the provision of those services.]

**Textual Amendments**

**F66** S. 72 repealed (N.I.) by [S.I. 1975/1503 \(N.I. 15\)](#), art. 74(2), [Sch. 6](#)

**Modifications etc. (not altering text)**

**C14** S. 72 extended to personal pension schemes (1.5.87) by [Social Security Act 1986 \(c. 50\)](#), [Sch. 10](#), para. 7.

**PART III**

73— ..... <sup>F67</sup>  
83.

**Textual Amendments**

**F67** Ss. 73–83 repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#)

**PART IV**

MISCELLANEOUS AND GENERAL

*Adjudication*

84 ..... <sup>F68</sup>

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**Textual Amendments**

**F68** S. 84 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, Sch. 1 Pt. I

**85** ..... <sup>F69</sup>

**Textual Amendments**

**F69** S. 85 repealed by Social Security Pensions Act 1975 (c. 60), Sch. 5 and S.I. 1975/1503 (N.I. 15)

**[<sup>F70</sup>86 References and appeals from the two Boards.**

- (1) Any question of law arising in connection with—
  - (a) any matter arising under Part II of this Act [<sup>F71</sup>or Part III or IV of the Pensions Act]for determination by the Occupational Pensions Board;
  - (b) any matter which [<sup>F72</sup>under section 60(2) of the Pensions Act falls to be determined by that Board];
  - (c) any matter arising on an application to [<sup>F73</sup>that Board]for a review of a determination by that Board, or on a review by [<sup>F73</sup>that Board]entered upon without an application,
 may, if the Board . . . <sup>F74</sup>think fit, be referred for decision to the court.
- (2) In this section “the court” means—
  - (a) in England and Wales, the High Court;
  - (b) in Scotland, the Court of Session; and
  - (c) in Northern Ireland, the Court of Appeal in Northern Ireland.
- (3) In the event of [<sup>F75</sup>the Occupational Pensions Board]determining in accordance with subsection (1) above to refer any question of law to the court, they shall give notice in writing of their intention to do so—
  - (a) in a case where the question arises on an application made to the Board, to the applicant; and
  - (b) in any case to such persons as appear to them to be concerned with the question.
- (4) Any person aggrieved—
  - (a) by a determination of the Occupational Pensions Board given on a review under section 67 of this Act, or by the refusal of that Board to review a determination; or
  - (b) ..... <sup>F76</sup>
 where the determination in either case involves a question of law and that question is not referred by the Board . . . <sup>F74</sup> to the court under subsection (1) above, may on that question appeal from the determination to the court.
- (5) The Board . . . <sup>F74</sup>shall be entitled to appear and be heard on any reference or appeal under this section.
- (6) The provision made by rules of court or by rules of court made under section 55 of the <sup>M10</sup>Judicature (Northern Ireland) Act 1978 shall include provision for regulating

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

references and appeals to the court under this section and for limiting the time in which such appeals may be brought.

(7) ..... F77

(8) Notwithstanding anything in any enactment, the decision of the court on a reference or appeal under this section shall be final; and on any such reference or appeal the court may order the Board . . . <sup>F74</sup>to pay the costs or, in Scotland, the expenses of any other person, whether or not the decision is in that other person’s favour and whether or not the Board appear on the reference or appeal.

(9) ..... F78

**Textual Amendments**

- F70** S. 86 repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**
- F71** Words inserted by Social Security Pensions Act 1975 (c. 60), **Sch. 4**, para. 29, w.e.f. 7.8.75.
- F72** Words substituted by Social Security Pensions Act 1975 (c. 60), **Sch. 4 para. 29**, w.e.f. 7.8.75.
- F73** Words substituted by Social Security Pensions Act 1975 (c. 60), **Sch. 4 para. 29**, w.e.f. 7.8.75.
- F74** Words repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** w.e.f. 7.8.75.
- F75** Words substituted by Social Security Pensions Act 1975 (c. 60), **Sch. 4 para. 29**, w.e.f. 7.8.75.
- F76** S. 86(4)(b) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**
- F77** S. 86(7) repealed by Administration of Justice Act 1977 (c. 38), **Sch. 5 Pt. IV** and S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**
- F78** S. 86(9) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**

**Modifications etc. (not altering text)**

- C15** S. 86 modified by S.I. 1983/118, **reg. 6**.
- C16** “Rules made under s. 7 of the Northern Ireland Act 1962” to be construed as rules of court made under s. 55 of the **Judicature (Northern Ireland) Act 1978 (c. 23)**, by virtue of the latter Act, **Sch. 5 Pt. I para. 3**.

**Marginal Citations**

- M10** 1978 c. 23.

87 ..... F79

**Textual Amendments**

- F79** S. 87 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

*Administration, enforcement, etc.*

88 ..... F80

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

### Textual Amendments

**F80** S. 88 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

## 89 Disclosure of information by Inland Revenue.

- (1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to Inland Revenue shall prevent information obtained in connection with the assessment or collection of income tax under Schedule E from being disclosed to the Secretary of State or the Northern Ireland [<sup>F81</sup>Ministry] or to an officer of either of them authorised to receive such information, in connection with the operation of any enactment relating to the calculation or collection of [<sup>F82</sup>state scheme premiums].
- (2) No such obligation as is referred to in subsection (1) above shall prevent information from being disclosed to any member of the Occupational Pensions Board, or an officer of the Board authorised to receive it, in connection with the exercise by the Board of any of their functions.
- [<sup>F83</sup>(2A) No such obligation as is referred to in subsection (1) above shall prevent information from being disclosed to any person whose duty it is to give advice to the Occupational Pensions Board, in so far as the information—
- (a) is required by him solely to enable him to perform that duty adequately; and
  - (b) is information which the Occupational Pensions Board have power under any enactment or regulations under any enactment to require any person to provide.]
- (3) [<sup>F84</sup>Subsections (1), (2) and (2A)] above extend only to disclosure by or under the authority of the Inland Revenue; and information which is the subject of disclosure to any person by virtue of either subsection shall not be further disclosed to any other person, except where the further disclosure is made—
- (a) to a person to whom disclosure could by virtue of this section have been made by or under the authority of the Inland Revenue; or
  - (b) for the purposes of any proceedings (civil or criminal) in connection with the operation of any enactment relating to the calculation or collection of [<sup>F82</sup>state scheme premiums];
  - (c) ..... <sup>F85</sup>
- or where the further disclosure is made to the trustees or managers of an occupational pension scheme and relates to a member of the scheme and is made with his consent.
- (4) ..... <sup>F86</sup>

### Textual Amendments

- F81** Words substituted by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 2**, para. 58, w.e.f. 6.4.75.
- F82** Words substituted by Social Security Pensions Act 1975 (c. 60), **Sch. 4**, para. 30 w.e.f. 7.8.75.
- F83** S. 89(2A) inserted by Social Security Act 1985 (c. 53), **Sch. 5**, para. 2(a), w.e.f. 1.1.86.
- F84** Words substituted by Social Security Act 1985 (c. 53), **Sch. 5**, para. 2(b), w.e.f. 1.1.86.
- F85** S. 89(3)(c) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5**
- F86** S. 89(4) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**90** ..... F87

**Textual Amendments**

**F87** S. 90 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

**91** ..... F88

**Textual Amendments**

**F88** Ss. 91, 92(1),(2),(5)–(7) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

**92**

(1) ..... F89

(3) ..... F90

(5) ..... F89

(8) ..... F91

**Textual Amendments**

**F89** Ss. 91, 92(1),(2),(5)–(7) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

**F90** S. 92(3)(4) repealed by Social Security Act 1986 (c. 50), **Sch. 11**

**F91** S. 92(8) repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

**93** ..... F92

**Textual Amendments**

**F92** S. 93 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

**94** ..... F93

**Textual Amendments**

**F93** S. 94 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

### Northern Ireland

#### 95 Further provisions as to Northern Ireland.

- (1) Subject to the following provisions of this section, Parts II . . . <sup>F94</sup>of this Act, and this Part, extend to Northern Ireland.
- (2) . . . . . <sup>F95</sup>
- (3) The following provisions of this Part of this Act do not extend to Northern Ireland, namely—
  - (a) sections . . . <sup>F96</sup>and 98;
  - (b) . . . . . <sup>F95</sup>
  - (c) so much of section 100 and Schedules 27 and 28 as has effect for the amendment and repeal of enactments not extending to Northern Ireland.
- (4) . . . . . <sup>F95</sup>
- (5) . . . . . <sup>F97</sup>

#### Textual Amendments

- F94** Words repealed by S.I. 1975/1503 (N.I. 15), **Sch. 6**
- F95** S. 95(2),(3)(b),(4) repealed by S.I. 1975/1503 (N.I. 15), **Sch. 6**
- F96** Words repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1** w.e.f. 6.4.75 and S.I. 1975/1503 (N.I. 15)
- F97** S. 95(5) repealed by Social Security Amendment Act 1974 (c. 58), **Sch. 2 Pt. I**

### Subordinate legislation

#### 96 Orders and regulations (general provisions).

- (1) Any power under this Act to make regulations or an order (except . . . <sup>F98</sup>a power of the Occupational Pensions Board to make orders under Part II) shall be exercisable by statutory instrument.
- (2) Except in so far as this Act otherwise provides, any power conferred thereby to make . . . <sup>F99</sup>regulations or an order may be exercised—
  - (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,



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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 any power to make . . . <sup>F99</sup>regulations or an order for the purposes of any one provision of this Act shall be without prejudice to any power to make regulations or an order for the purposes of any other provision.

- (3) Without prejudice to any specific provision in this Act, any power conferred by this Act to make . . . <sup>F99</sup>, regulations or an order shall include power to make thereby such incidental or supplementary provision as appears to . . . <sup>F99</sup>the authority making the regulations or order . . . <sup>F99</sup>to be expedient for the purposes of the . . . <sup>F99</sup>regulations or order.
- (4) Any power conferred by this Act to make . . . <sup>F99</sup>an order shall include power to vary or revoke any such . . . <sup>F99</sup>order shall include power to vary or revoke any such . . . <sup>F99</sup>order by a subsequent . . . <sup>F99</sup>order.
- (5) . . . . . <sup>F100</sup>
- (6) Any power conferred on the Secretary of State . . . <sup>F101</sup>by any provision of this Act . . . <sup>F99</sup>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.
- (7) . . . . . <sup>F100</sup>

**Textual Amendments**

- F98** Words repealed by [S.I. 1975/1503 \(N.I. 15\)](#), **Sch. 6**
- F99** Words deleted by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 1** w.e.f. 6.4.75.
- F100** [Ss. 96\(5\),\(7\),\(8\), 97\(1\),\(2\)](#) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 1 Pt. I**
- F101** Words repealed by [Social Security Amendment Act 1974 \(c. 58\)](#), **Sch. 2** w.e.f. 17.1.75.

