



Social Security (Miscellaneous Provisions) Act 1977

1977 CHAPTER 5

An Act to amend the law relating to social security and to regulate the manner of providing for certain benefits connected with service in the armed forces. [30th March 1977]

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), s. 3

Commencement Information

I1 Act partly in force at Royal Assent see [s. 25\(2\)\(3\)\(4\)](#); Act wholly in force at 1. 7. 1977.

Contributions

1, 2.^{F1}

Textual Amendments

F1 Ss. 1, 2, 3(1), 4–6, 8–11, 13, 17, 18, 20(1)(2), 22(1)–(5), s. 24(2)(4) and Sch. 1 repealed (1.7.92) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) s. 3, Sch. 1 and subject to an amendment to s. 1(2) (retrospective to 25.7.1991) by [1998 c. 14, s. 66\(2\)](#)

Retirement pensions

3 —
(1)^{F2}

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

(2) Section 35(6) of the Pensions Act shall apply with the substitution of “seven” for “eight” and of “one-seventh” for “one-eighth”.

(3) F3

Textual Amendments

F2 S. 3(1) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

F3 S. 3(3)–(5) repealed by the Social Security Act 1979 (c. 18), Sch. 3, para. 29(a)

Modifications etc. (not altering text)

C2 The text of s. 3(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4 F4

Textual Amendments

F4 S. 4 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1

Adjustment of benefit

5, 6. F5

Textual Amendments

F5 Ss. 5, 6, repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

7 F6

Textual Amendments

F6 S. 7 repealed by the Social Security (No. 2) Act 1980 (c. 39), s. 7(6), Sch.

8 F7

Textual Amendments

F7 S. 8 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

Industrial injuries and diseases

9–11 F8

Textual Amendments

F8 Ss. 9–11 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1

Disablement etc benefits of armed forces

12 Exercise by Order in Council of existing powers relating to benefits for death or disablement through service in the armed forces.

- (1) Any power of Her Majesty, whether under an enactment or otherwise, to make provision about pensions or other benefits for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown shall continue to be exercisable in any manner in which it may be exercised apart from this subsection and shall also be exercisable by Order in Council in pursuance of this subsection; and such an Order shall be made by statutory instrument and laid before Parliament after being made.
- (2) Her Majesty may make by Order in Council—
 - (a) in any enactment relating to such pensions or other benefits as are mentioned in the preceding subsection; and
 - (b) in any enactment by virtue of which and any instrument by which provisions relating to such pensions or other benefits may be or are applied to service otherwise than in the said forces; and
 - (c) in any other enactment or instrument which refers to, or to an instrument relating to, such pensions or other benefits,such modifications as She considers appropriate in consequence of the passing of that subsection or the making of an Order in pursuance of that subsection; and any statutory instrument containing an Order made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An Order made