**97 Parliamentary control of orders and regulations.**

- (1) . . . . . <sup>F102</sup>

[<sup>F103</sup>(3) All regulations and orders made under this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

- (4) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of section . . . <sup>F104</sup>68(2) of this Act shall be deemed to be satisfied as respects either House of Parliament if a copy of the report and the statement referred to in [<sup>F105</sup>that]subsection are laid before that House not later than the second day on which the House sits after the laying of the regulations.

**Textual Amendments**

- F102** [Ss. 96\(5\),\(7\),\(8\), 97\(1\),\(2\)](#) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 1 Pt. I**
- F103** [S. 97\(3\)](#) substituted by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 2 para. 61** w.e.f. 6.4.75.
- F104** Words deleted by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 1** w.e.f. 6.4.75.

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**F105** Word substituted by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\), Sch. 2 para. 61](#) w.e.f. 6.4.75.

**Modifications etc. (not altering text)**

**C17** [S. 97\(3\)](#) amended (E.W.S.) by [Social Security Act 1980 \(c. 30\), s. 4\(2\)](#)

*General*

**98 Financial provisions.**

- (1) . . . . . <sup>F106</sup>There shall be paid out of money provided by Parliament—
  - (a) any expenses falling on the Secretary of State or other government department under this Act . . . <sup>F107</sup>,
  - (b) any increase attributable to this Act in the expenses of any Minister of the Crown or government department falling to be paid out of money so provided under any other enactment.
- (2) . . . . . <sup>F108</sup>

**Textual Amendments**

**F106** Words repealed by [Social Security Amendment Act 1974 \(c. 58\), Sch. 2](#) w.e.f. 17.1.75.

**F107** Words repealed by [Social Security Pensions Act 1979 \(c. 60\), Sch. 5](#), w.e.f. 7.8.75.

**F108** [S. 98\(2\)](#) repealed by [Social Security Pensions Act 1975 \(c. 60\), Sch. 5](#)

**99 Interpretation.**

- (1) In this Act except where the context otherwise requires—
  - [<sup>F109</sup>“appropriate scheme” shall be construed in accordance with Part I of the Social Security Act 1986;]
  - [<sup>F110</sup>“contracted-out employment” and “contracting-out certificate” shall be construed in accordance with section 30 of the Pensions Act and references to a contracted-out scheme and to contracting-out shall be construed in accordance with section 32 of that Act;]
  - . . . . . <sup>F111</sup>
  - “earnings” includes any remuneration or profit derived from an employment, and “earner” shall be construed accordingly;
  - . . . . . <sup>F111</sup>
  - “employment” includes any trade, business, profession, office or vocation and “employed” shall be construed accordingly except in the expression “employed earner”;
  - . . . . . <sup>F111</sup>
  - [<sup>F110</sup>“guaranteed minimum pension” has the meaning given in section 26 of the Pensions Act;]
  - . . . . . <sup>F111</sup>
  - “the Inland Revenue” means the Commissioners of Inland Revenue;
  - . . . . . <sup>F111</sup>

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

“linked qualifying service” shall be construed in accordance with [F112section 58(2), (2A) and (2B)];

F111

“the Northern Ireland Ministry” means the Ministry of Health and Social Services for Northern Ireland;

“occupational pension scheme” has the meaning given by section 51(3)(a);

F111

[F113“the Pensions Act” means the Social Security Pensions Act 1975;]

[F109“personal pension scheme” has the same meaning as in the Social Security Act 1986;]

“prescribed” means prescribed by regulations;

“public service pension scheme” has the meaning given by section 51(3)(b);

F111

F114

F111

“resources”, in relation to an occupational scheme, shall be construed in accordance with section 59(1) of this Act;

[F113“state scheme premium” means a state scheme premium under Part III of the Pensions Act or under any corresponding provision in force in Northern Ireland;]

“transfer credits” has the meaning given by section 58(1)(a);

F111

- (2) Except where the context otherwise requires, references in this Act to any Part of it include references to the Schedules of that Part.
- (3) Where any provision of this Act refers to regulations and the authority with power to make them is neither specified nor to be implied from the context, the reference is to regulations made by the Secretary of State . . . F115
- [F116(4) In any provision of this Act (except section 95(5)) containing a reference to “the appointed day” that expression shall be taken to have whatever meaning may be given by the order under section 101 of this Act which brings that provision into force.]
- (5) Where a provision of this Act which extends to Northern Ireland contains a reference to a government department and does not expressly or by implication from the context refer only to a department of the Government of the United Kingdom, then in the application of that provision to Northern Ireland the reference is to be taken to be, or to include (as the context may require), a department of the Government of Northern Ireland.

(6) . . . . . F117

(8) . . . . . F118

(10) . . . . . F119

(11) . . . . . F120

(13) . . . . . F121

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- (15) Any reference in this Act to an enactment shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any enactment including an enactment contained in this Act; and “enactment”, in this Act, includes an enactment of the Parliament of Northern Ireland and any reference in this Act to an enactment of that Parliament shall include a reference to an enactment re-enacting it with or without modification.
- [<sup>F116</sup>(16) Any reference in this Act, in relation to any enactment of the Parliament of the United Kingdom, to the corresponding Northern Ireland Legislation is a reference to, or to any provision of, an Act of the Parliament of Northern Ireland, or any order made under or having the same effect as such an Act, for the time being in force corresponding to that enactment.]
- (17) Any reference in section . . . <sup>F115</sup>, 68, 96, or 97 of this Act to . . . <sup>F115</sup> an order or regulations, under this Act or any Part thereof shall include a reference to . . . <sup>F115</sup>, an order or regulations, made under any provision of an enactment passed after this Act and directed to be construed as one with this Act or, as the case may be, that Part; but this subsection shall apply only so far as a contrary intention is not expressed in the enactment so passed, and shall be without prejudice to the generality of any such direction.
- (18) . . . . . <sup>F122</sup>

#### Textual Amendments

- F109** Definition inserted by [Social Security Act 1986 \(c. 50\)](#), [Sch. 10](#), para. 8, w.e.f. 1.5.87
- F110** Definition inserted by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 4 para. 31](#) w.e.f. 21.11.75.
- F111** Definitions repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1](#); by [Statutory Sick Pay Act 1975 \(c. 60\)](#), [Sch. 5](#); and by [Social Security Act 1986 \(c. 50\)](#), [Sch. 11](#)
- F112** Words substituted (1.10.89) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 6](#), para. 2(2)
- F113** Definition inserted by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 4 para. 31](#) w.e.f. 21.11.75.
- F114** Definitions repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1](#); by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#); and by [Social Security Act 1986 \(c. 50\)](#), [Sch. 11](#)
- F115** Words deleted by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1](#) w.e.f. 6.4.75.
- F116** [S. 99\(4\)\(16\)](#) repealed (N.I.) by [S.I. 1975/1503 \(N.I. 15\)](#), art. 74(2), [Sch. 6](#)
- F117** [S. 99\(6\),\(7\)](#) repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#) and [S.I. 1975/1503 \(N.I. 15\)](#)
- F118** [S. 99\(8\)\(9\)](#) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), s. 2, [Sch. 1 Pt. I](#)
- F119** [S. 99\(10\)](#) repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#) and [S.I. 1975/1503 \(N.I. 15\)](#)
- F120** [S. 99\(11\),\(12\)](#) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)
- F121** [S. 99\(13\),\(14\)](#) repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#) and [S.I. 1975/1503 \(N.I. 15\)](#)
- F122** [S. 99\(18\)](#) repealed by [Supplementary Benefits Act 1976 \(c. 71\)](#), [Sch. 8 Pt. I](#)

#### Modifications etc. (not altering text)

- C18** Definitions repealed (N.I.) by [S.I. 1975/1503 \(N.I. 15\)](#), art. 74(2), [Sch. 6](#)
- C19** Word “Ministry” to be construed (1.1.74) as “Department” by virtue of [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 8\(1\)](#)

## 100 Transitional provisions; minor and consequential amendments; repeals.

- (1) . . . . . <sup>F123</sup>

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- (2) Subject to any provision made by or under subsection (1) above—
- (a) the enactments and Orders specified in Schedule 27 to this Act shall (without prejudice to any other provision of this Act) have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act;
  - (b) the enactments and Orders specified in Schedule 28 to this Act (which include certain spent provisions and other provisions which are no longer required or will cease to be required on the coming into force of the amendments made by Schedule 27) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Where this Act amends an enactment of the Parliament of Northern Ireland, or an Order made under, or having the same effect as, an enactment of that Parliament, the enactment or Order as amended shall be subject to the <sup>M11</sup>Interpretation Act (Northern Ireland) 1954 in the same way as an Act of that Parliament is so subject.
- (4) Section 38 of the <sup>M12</sup>Interpretation Act 1889 (effect of repeals) shall have the same operation in relation to any repeal by this Act of an enactment of the Parliament of Northern Ireland (or of any provision of an Order made under an enactment of that Parliament) as it has in relation to the repeal of an Act of the Parliament of the United Kingdom, references in that section of the Act of 1889 to Acts and enactments being construed accordingly.

#### Textual Amendments

**F123** S. 100(1) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)

#### Modifications etc. (not altering text)

**C20** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**C21** References to the Interpretation Act 1889 to be construed as a reference to ss. 16(1) and 17(2)(a) of the [Interpretation Act 1978 \(c. 30\)](#) by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

#### Marginal Citations

**M11** 1954 c. 33 (N.I.)

**M12** 1889 c. 63.

## 101 Citation and commencement.

- (1) This Act may be cited as the Social Security Act 1973.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order; and—
  - (a) different days may be so appointed for, or for different purposes of, any one or more provisions of this Act (including, in the case of section 100 of this Act, the amendment or repeal of different enactments specified in Schedule 27 or 28 to this Act, or of different provisions of any enactment so specified); and
  - (b) an order under this subsection appointing a day for the coming into force of any provision (whether for all purposes or for particular purposes specified in

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects  
for the Social Security Act 1973. (See end of Document for details)*

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the order) shall, if that provision contains a reference to “the appointed day”, specify the day (being a day not earlier than the making of the order nor later than the coming into force of the provision) which is to be the appointed day for any purposes for which the provision is brought into force.

- (3) An order under subsection (2) above may make such transitional provision or savings as appear to the Secretary of State to be necessary or expedient in connection with provisions of this Act which are thereby brought (wholly or in part) into force, and may make such adaptations of those provisions or of any provisions of this Act then in force as appear to the Secretary of State to be necessary or expedient in consequence of the partly postponed or postponed operation of any provision of this Act (whether before, on or after the day appointed by the order).
- (4) Any statutory instrument containing an order made under this section shall be laid before Parliament after being made.

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**Subordinate Legislation Made**

**P1** [S. 101](#): power exercised by S.Is. 1973/1249, 1973/1433, 1974/164, 1974/823 and 1975/124.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

## SCHEDULES

### <sup>F124</sup>F124 SCHEDULES 1–14

#### Textual Amendments

**F124** Schs. 1–14 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

.....  
**F124**

### <sup>F125</sup>F125 SCHEDULE 15

#### Textual Amendments

**F125** Sch. 15 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

.....  
**F125**

### [<sup>F126</sup>SCHEDULE 16]

Section 63(1).

#### REQUIREMENTS AS TO PRESERVATION OF BENEFIT UNDER OCCUPATIONAL PENSION SCHEMES

#### Subordinate Legislation Made

**P2** **Sch. 16:** for exercises of power see Index to Government Orders

#### Textual Amendments

**F126** Sch. 16 repealed (N.I.) by S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**

## PART I

### *Interpretation*

1 The following 4 paragraphs have effect for the interpretation of this Schedule.

2 “Scheme” means an occupational pension scheme; and in relation to a scheme—

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- (a) “relevant employment” means any employment to which the scheme applies;
- (b) “long service benefit” means the benefits which will be payable under the scheme, in accordance with legal obligation, to or in respect of a member of the scheme on the assumption that he remains in relevant employment [<sup>F127</sup>, and continues to render service which qualifies him for benefits,] until he attains normal pension age;

and in paragraph (b) above “benefits” means retirement benefit for the member himself at normal pension age or benefit for [<sup>F128</sup>the member’s wife or husband, widow or widower], or dependants, or others, on his attaining that age or his death thereafter, or both such descriptions of benefit.

#### **Textual Amendments**

**F127** Words inserted (28.2.91) by [Social Security Act 1990 \(c. 27\)](#), **Sch. 4**, para. 5(4)(a)

**F128** Words substituted (1.10.89) by [Social Security Act 1989 \(c. 24\)](#), **Sch. 6**, para. 4(a)

- 3
  - (1) “Pensionable service”, in relation to a scheme and a member of it, means service in relevant employment which qualifies the member (on the assumption that it continues for the appropriate period) for long service benefit under the scheme, including service before the appointed day.
  - (2) There shall be taken into account as pensionable service only actual service; that is to say—
    - (a) service notionally attributable for any purposes of the scheme is not to be regarded as pensionable service; and
    - (b) no account is to be taken of scheme rules by which a period of service can be treated for any purpose as being longer or shorter than it actually is.
- 4
  - (1) In relation to a scheme and a member’s pensionable service under it, “normal pension age” is to be construed as follows.
  - (2) Where the scheme provides for the member only [<sup>F129</sup>a guaranteed minimum pension], “normal pension age” means the earliest age at which the member is entitled to receive [<sup>F129</sup>the guaranteed minimum pension] on retirement from relevant employment.
  - (3) In any other case, “normal pension age” means the earliest age at which the member is entitled to receive benefits (other than [<sup>F129</sup>a guaranteed minimum pension]) on his retirement from such employment.
  - (4) For the purposes of this paragraph there is to be disregarded any scheme rule making special provision as to early retirement on grounds of ill-health or otherwise.

#### **Textual Amendments**

**F129** Words substituted by [Social Security Act 1986 \(c. 50\)](#), **Sch. 10**, para. 9, w.e.f. 1.11.86



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- 5 (1) “Supplementary credits”, in relation to a scheme and a member’s entitlement to its benefits, means any increase of benefit or additional benefit to which the member may become entitled—
- (a) in consequence of any provision made by or under the scheme after he becomes a member of it (to the extent that it applies to any previous pensionable service of his); or
  - (b) by reference to previous service of his (whether or not pensionable service); or
  - (c) in such other circumstances as may be prescribed, including under paragraph (b) above any transfer credits.
- (2) “Purchased credits” means supplementary credits for which, under the rules of the scheme, a member may or must make payment in whole or in part (whether by means of additional contributions, or of deduction from benefit, or otherwise, and whether separately for each credit or by one or more payments for one or more credits).
- (3) “Bonus credits” means supplementary credits other than purchased credits or transfer credits.

**Modifications etc. (not altering text)**

**C22** Sch. 16 para. 5(1)(c) modified (28.02.1991) by S.I.1991/167, reg. 4

*Basic principle as to short service benefit*

- 6 (1) A scheme must provide so that where a member’s service in relevant employment is terminated before normal pension age and—
- (a) ..... <sup>F130</sup>
  - (b) he has at least [<sup>F131</sup>2]years’ qualifying service, [<sup>F132</sup>or
  - (c) a transfer payment in respect of his rights under a personal pension scheme has been made to the scheme,]
- he is entitled to benefit (calculated in accordance with the following provisions of this Schedule and there referred to as “short service benefit”), consisting of or comprising benefit of any description which would have been payable under the scheme as long service benefit, whether for himself or for others.
- (2) Subject to the following sub-paragraph, short service benefit must be made payable as from normal pension age or, if in the member’s case that age is earlier than 60, then from the age of 60.
- (3) Short service benefit payable on or in respect of the member’s death after normal pension age must be made payable as from his death or within such time thereafter as long service benefit payable on or in respect of his death would be payable.
- (4) In applying sub-paragraphs (2) and (3) above, no regard is to be had to the operation of any scheme rule, taking effect at any time after termination of the member’s pensionable service, as to what is normal pension age under the scheme.

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*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- (5) A scheme must not provide for payment of short service benefit in the form of a lump sum at any time before normal pension age, except in such circumstances as may be prescribed.

**Textual Amendments**

- F130** Sch. 16 para. 6(1)(a) repealed by [Social Security Act 1985 \(c. 53\)](#), **Sch. 6**  
**F131** Number substituted by [Social Security Act 1986 \(c. 50\)](#), **s. 10**, w.e.f. 6.4.88  
**F132** Word “or” and para 6(1)(c) added (27.7.1987) by The Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987 (S.I. 1987/1116, **reg. 4(3)**)

**Modifications etc. (not altering text)**

- C23** [Para. 6\(1\)](#) modified, where after an earlier break pensionable service is again terminated, by reg. 21(4) of [S.I. 1991/167](#), and, for certain schemes with an overseas element, by reg. 25(3) reg. of [S.I. 1991/167](#).  
**C24** [Para. 6\(2\)](#) modified, for relevant employment after normal pension age, by reg. 22(2) of [S.I. 1991/167](#).

*Qualifying service*

- 7 (1) “[<sup>F133</sup>2]years’ qualifying service” means [<sup>F133</sup>2]years (whether a single period of that duration or two or more periods, continuous or discontinuous, totalling [<sup>F133</sup>2]years) in which the member was at all times employed either—
- (a) in pensionable service under the scheme; or
  - (b) in service in [<sup>F134</sup>contracted-out employment]by reference to the scheme; or
  - (c) in linked qualifying service under another scheme,
- no regard being had to whether or not it was the same description of service in the whole of the [<sup>F133</sup>2]years.
- (2) A period of service previously terminated is not to count towards the [<sup>F133</sup>2]years’ qualifying service unless it counts towards qualification for long service benefit, and need then count only to the same extent and in the same way.

**Textual Amendments**

- F133** Number substituted by [Social Security Act 1986 \(c. 50\)](#), **s. 10**, w.e.f. 6.4.88  
**F134** Words substituted by [Social Security Pensions Act 1975 \(c. 60\)](#), **Sch. 4 para. 32** w.e.f. 25.11.75.

**Modifications etc. (not altering text)**

- C25** [Para. 7\(2\)](#) modified by reg. 21(2) of [S.I. 1991/167](#).

*No discrimination between short service and long service beneficiaries*

- 8 (1) A scheme must not contain any rule which results, or can result, in a member being treated less favourably for any purpose relating to short service benefit than he is, or is entitled to be, treated for the corresponding purpose relating to long service benefit.
- (2) The above does not apply to any rule in its application to members whose pensionable service terminated before the rule came into force, except a rule made after the

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termination of a member's pensionable service and resulting, or capable of resulting, for him in any treatment less favourable than that to which he would have been entitled but for the rule; nor does it apply to a rule merely conferring a discretion on the scheme's trustees or managers, or others, so long as it is not a rule requiring the discretion to be exercised in any discriminatory manner against members in respect of their short service benefit.

*Form of short service benefit and its alternatives*

- 9 (1) Subject to the following sub-paragraph, a member's short service benefit must either be payable (as mentioned in paragraph 6(2) above) directly out of the resources of the scheme or be assured to him by such means as may be prescribed.
- (2) Subject to the following sub-paragraphs, a scheme may, instead of providing short service benefit, provide—
- [<sup>F135</sup>(a) for the member's accrued rights to be transferred to another occupational pension scheme with a view to acquiring transfer credits for the member under the other scheme, or to a personal pension scheme or a self-employed pension arrangement with a view to acquiring rights for the member under the rules of the scheme or arrangement; or]
- (b) for such alternatives to short service benefit as may be prescribed.
- [<sup>F136</sup>(2A) The option conferred by sub-paragraph (2)(a) above is additional to any obligation imposed by Part II of Schedule 1A to the Social Security Pensions Act 1975.]
- (3) Either of the alternatives specified in sub-paragraph (2)(a) and (b) above may be by way of complete or partial substitute for short service benefit, but (except in such cases as may be prescribed) only with the member's consent.
- (4) An alternative prescribed under sub-paragraph (2)(b) above must not include any payment by way of return of contributions, except in respect of—
- (a) a period of service before the appointed day; or
- (b) a period of service of less than 5 years after that day if (and only if) there has been such a payment in respect of a period of service before that day.

**Textual Amendments**

**F135** Para. 9(2)(a) substituted (27.9.90) by virtue of reg. 7(3) of S.I. 1990/1141.

**F136** Para. 9(2A) inserted by Social Security Act 1985 (c. 53), Sch. 5 para. 3, w.e.f. 1.1.86

**Modifications etc. (not altering text)**

**C26** Sch. 16, para. 9(1)(2)(3) modified (28.02.1991) by S.I. 1991/167, regs. 6(1), 7(1), 12(1)

**C27** By virtue of reg. 4(6) of S.I. 1987/1116, "self-employed pension arrangement" in para. 9(2)(a) means the same as in reg. 2D of S.I. 1985/1931 (Transfer Values Regulations).

*Computation of benefit*

- 10 (1) A scheme must provide for short service benefit to be computed on the same basis as long service benefit.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- (2) For this purpose, no account is to be taken of any rule making it (directly or indirectly) a condition of entitlement to benefit that pensionable service shall have been of any minimum duration.
- (3) This paragraph does not apply to so much of any benefit as—
- (a) accrues at a higher rate, or otherwise more favourably, in the case of members with a period of pensionable service of some specified minimum length, or of those remaining in pensionable service up to some specified minimum age; or
  - (b) is of an amount, or at a rate, unrelated to length of pensionable service or to the number or amount of contributions paid by or for the member;
- nor does it apply to any category of schemes or members, or description of benefit, excluded from this paragraph by regulations.

11        So far as any short service benefit is not required to be computed in accordance with paragraph 10 above, it must be computed on the basis of uniform accrual, bearing the same proportion to long service benefit at the time when pensionable service is terminated as the period of that service bears to the period from the beginning of that service to the time when the member would attain normal pension age or such lower age as may be prescribed.

- 12        (1) Where long service benefit is related to a member's earnings at, or in a specified period before, the time when he attains normal pension age, short service benefit must be related, in a corresponding manner, to his earnings at, or in the same period before, the time when his pensionable service is terminated.
- (2) A scheme must comply with any regulations relating to the basis of computation of short service benefit, including regulations providing for the avoidance of fractional amounts and otherwise to facilitate computation.

#### *Credits*

- 13        (1) If a scheme provides for long service benefit to include supplementary credits, it must provide for such credits to be included in short service benefit, and provide for all credits to be so included, subject to the following sub-paragraphs.
- (2) Where purchased credits have not been paid for in full at or before termination of pensionable service—
- (a) if they were to be paid for by a fixed amount, the benefit must include so much of the whole of the credits as bears the same proportion to them as the amount which the member has paid bears to the full amount payable by him;
  - (b) if they were to be paid for otherwise than by a fixed amount, the benefit must include such part of the credits as bears the same proportion to the whole as the period between the time when the first payment became due and the termination of the member's pensionable service bears to the whole period over which payment was to be made.
- (3) If the benefit includes bonus credits, or credits for which payment is to be made by deduction from that or another benefit, the credits to be included in the benefit and

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*Status: Point in time view as at 01/02/1991.*

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(where applicable) the amount of the deduction must be computed on the basis of the following assumptions—

- (a) that the credits accrue in full only to a member remaining in pensionable service until normal pension age;
  - (b) that entitlement to any credit, and also the amount of any relevant deduction, accrues at a uniform rate from the time when the credit was awarded up to the time of his attaining that age.
- (4) Where any such deduction from benefit as is referred to in sub-paragraph (3) above is a percentage of benefit, the percentage must be the same for short service as for long service benefit.
- (5) A scheme must comply with any regulations made with respect to the manner in which supplementary credits are to be included in short service benefit, including regulations providing for the avoidance of fractional amounts and otherwise to facilitate computation.

#### *Pension-increases*

- 14 (1) A scheme which by its rules provides for increases of long service benefit from time to time (whether by way of upwards re-valuation or otherwise) must provide for corresponding increases of short service benefit in the case of members whose pensionable service terminates at any time after the coming into force of any such rule.
- (2) Where provision to this effect is made in such a way as to involve the exercise of a discretion in relation to increase of long service benefit, a corresponding discretion must be conferred in relation to short service benefit.
- (3) If an increase of long service benefit is to take effect at a specified time after termination of service, the corresponding increase of short service benefit must take effect at the same time after the time when short service benefit becomes payable.
- (4) Where provision is made for increase of long service benefit otherwise than at a fixed rate, short service benefit may nevertheless be subject to increase at a fixed rate, so long as the rate is not less than 3 per cent. a year compound.

#### *Assignment, surrender and commutation of benefit*

- 15 (1) Except as provided by this paragraph, a scheme must contain rules preventing assignment of short service benefit, and must not enable such benefit to be surrendered or commuted.

[<sup>F137</sup>(1A) In sub-paragraph (1) above, the references to assignment, surrender and commutation of short service benefit do not include references to any assignment, surrender or commutation of a policy of insurance or annuity contract in accordance with conditions prescribed by regulations under section 52C(4)(b) or (c) of the Social Security Pensions Act 1975 (cases where an occupational pension scheme's liability to provide benefit is discharged).]

*Status: Point in time view as at 01/02/1991.*

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- (2) Provisions enabling assignment are permissible (whether assignment before or after the benefit comes into payment) if it is assignment in favour of the <sup>F138</sup>widow or widower or a dependant of the member].
- (3) Provisions enabling surrender (at the option of the member) are permissible where it is—
- (a) to provide benefit for the <sup>F138</sup>widow or widower or a dependant of the member];
  - <sup>F139</sup>(b) to acquire for the member transfer credits under the rules of another occupational pension scheme or rights under the rules of a personal pension scheme or a self-employed pension arrangement;]
  - (c) to acquire for the member entitlement to further benefits under the same scheme, relating both to a period of pensionable service previously terminated and also to a subsequent period of service in relevant employment.
- (4) Provision may be made for a member’s benefit to be commuted, but only—
- (a) in a case where he opts (at any time) to commute at or after normal pension age; or
  - (b) in exceptional circumstances of serious ill-health; or
  - (c) in such other circumstances as may be prescribed;
- and where a scheme provides benefit for a member’s <sup>F140</sup>widow or widower] or dependant, it may provide for commutation by the beneficiary in such circumstances as may be prescribed.
- (5) In respect of any of the benefits or rights alternative to short service benefit provided in accordance with paragraph 9(2) above, this paragraph shall apply with such modifications as may be prescribed.
- (6) In the application of this paragraph to Scotland, for reference to assignment there shall be substituted references to assignation.

#### Textual Amendments

**F137** Para. 15(1A) inserted by [Social Security Act 1985 \(c. 53\)](#), **Sch. 5 para. 4**, w.e.f. 1.1.86

**F138** Words substituted (1.10.1989) by [Social Security Act 1989 \(c. 24\)](#) Sch. 6, para. 4(b).

**F139** Para. 15(3)(b) substituted (27.6.1990) by virtue of reg. 7(4) of [S.I. 1990/1141](#).

**F140** Words substituted (1.10.1989) by [Social Security Act 1989 \(c. 24\)](#) Sch. 6, para. 4(c).

#### Modifications etc. (not altering text)

**C28** By virtue of reg. 4(6) of [S.I. 1987/1116](#), “self-employed pension arrangement” in para. 15(3)(b) means the same as in reg. 2D of [S.I. 1985/1931](#) (Transfer Values Regulations).

*Forfeiture, etc.*

- 16 (1) Except so far as permitted by this paragraph, and subject to paragraph 17 below; a scheme must not contain any provision for forfeiture of short service benefit.
- (2) Provision may be made for forfeiture of the whole or part of any short service benefit by reference to an event occurring after the benefit becomes payable, but only an

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event by reference to which long service benefit would be forfeited; and such a provision must not be in terms which in the opinion of the Occupational Pensions Board appear to discriminate against members entitled to short service benefit.

- (3) Provision may be made for forfeiture by reference to—
- (a) the assignment or attempted assignment or, in Scotland, the assignation or attempted assignation of the benefit contrary to the provisions of the scheme;
  - (b) the member's bankruptcy or, in the case of benefit for a [<sup>F141</sup>widow or widower] or dependant of the member, the beneficiary's bankruptcy;
- and in this case forfeiture may be by reference to an event occurring either before or after the benefit would otherwise be payable, so long as the like provision is made in relation to long service benefit.
- (4) Provision for forfeiture may be made—
- (a) in a public service pension scheme, by reference to the member being convicted of an offence—
    - (i) committed by him before the benefit becomes payable and in connection with relevant employment, and
    - (ii) certified by a Minister of the Crown either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service;
  - (b) in any case, by reference to the member having been convicted of any offence committed before the benefit becomes payable, being—
    - (i) an offence of treason, or
    - (ii) one or more offences under [<sup>F142</sup>the Official Secrets Act 1911 to 1989]for which the member has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

#### Textual Amendments

**F141** Words substituted (1.10.89) by [Social Security Act 1989 \(c. 24\)](#) Sch. 6, para. 4(c).

**F142** Words substituted (1.3.90) by [Official Secrets Act 1989 \(c. 6\)](#), [Sch. 1](#), para. 1(d).

- 17 (1) No rule must operate so as to deprive a person of short service benefit (whether a member himself, or [<sup>F143</sup>a member's widow or widower or dependant]) by reference to—
- (a) failure by him or any other person to make a claim for the benefit or for any payment due as benefit; or
  - (b) failure by him or any other person, at any time after termination of relevant employment, to give any notice, or comply with any formality, required by the scheme as a condition of entitlement.
- (2) Sub-paragraph (1)(a) above is not to prevent reliance on any enactment relating to the limitation of action; and in cases of failure to claim, the scheme may provide for the right to receive any payment to be forfeited in the event of its not being claimed within 6 years of the date on which it became due.

*Status: Point in time view as at 01/02/1991.*

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### **Textual Amendments**

**F143** Words substituted (1.10.1989) by [Social Security Act 1989 \(c. 24\)](#) Sch. 6, para. 4(d).

- 18 (1) A scheme must contain no rule enabling a member's employer to exercise any description of charge or lien on, or set-off against, short service benefit, to the extent that it includes transfer credits; but a charge or lien on, or set-off against, a member's short service benefit is permissible (insofar as it does not include transfer credits) for the purpose of enabling the employer to obtain the discharge by the member of some monetary obligation due to the employer and arising out of a criminal, negligent or fraudulent act or omission by the member.
- (2) No rule is to permit the employer to recover from, or retain out of, the resources of the scheme any sum in respect of a monetary or other obligation due to him from any member, except an obligation arising as mentioned in sub-paragraph (1); and rules permitting such recovery or retainer must so provide that—
- (a) in respect of any such obligation, recovery or retainer is limited to the actuarial value of the member's actual or prospective benefits at that time, or the amount of the obligation, whichever is the less (subject to any different agreement in writing between the employer and the member); and
  - (b) the member is entitled to a certificate showing the amount retained or recovered and its effect on his benefits or prospective benefits; and
  - (c) in the event of any dispute as to the amount to be retained or recovered, the employer is not entitled to enforce the charge, lien or set-off except after the obligation has become enforceable under an order of a competent court or the award of an arbitrator or in Scotland an arbiter to be appointed (failing agreement between the parties) by the sheriff.
- 19 In respect of any of the benefits or rights alternative to short service benefit provided in accordance with paragraph 9(2) above, paragraphs 16 to 18 shall apply with such modifications as may be prescribed.

## **PART II**

### SUPPLEMENTARY REGULATIONS

- 20 Regulations may, in respect of any specified provision contained in Part I of this Schedule, provide that a scheme is not to be treated as conforming with the preservation requirements unless it contains express rules to the effect (but not necessarily in the words) of that provision.
- 21 Regulations may modify Part I of this Schedule in relation to schemes with any overseas element, that is to say, schemes established, or relating to employment, or with parties domiciled, resident or carrying on business, in any part of the world outside the United Kingdom, or otherwise not confined in their operation to the United Kingdom.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- 22 Regulations may make provision as to the circumstances in which, for the purposes of Part I of this Schedule—
- (a) a period of a person’s service in two or more different employments is to be treated as a period of service in one or more of those employments;
  - (b) a person’s service in any employment is to be treated as terminated or not terminated.
- 23 Regulations may modify Part I of this Schedule in its application to cases where an earner is for the time being, or has been employed in pensionable service under, or in <sup>F144</sup>contracted-out employment]by reference to, different schemes applying to the same employment and these regulations may relate to service under or, as the case may be, by reference to different schemes at the same time, or at different times.

**Textual Amendments**

**F144** Words substituted by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 4 para. 32](#) w.e.f. 25.11.75.

- 24 Regulations may make such provision modifying Part I of this Schedule as the Secretary of State thinks fit for securing that the preservation requirements include requirements for provision to be made in a scheme as to the preservation of a member’s benefit in the event of the scheme being wound up.
- 25 Regulations may modify Part I of this Schedule in any manner which the Secretary of State thinks appropriate with a view to securing the orderly implementation of the provisions of section 63 of this Act and to obtaining general compliance with that section; and regulations made under this paragraph may include incidental and supplementary provisions, including provisions appearing to the Secretary of State to be required in consequence of different provisions of Part I of this Schedule being brought into force at different times.
- 26 Without prejudice to any of the foregoing provisions, regulations may provide for the preservation requirements to apply with such modifications and exceptions as the Secretary of State considers to be necessary for particular cases or classes of cases.

SCHEDULE 17

Section 66(5).

THE OCCUPATIONAL PENSIONS BOARD

*Preliminary*

- 1 The Occupational Pensions Board (“the Board”) shall have perpetual succession and a common seal.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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### *Membership*

- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as chairman, deputy chairman or other member of the Board in accordance with the terms of the instrument appointing him.
- 3 A person may at any time resign office as chairman, deputy chairman or other member of the Board by giving to the Secretary of State written notice of resignation signed by that person.
- 4 (1) If a member of the Board becomes or ceases to be chairman or deputy chairman, the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office.
- (2) If the chairman or deputy chairman ceases to be a member, he shall cease to be chairman or deputy chairman, as the case may be.
- 5 (1) If the Secretary of State is satisfied that a member of the Board—
- (a) has been absent from meetings of the Board for a period longer than 3 consecutive months without the Board's permission; or
  - (b) has become bankrupt or made an arrangement with his creditors,
- the Secretary of State may remove that member.
- (2) In the application of sub-paragraph (1) above to Scotland, for the references to a member's having become bankrupt and to his having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to his having made a trust deed for behoof of his creditors or a composition contract.
- (3) Without prejudice to the foregoing provisions, the Secretary of State may remove a member of the Board on the ground of incapacity or misbehaviour.

### *Expenses; remuneration etc. of members*

- 6 The expenses of the Board, to such an amount as may be approved by the Minister for the Civil Service, shall be paid by the Secretary of State.
- 7 There may be paid as part of the expenses of the Board—
- (a) to all or any of the members of the Board, such salaries or other remuneration and travelling and other allowances;
  - (b) to persons attending their meetings at the request of the Board, such travelling and other allowances (including compensation for loss of remunerative time); and
  - (c) to persons from whom the Board may decide to seek advice, as being persons considered by the board to be specially qualified to advise them on particular matters, such fees,

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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as the Secretary of State may with the consent of the Minister for the Civil Service determine.

- 8 The Secretary of State may with the consent of the Minister for the Civil Service provide for the payment of pensions, allowances or gratuities to or in respect of such members of the Board as may be so determined.
- 9 Where a person ceases to be a member of the Board otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the Minister for the Civil Service make to that person a payment of such amount as the Secretary of State may determine with the consent of that Minister.

#### *Proceedings*

- 10 (1) The quorum of the Board and the arrangements relating to their meetings shall be such as the board may determine.
- (2) Subject to regulations made by the Secretary of State under section 66(7) and section 67(4) of this Act, the procedure of the Board, in relation to the discharge of any of their functions, shall be such as the Board may determine.
- 11 The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.
- 12 (1) Where the Board give a decision on any matter dealt with by them by means of a formal hearing, or on review, it shall be their duty to furnish a statement, either written or oral, of the reasons for the decision if they are requested, on or before the giving or notification of the decision, to state their reasons.
- (2) Any statement by the Board of their reasons for a decision, whether the statement is given by them in pursuance of this paragraph or otherwise, shall be taken to form part of the decision and accordingly to be incorporated in the record.

#### *Staff etc.*

- 13 (1) The Secretary of State may make available to the Board the services of such officers and servants of his department as he may consider appropriate for the proper discharge of the functions of the Board.
- (2) The Board may authorise any member, or any officer or servant of the Secretary of State's department, to perform on the Board's behalf such of their functions (including the power to give an authorisation for the purposes of this paragraph) as may be specified in the authorisation.

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### *Fees*

- 14 Regulations made by the Secretary of State may authorise the Board to charge fees for their services in respect of the modification of an occupational pension scheme on an application made in that behalf under section 64 of this Act [<sup>F145</sup>or under any corresponding provision in force in Northern Ireland], including services in connection with the drawing up of any order of the Board made on application.

#### **Textual Amendments**

**F145** Words added by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 4 para. 33](#) w.e.f. 25.11.75.

### *Instruments and contracts*

- 15 The fixing of the common seal of the Board shall be authenticated by the signature of the secretary of the Board or some other person authorised by them to act for that purpose.
- 16 A document purporting to be duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

### <sup>F146</sup><sup>F146</sup>SCHEDULES 18–20

#### **Textual Amendments**

**F146** [Schs. 18–20](#) repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#)

<sup>F146</sup>

### <sup>F147</sup><sup>F147</sup>SCHEDULE 21

#### **Textual Amendments**

**F147** [Sch. 21](#) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)

<sup>F147</sup>

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

F148F148 SCHEDULE 22

**Textual Amendments**

**F148** Sch. 22 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), art 74(2), **Sch. 6**

F148

SCHEDULE 23

1–3 ..... F149

**Textual Amendments**

**F149** Sch. 23, paras. 1–3, 6 repealed by Social Security Act 1986 (c. 50), **Sch. 5**

4 ..... F150

**Textual Amendments**

**F150** Sch. 23, para. 4 repealed by Police and Criminal Evidence Act 1984 (c. 60), **Sch. 7**.

5 ..... F151

**Textual Amendments**

**F151** Sch. 23, para. 5 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), art. 74(2), **Sch. 6**

6 ..... F152

**Textual Amendments**

**F152** Sch. 23, paras. 1–3, 6 repealed by Social Security Act 1986 (c. 50), **Sch. 5**

7–15 ..... F153

**Textual Amendments**

**F153** Sch. 23, paras. 7–15 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

F154F154 SCHEDULE 24

**Textual Amendments**

F154 Sch. 24 repealed by Social Security Pensions Act 1975 (c. 60), Sch. 5 and S.I. 1975/1503 (N.I. 15), art 74(2), Sch. 6

F154

F155F155 SCHEDULE 25

**Textual Amendments**

F155 Sch. 25 repealed by S.I. 1975/1503 (N.I. 15), Sch. 6

F155

F156F156 SCHEDULE 26

**Textual Amendments**

F156 Schs. 26, 27 paras. 1–5 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

F156

SCHEDULE 27

Section 100(2)(a)

MINOR AND CONSEQUENTIAL AMENDMENTS

**PART I**

ENACTMENTS OF THE PARLIAMENT OF THE UNITED KINGDOM

1–5 ..... F157

**Textual Amendments**

F157 Schs. 26, 27 paras. 1–5 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

*The Fire Services Act 1947 (c. 41)*

- 6 In section 26(2) of the Fire Services Act 1947, in paragraph (i), for “National Insurance (Industrial Injuries) Act, 1946, or the National Insurance Act, 1946,” substitute “ enactments relating to national insurance and social security ”.

**Modifications etc. (not altering text)**

**C29** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The National Assistance Act 1948 (c. 29)*

- 7 In section 50(4) of the National Assistance Act 1948, for the words from “of this section” onwards substitute “ of this section, less any amount received by the authority by way of death grant in respect of that death under section 30 of the Social Security Act 1973. ”.

**Modifications etc. (not altering text)**

**C30** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 8 ..... **F158**

**Textual Amendments**

**F158** Sch. 27 para. 8 repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. 1](#)

- 9 ..... **F159**

**Textual Amendments**

**F159** Sch. 27 para. 9 repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9\)](#), [Sch. 1](#)

*The Industrial Assurance and Friendly Societies Act 1948 (c. 39)*

- 10 In section 7 of the Industrial Assurance and Friendly Societies Act 1948—  
(a) for “National Insurance Act, 1946” substitute “ enactments relating to national insurance and social security ”; and  
(b) for “the said Act of 1946” substitute “ those enactments ”.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C31** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

11 ..... **F160**

**Textual Amendments**

**F160** Sch. 27 para. 11 repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 1 Pt. I**

*The Children Act 1948 (c. 43)*

12 In section 18(2) of the Children Act 1948, for the words from “the said subsection (1)” onwards substitute “ the said subsection (1) less any amount received by the authority by way of death grant in respect of that death under section 30 of the Social Security Act 1973. ”.

**Modifications etc. (not altering text)**

**C32** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

13 ..... **F161**

**Textual Amendments**

**F161** Sch. 27 para. 13 repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 1 Pt. I**

*The Justices of the Peace Act 1949 (c. 101)*

14 In section 8(1) of the Justices of the Peace Act 1949 (as amended by section 4 of the Justices of the Peace Act 1968 and set out in Schedule 4 to that Act), for “the National Insurance Acts 1965 to 1967” substitute “ the enactments relating to national insurance and social security ”.

**Modifications etc. (not altering text)**

**C33** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

*The Fire Services Act 1951 (c. 27)*

15 In section 2 of the Fire Services Act 1951, for subsection (4) substitute—

“(4) Nothing in subsection (1) of this section shall affect the operation of the enactments relating to national insurance and social security, but the Firemen’s Pension Scheme may provide for the reduction or withholding of awards under the Scheme where, in respect of the same matters, benefit is payable under those enactments and awards may be made under the Scheme.”.

**Modifications etc. (not altering text)**

**C34** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Local Government Superannuation Act 1953 (c. 25)*

16 In section 25 of the Local Government Superannuation Act 1953, in paragraph (a) of the proviso to subsection (1), for “twenty-two of the National Insurance Act 1946” substitute “ 30 of the Social Security Act 1973 ”.

**Modifications etc. (not altering text)**

**C35** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Friendly Societies Act 1955 (4 Eliz. 2. c. 19)*

17 In section 9 of the Friendly Societies Act 1955—

- (a) in subsection (1), for “Insurance Acts” substitute “ enactments relating to national insurance and social security ”;
- (b) for subsection (2) substitute—

“(2) Where the Secretary of State furnishes a registered [<sup>F162</sup>trade union] or branch, in connection with a claim for benefit from the [<sup>F162</sup>trade union] or branch, with information relating to a claim or award under those enactments, the expenses incurred in connection therewith by the Secretary of State or any other government department shall be treated as expenses in carrying those enactments into effect.”.

**Textual Amendments**

**F162** Words substituted by the [Friendly Societies Act 1974 \(c. 46\)](#) s. 116(1), Sch 9 para. 16

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C36** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

18

F163

**Textual Amendments**

**F163** Sch. 27 para. 18 repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), s. 5(2), [Sch. 3 Pt. I](#)

*The Public Records Act 1958 (c. 51)*

19

In Schedule 1 to the Public Records Act 1958—

- (a) in the second column of the Table, at the end of paragraph 3, after the entry relating to the Pneumoconiosis and Byssinosis Benefit Board, insert—

“Occupational Pensions Board.

Reserve Pension Board.”

- (b) the second column of that Table shall continue to have effect subject to the amendment made by paragraph 2 of Part I of Schedule 2 to the <sup>M13</sup>National Insurance (Old persons’ and widows’ pensions and attendance allowance) Act 1970, that is to say, after the entry relating to the Industrial Injuries Advisory Council, there shall continue to be inserted the following entry—

“Attendance Allowance Board.”.

**Modifications etc. (not altering text)**

**C37** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M13** [1970 c. 50](#).

20

F164

**Textual Amendments**

**F164** Sch. 27 para. 20 repealed by [Fatal Accidents Act 1976 \(c. 30\)](#), [Sch. 2](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

21 ..... F165

**Textual Amendments**

**F165** Sch. 27 para. 21 repealed by Wages Councils Act 1979 (c. 12), **Sch. 5 para. 1 Sch. 7**

22 ..... F166

**Textual Amendments**

**F166** Sch. 27 para. 22 repealed by Education (School-leaving Dates) Act 1976 (c. 5), **Sch.**

23 ..... F167

**Textual Amendments**

**F167** Sch. 27 para. 23 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

*The Diplomatic Privileges Act 1964 (c. 81)*

24 In section 2(4) of the Diplomatic Privileges Act 1964, for the words from “which is insurable employment” to “any contribution” substitute “ in respect of which contributions or premiums are payable under the enactments relating to national insurance and social security, including enactments in force in Northern Ireland, but not so as to render any person liable to any contribution or premium ”.

**Modifications etc. (not altering text)**

**C38** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

25–47 ..... F168

**Textual Amendments**

**F168** Sch. 27 paras. 25–47 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

48 ..... F169

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**Textual Amendments**

**F169** Sch. 27 para. 48 repealed by Child Benefit Act 1975 (c. 61), s. 21(4), **Sch. 5 Pt. I**

49 ..... **F170**

**Textual Amendments**

**F170** Sch. 27 para. 49 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

50 ..... **F171**

**Textual Amendments**

**F171** Sch. 27 para. 50 repealed by Child Benefit Act 1975 (c. 61), s. 21(4), **Sch. 5 Pt. I**

51, 52. .... **F172**

**Textual Amendments**

**F172** Sch. 27 paras. 51, 52 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

53 ..... **F173**

**Textual Amendments**

**F173** Sch. 27 para. 53 repealed by Child Benefit Act 1975 (c. 61), **Sch. 5 Pt. I**

54–59 ..... **F174**

**Textual Amendments**

**F174** Sch. 27 paras. 54–59 repealed by Employment Protection (Consolidation) Act 1978 (c. 44), **Sch. 17**

60–63 ..... **F175**

**Textual Amendments**

**F175** Sch. 27 paras. 60–63 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

*The Commonwealth Secretariat Act 1966 (c. 10)*

- 64 In paragraph 5(2) of the Schedule to the Commonwealth Secretariat Act 1966, for the words from “contributions are required to be paid” to “liable to any contribution” substitute “ contributions or premiums are payable under the enactments relating to national insurance and social security, but the foregoing provision shall not be construed as rendering a person liable to any contribution or premium ”.

**Modifications etc. (not altering text)**

- C39** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 65, 66. . . . . **F176**

**Textual Amendments**

- F176** Sch. 27 paras. 65, 66 repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)

- 67 . . . . . **F177**

**Textual Amendments**

- F177** Sch. 27 para. 67 repealed by [Supplementary Benefits Act 1976 \(c. 71\)](#), [Sch. 8 Pt. I](#)

- 68–71 . . . . . **F178**

**Textual Amendments**

- F178** Sch. 27 para. 68–71 repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)

*The Superannuation (Miscellaneous Provisions) Act 1967 (c. 28)*

- 72 In section 13 of the Superannuation (Miscellaneous Provisions) Act 1967, for subsection (2) substitute—

“(2) Regulations under subsection (1) of this section may provide for the reduction or withholding of awards under the regulations in cases where awards are provided for in respect of the same matters under any of the enactments relating to national insurance and social security.”.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C40** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

73–77 ..... **F179**

**Textual Amendments**

**F179** Sch. 27 paras. 73–77 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

*The Consular Relations Act 1968 (c. 18)*

78 In Section 1(6) of the Consular Relations Act 1968, for the words from “which is insurable employment” to “liable to any contribution” substitute “ in respect of which contributions or premiums are payable under the enactments relating to national insurance and social security, including enactments in force in Northern Ireland, but not so as to render any person liable to any contribution or premium ”.

**Modifications etc. (not altering text)**

**C41** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

79 ..... **F180**

**Textual Amendments**

**F180** Sch. 27 para. 79 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

*The International Organisations Act 1968 (c. 48)*

80 In paragraph 13 of Schedule 1 to the International Organisations Act 1968—  
(a) for the words from “for the purposes” to the end of subparagraph (a) substitute “for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland—  
(a) services rendered for the organisation by the representative or officer shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but”  
(b) in sub-paragraph (b), after “contribution” insert “ or premium ”.

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)

**Modifications etc. (not altering text)**

**C42** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

81–84 ..... **F181**

**Textual Amendments**

**F181** Sch. 27 paras. 81–84 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

*The Administration of Justice Act 1970 (c. 31)*

85 In sections 11(b)(ii) and 12(2)(b) of the Administration of Justice Act 1970, after “contributions” (in each place) insert “premiums”.

**Modifications etc. (not altering text)**

**C43** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

86, 87. .... **F182**

**Textual Amendments**

**F182** Sch. 27 paras. 86, 87 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

*The Attachment of Earnings Act 1971 (c. 32)*

88 In section 3(6) of the Attachment of Earnings Act 1971, after “contributions” insert “premiums”.

**Modifications etc. (not altering text)**

**C44** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

89–95 ..... **F183**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

### Textual Amendments

**F183** Sch. 27 paras. 89–95 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

### *The Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)*

- 96 In Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1972, in paragraph 9(2)(i), for “Schedule 3 to the National Insurance Act 1965” substitute “Part I of Schedule 4 to the Social Security Act 1973”.

### Modifications etc. (not altering text)

**C45** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *The Housing Finance Act 1972 (c. 47)*

- 97 In Schedule 3 to the Housing Finance Act 1972, in paragraph 9(2)(j), for “Schedule 3 to the National Insurance Act 1965” substitute “Part I of Schedule 4 to the Social Security Act 1973”.

### Modifications etc. (not altering text)

**C46** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *The Administration of Justice Act 1973 (c. 15)*

- 98 In paragraph 8(1) of Schedule 1 to the Administration of Justice Act 1973, for “National Insurance Acts 1965 to 1967” substitute “enactments relating to national insurance and social security”.

### Modifications etc. (not altering text)

**C47** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

## PART II

### ENACTMENTS OF THE PARLIAMENT OF NORTHERN IRELAND, AND ORDERS IN COUNCIL APPLYING TO NORTHERN IRELAND

99 ..... F184

#### Textual Amendments

F184 Sch. 27 para. 99 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

#### *The Wages Councils Act (Northern Ireland) 1945 (c. 21)*

100 In section 13(1)(a) of the Wages Councils Act (Northern Ireland) 1945, for the words from “National” to “subsequent enactment” substitute “enactments relating to national insurance and social security”.

#### Modifications etc. (not altering text)

C48 The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

101 ..... F185

#### Textual Amendments

F185 Sch. 27 para. 101 repealed by S.I. 1979/1574 (N.I. 13), Sch. 10

102 ..... F186

#### Textual Amendments

F186 Sch. 27 para. 102 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

#### *The Employment and Training Act (Northern Ireland) 1950 (c. 29)*

103 ..... F187

#### Textual Amendments

F187 Sch. 27 para. 103 repealed by S.I. 1980/870 (N.I. 8), Sch. 4 Pt. I

104 In section 5—

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- (a) in subsection (3) for the words from “being a person” to “1946” substitute “ who satisfies the contribution conditions set out in paragraph 1 of Schedule 3 to the Social Security Act 1973 ”;
- (b) in subsection (4) for the words from “or retirement pension” to “1946” substitute “ invalidity benefit or retirement pension under Part I of the Social Security Act 1973 ”.

**Modifications etc. (not altering text)**

**C49** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Judicial Pensions Act (Northern Ireland) 1951 (c. 20)*

105, 106. . . . . **F188**

**Textual Amendments**

**F188** Sch. 27 paras. 105, 106 repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)

107            In section 20, for the words from “referred to” to “before” substitute “ referred to in this Act (other than a National Insurance Commissioner) shall before ”.

**Modifications etc. (not altering text)**

**C50** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

108            . . . . . **F189**

**Textual Amendments**

**F189** Sch. 27 para. 108 repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)

109            . . . . . **F190**

**Textual Amendments**

**F190** Sch. 27 paras. 109, 112 repealed by [S.I. 1975/1503 \(N.I. 15\)](#), [Sch. 6](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

111 ..... F191

**Textual Amendments**

**F191** Sch. 27 para. 111 repealed by S.I. 1977/1251 (N.I. 18), **Sch. 2**

112 ..... F192

**Textual Amendments**

**F192** Sch. 27 paras. 109, 112 repealed by S.I. 1975/1503 (N.I. 15), **Sch. 6**

113, 114. .... F193

**Textual Amendments**

**F193** Sch. 27 paras. 113–116 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

115 ..... F194

**Textual Amendments**

**F194** Sch. 27 paras. 113–116 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

116 ..... F195

**Textual Amendments**

**F195** Sch. 27 paras. 113–116 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

*The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19)*

117 ..... F196

**Textual Amendments**

**F196** Sch. 27 para. 117 repealed by S.I. 1976/1043 (N.I. 16), **Sch. 7**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

- 118 In section 36(3), for the words from “securities” onwards, substitute “such manner as may be specified by an order of the Treasury for the time being in force under section 22(1) of the <sup>M14</sup>National Savings Bank Act 1971”.

**Modifications etc. (not altering text)**

**C51** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M14** 1971 c. 29.

- 119 In section 41(4), for the words from “the aggregate amount” to “contributions” substitute “equal to the appropriate allocation to the Northern Ireland Redundancy Fund (under section 45 of the Social Security Act 1973) from all secondary Class 1 contributions paid by that employer under Part I of the Social Security Act 1973”.

**Modifications etc. (not altering text)**

**C52** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 120 In section 50—
- (a) in subsection (1), for the words from “employers’ contributions” to “that employment” substitute “ in respect of the whole or part of the period during which that person was in that employment, employers’ contributions were paid in respect of him ”;
  - (b) after subsection (1) insert—
 

“(1A) The reference in subsection (1) to employers’ contributions is—

    - (a) as respects any period before the day appointed for the coming into force of section 2 of the Social Security Act 1973, to employers’ contributions within the meaning of the National Insurance Act (Northern Ireland) 1966, and
    - (b) as respects any period beginning on or after that day, to secondary Class 1 contributions paid in respect of the person in question by persons who were in relation to him secondary Class 1 contributors by virtue of section 2(4)(a) of the said Act of 1937”;
  - (c) in subsection (4), for the words from “such contributions” to “were paid” substitute “ the conditions of subsection (1) relating to the payment of employers’ contributions were satisfied ”.

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)

**Modifications etc. (not altering text)**

**C53** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

121 In section 55(1), for “redundancy fund contributions will be payable under Part III” substitute “secondary Class 1 contributions will be payable under Part I of the Social Security Act 1973”.

**Modifications etc. (not altering text)**

**C54** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

122 ..... **F197**

**Textual Amendments**

**F197** Sch. 27 para. 122 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

123 ..... **F198**

**Textual Amendments**

**F198** Sch. 27 para. 123 repealed by S.I. 1975/1504 (N.I. 16), art. 23(3), **Sch. 5 Pt. I**

124, 125. .... **F199**

**Textual Amendments**

**F199** Sch. 27 paras. 124, 125 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

126 ..... **F200**

**Textual Amendments**

**F200** Sch. 27 para. 126 repealed by S.I. 1975/1504 (N.I. 16), art 23(3), **Sch. 5 Pt. I**

127 ..... **F201**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**Textual Amendments**

**F201** Sch. 27 para. 127 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

128 ..... **F202**

**Textual Amendments**

**F202** Sch. 27 para. 128 repealed by S.I. 1975/1504 (N.I. 16), art. 23(3), **Sch. 5 Pt I**

129–148 ..... **F203**

**Textual Amendments**

**F203** Sch. 27 paras. 129–162 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

149, 150. .... **F204**

**Textual Amendments**

**F204** Sch. 27 paras. 129–162 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

151–155 ..... **F205**

**Textual Amendments**

**F205** Sch. 27 paras. 129–162 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

156–162 ..... **F206**

**Textual Amendments**

**F206** Sch. 27 paras. 129–162 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

163 ..... **F207**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

**Textual Amendments**

**F207** Sch. 27 para. 163 repealed by S.I. 1975/1503 (N.I. 15), Sch. 6

164 ..... **F208**

**Textual Amendments**

**F208** Sch. 27 paras. 164–166 repealed by Social Security (Consequential Provisions) Act 1975 (c 18), Sch. 1 Pt. I

165 ..... **F209**

**Textual Amendments**

**F209** Sch. 27 paras. 164–166 repealed by Social Security (Consequential Provisions) Act 1975 (c 18), Sch. 1 Pt. I

166 ..... **F210**

**Textual Amendments**

**F210** Sch. 27 paras. 164–166 repealed by Social Security (Consequential Provisions) Act 1975 (c 18), Sch. 1 Pt. I

*The Friendly Societies Act (Northern Ireland) 1970 (c. 31)*

167 In section 102 of the Friendly Societies Act (Northern Ireland) 1970—

- (a) in subsection (1), for “Insurance Acts” substitute “ enactments relating to national insurance and social security ”;
- (b) for subsection (2) substitute—
  - “(2) Where the Ministry of Health and Social Services furnishes a registered friendly society or branch, in connection with a claim for benefit from the society or branch, with information relating to a claim or award under those enactments, the expenses incurred in connection therewith by that Ministry or any other government department shall be treated as expenses in carrying those enactments into effect.”.

**Modifications etc. (not altering text)**

**C55** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted:

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*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

168, 169. . . . . F211

**Textual Amendments**

**F211** Sch. 27 para. 168–174 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

170 . . . . . F212

**Textual Amendments**

**F212** Sch. 27 para. 168–174 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

171 . . . . . F213

**Textual Amendments**

**F213** Sch. 27 para. 168–174 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

172–174 . . . . . F214

**Textual Amendments**

**F214** Sch. 27 para. 168–174 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

175 . . . . . F215

**Textual Amendments**

**F215** Sch. 27 para. 175 repealed by S.I. 1976/427 (N.I. 9), **Sch.**

176 . . . . . F216



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

### Textual Amendments

**F216** Sch. 27 para. 176 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I

## SCHEDULE 28

Section 100(2)(b).

### REPEALS

#### Modifications etc. (not altering text)

**C56** The text of s. 100(2), Sch. 27 paras. 6, 7, 10, 12, 14, 15, 16, 17, 19, 24, 64, 72, 78, 80, 85, 88, 96, 97, 98, 100, 104, 107, 118, 119, 120, 121, 167, Sch. 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## PART I

### ENACTMENTS OF THE PARLIAMENT OF THE UNITED KINGDOM

Chapter	Short Title	Extent of Repeal
17 & 18 Geo. 5. c. 41	The Superannuation and other Trust Funds (Validation) Act 1927.	Sections 1 to 8.  Section 10.  Section 11(2) from “but save as aforesaid” onwards.
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act 1946.	The whole Act, except section 89.
9 & 10 Geo. 6 c. 67.	The National Insurance Act 1946.	The whole Act, so far as unrepealed.
10 & 11 Geo. 6. c. 41	The Fire Services Act 1947.	Section 27(5)
4 Eliz. 2. c. 19.	The Friendly Societies Act 1955.	Section 9(5).
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 1, Part I, the entry beginning “Adjudicator appointed for the purposes of Part III of the National Insurance Act 1965”.
5 & 6 Eliz. 2. c. 26.	The National Insurance Act 1957.	The whole Act, so far as unrepealed.
8 & 9 Eliz. 2. c. 37.	The Payment of Wages Act 1960.	In the Schedule, in paragraph 12, sub-paragraph (a); and

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*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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		sub-paragraph (b); from “which does not” onwards.
8 & 9 Eliz. 2. c. 39.	The Dock Workers (Pensions) Act 1960.	The Whole Act.
1965 c. 51.	The National Insurance Act 1965.	Sections 1 to 63.  Section 67. In section 68(2), the words “under this Act”. Section 74. In section 81, subsection (5); in subsection (6), the words “under this Act”; and subsection (8). Sections 82 to 117. In section 118, in subsection (2), the words from first “except” to first “Ireland”; and subsection (3). Schedules 1 to 5. Schedules 7 to 11.
1965 c. 52.	The National Insurance (Industrial Injuries) Act 1965.	Sections 1 to 4. In section 18(3A), the proviso. Section 32(2) from the beginning to “1961”. In section 34(3)(a), the words “first-mentioned”. Section 35(1)(b) to (e). Section 54(7) and (9). Section 56(1). Sections 59 to 61. In section 64, in subsection (3), the words from “contributions” to “or whether”; and subsection (5). Sections 65, 67 and 69. In section 70(1), in paragraph (a), the word “or”; paragraphs (b) and (c); and the words “to (e)”.

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*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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		Section 75.
		Section 79(2) and (3).
		Section 82(2) from “as they apply” onwards.
		In section 83, in subsection (1), the words “of insurance”; in subsection (4) (a)(iii), the figures “3(4), 4(2)”, “65” and “69”; and the words from “and the provisions” onwards.
		In section 86, in subsection (1), the definitions of “contribution”, “contribution week”, “the Insurance Act of 1946” and “insured person”; and in subsection (4), paragraphs (c) and (d).
		In section 87(3), paragraph (b) and the words “wherever those words occur”.
		Schedule 1, Parts II and III.
		Schedule 2.
1965 c. 53.	The Family Allowances Act 1965.	In section 16, subsection (1) (c); and in subsection (2) (a) the words “the National Insurance Commissioner and deputy”.
		Section 17(8).
1965 c. 54.	The National Health Service Contributions Act 1965.	In section 26(1), the words from “into which” to “Act, and”.
		Sections 27, 28 and 29.
		In section 31(1), the words “who are liable to pay redundancy fund contributions”.
		Section 36(1) to (4).
		In section 55, subsection (5) (b); and subsection (6) from “except” onwards.
1966 c. 6.	The National Insurance Act 1966.	Sections 1 to 4.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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		Section 5(1) and (3).
		Section 8(3).
		Section 9.
		In section 10, subsections (1) to (4); in subsection (5), the words “section 75(2) of the Insurance Act or”; and subsection (6).
		Sections 11 and 12.
		Schedule 1.
1967 c. 25.	The National Insurance (Industrial Injuries) (Amendment) Act 1967.	Section 2.
1967 c. 34.	The Industrial Injuries and Diseases (Old Cases) Act 1967.	In section 14(1), in the definition of “prescribed”, the words “in relation to insured persons employed in insurable employment”.
		Section 15(4).
1967 c. 73.	The National Insurance Act 1967.	Section 1 and 2.
		In section 4, in subsection (1), the words “section 46 of the Insurance Act or”; and in subsection (4), the words “under the Insurance Act or”.
1967 c. 90.	The Family Allowances and National Insurance Act 1967.	Section 1(5).
		Section 2(3) from the beginning to “National Insurance Act 1965 and”, and from “but” onwards.
		Section 3(2).
		Schedule 1, Part II.
1968 c. 14.	The Public Expenditure and Receipts Act 1968.	Sections 1 and 2.
		Section 7(2) from “except in so far as” onwards.
		Schedule 2.
		In Schedule 3, in paragraph 1(b), the entry relating to the National Insurance Act 1965.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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1968 c. 40.	The Family Allowances and National Insurance Act 1968.	Section 1(4).
1968 c. 64.	The Civil Evidence Act 1968.	In the Schedule, the entries relating to the National Insurance Act 1956 and the National Insurance (Industrial Injuries) Act 1965.
1969 c. 4.	The National Insurance &c. Act 1969.	The whole Act.
1969 c. 44.	The National Insurance Act 1969.	Sections 1 to 4.  Section 8(2)(a), (d) and (e). Sections 9 and 10. Schedule 3.
1969 c. 48.	The Post Office Act 1969.	Section 121. In Schedule 9, paragraph 48.
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 212(1), the words from “section 46” to “1966, under”.  In Schedule 15, in paragraph 11, in Parts I and II of the Table, the entries for the National Insurance Act 1965 and the National Insurance Act (Northern Ireland) 1966.
1970 c. 16.	The National Health Service Contributions Act 1970.	The whole Act.
1970 c. 31.	The Administration of Justice Act 1970.	In Schedule 4, paragraph 4.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	Section 11.
1970 c. 51.	The National Insurance (Old persons’ and widows’ pensions and attendance allowance) Act 1970.	The whole Act.
1971 c. 32.	The Attachment of Earnings Act 1971.	Schedule 2, paragraph 4.
1971 c. 50.	The National Insurance Act 1971.	Sections 1 to 7.  Sections 12 and 13.  In section 14, the words “the National Insurance Acts 1965 to 1970”.

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*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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		In section 16, in subsection (2), the words “other than section 12”; and in subsection (4), paragraph (a), and in paragraph (b), the words “other than paragraph (a) above”.
		Schedule 3.
		In Schedule 5, paragraphs 2 to 5, 10(2), 12 and 13(1).
1971 c. 62.	The Tribunals and Inquiries Act 1971.	In Schedule 1, paragraph 18(a).
		In Schedule 3, the entry relating to the National Insurance Act 1965.
1971 c. 68.	The Finance Act 1971.	Section 22(4) to (10).
1971 c. 73.	The Social Security Act 1971.	Section 7(1).
		Sections 8 and 9.
		Section 10(2).
1972 c. 4.	The National Insurance Regulations (Validation) Act 1972.	The whole Act.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraph 52.
1972 c. 36.	The National Insurance (Amendment) Act 1972.	The whole Act.
1972 c. 57.	The National Insurance Act 1972.	Sections 1 to 3.
		Section 4(5).
		In section 5, in subsection (1), the words from “in section 75(1)” to “corresponding provision”; and in subsection (5)(b), the words “the National Insurance Act 1965 or”.
		Section 6(1) to 6(4).
		In section 7(1)(a), the words “section 104 of the National Insurance Act 1965 and”.
		Schedules 1 and 2.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

1972 c. 80.	The Pensioners' Payments and National Insurance Contributions Act 1972.	Schedule 4, Part II. Section 2.  Section 3(3) from "and section 2" onwards.
1973 c. 50.	The Employment and Training Act 1973.	In Schedule 3, paragraph 7.
1961 No. 3.	The Clergy Pensions Measure 1961.	In sections 1(4) and 37(2) (in each place), the words "or the National Insurance Acts 1946 to 1960".

## PART II

### ENACTMENTS OF THE PARLIAMENT OF NORTHERN IRELAND, AND ORDERS IN COUNCIL APPLYING TO NORTHERN IRELAND.

Chapter or Number	Short Title	Extent of Repeal
18 & 19 Geo. 5. c. 6 (N.I.).	The Superannuation and other Trust Funds (Validation) Act (Northern Ireland) 1928.	The whole Act.
1946 c. 21 (N.I.).	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1946.	Section 6.
1946 c. 23 (N.I.).	The National Insurance Act (Northern Ireland) 1946.	The whole Act, so far as unrepealed.
1955 c. 29 (N.I.).	The Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955.	In Schedule 2, the entry relating to the National Insurance Act (Northern Ireland) 1946.
1959 c. 21 (N.I.).	The National Insurance Act (Northern Ireland) 1959.	Section 3.
1960 c. 22 (N.I.).	The Companies Act (Northern Ireland) 1960.	In section 92(2), the words " , and the reference in section 287(1)(f) to the winding up order or resolution shall be construed as a reference to,".  In section 287, subsections (1)(f) and (5A)
1964 c. 18 (N.I.).	The Industrial Training Act (Northern Ireland) 1964.	Section 17.

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*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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1964 c. 32 (N.I.).	The Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964.	In section 1, subsections (1) (f) and (3).
1964 c. 37 (N.I.).	The National Insurance &c. Act (Northern Ireland) 1964.	Section 6(1).  In Schedule 6, paragraph 6(1) and (2).
1965 c. 19 (N.I.).	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.	In section 36(1), the words “into which there shall be paid all sums received by the Ministry under this Part, and”.  Sections 37 to 39.  In section 41(1), the words “who are liable to pay redundancy fund contributions”.  Section 46(1) to (3).  In section 60(4), paragraph (b); and in section 60(5), the words from “except” onwards.  In section 63(3), the words “subject to section 46(1)”.
1966 c. 6 (N.I.).	The National Insurance Act (Northern Ireland) 1966.	Sections 1 to 62.  Section 64(5). Section 66. In section 67(2), the words “under this Act”. Section 73. In section 80, subsection (5); in subsection (6), the words “under this Act”; and subsection (7). Sections 81 to 107. Section 109. Section 110(2). Schedules 1 to 5.



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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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		In Schedule 6, in the heading, the words “and Deputy Commissioners”.
		Schedules 7 to 9.
1966 c. 7 (N.I.)	The Health Service Contributions Act (Northern Ireland) 1966.	The whole Act.
1966 c. 8 (N.I.).	The Family Allowances Act (Northern Ireland) 1966.	Section 15(1)(c).
1966 c. 9. (N.I.)	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.	Sections 1 to 4.
		In section 18(3A), the words from “so however” onwards.
		In section 32(2), the words from the beginning to “1962” where it first occurs.
		In section 34(3)(a), the words “first mentioned”.
		Section 35(1)(b) to (e).
		In section 53, subsections (8) and (10).
		Section 54(1).
		Sections 57 to 59.
		In section 60, in subsection (3), the words from “contributions” to “or whether”; and subsection (5).
		Sections 63 and 65.
		In section 66(1), in paragraph (a) the word “or”; paragraphs (b) and (c); and the words “to (e)”.
		Schedule 2.
1966 c. 16 (N.I.)	The National Insurance (No. 2) Act (Northern Ireland) 1966.	Sections 1 to 4.
		Section 5(1) and (3).
		Section 8(1)(v) and (3).
		Section 9(1) to (6).
		In section 10, subsections (1) to (4); and in subsection (5),

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*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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		the words “section 74(2) of the Insurance Act or”.
		Sections 11 and 12.
		Schedule 1.
		In Schedule 3, paragraphs 1, 2(b) and (c) and 3.
1967 c. 22.	The National Insurance Act (Northern Ireland) 1967.	Section 1.
		Section 2.
		In section 5, in subsection (1) the words “section 45 of the Insurance Act or”; and in subsection (4), the words “under the Insurance Act or”.
		Sections 6 and 7.
		Schedule 4.
		In Schedule 7, paragraphs 1 to 6; and, in paragraph 7, sub-paragraph (c) and the words “section 45(6) of the Insurance Act or”.
1967 c. 25 (N.I.).	The Births and Deaths Registration Act (Northern Ireland) 1967.	In Schedule 2, the entry relating to the National Insurance Act (Northern Ireland) 1966.
1968 c. 1 (N.I.).	The Family Allowances and National Insurance Act (Northern Ireland) 1968.	Section 1(5).
		In section 2(2), the words “Section 106(2)(a) of the Insurance Act and” and the words from “but” onwards.
		Section 3(2).
		Schedule 1, Part II.
1968 c. 8 (N.I.).	The Public Expenditure and Receipts Act (Northern Ireland) 1968.	Sections 1 and 2.
		Section 6(2)(a).
		Schedule 2.
1968 c. 16 (N.I.).	The Family Allowances and National Insurance (No. 2) Act (Northern Ireland) 1968.	Section 1(4).

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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1969 c. 3 (N.I.).	The National Insurance &c Act (Northern Ireland) 1969.	The whole Act.
1969 c. 19 (N.I.).	The National Insurance &c (No. 2) Act (Northern Ireland) 1969.	Sections 1 to 4.  Section 8(2)(a), (b) and (c). Sections 9 and 10. Schedule 3.
1970 c. 12 (N.I.).	The Payment of Wages Act (Northern Ireland) 1970.	In the Schedule, in paragraph 12, sub-paragraph (a); and in sub-paragraph (b), the words from “which does not” onwards.
1970 c. 17 (N.I.).	The Health Service Contributions Act (Northern Ireland) 1970.	The whole Act.
1970 c. 28 (N.I.).	The National Insurance (Old Persons’ and Widows’ Pensions and Attendance Allowance) Act (Northern Ireland) 1970.	The whole Act.
1970 c. 31 (N.I.).	The Friendly Societies Act (Northern Ireland) 1970.	Section 102(3).
1971 c. 21 (N.I.).	The Social Services (Parity) Act (Northern Ireland) 1971.	Articles 1 to 7.  In Article 8(3), the words repealed in section 18(3A) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 above. Articles 12 and 13. In Article 14, the words “the National Insurance Acts (Northern Ireland) 1966 to 1970”. In Article 15, the definitions of “the Insurance Act” and “the Act of 1970”. In Article 16, paragraph (1) (a); and in paragraph (2), the words “other than Article 12” and sub-paragraph (a). Schedule 3.

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*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Social Security Act 1973. (See end of Document for details)*

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1971 c. 28 (N.I.).	The Social Security Act (Northern Ireland) 1971.	In Schedule 5, paragraphs 2 to 5, 9(2), 11 and 12. Section 7(1).
1971 c. 36 (N.I.).	The Civil Evidence Act (Northern Ireland) 1971.	Section 8. In the Schedule, the entries relating to the National Insurance Act (Northern Ireland) 1966 and the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.
1972 c. 13 (N.I.).	The National Insurance Regulations (Validation) Act (Northern Ireland) 1972.	The whole Act.

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**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Social Security Act 1973.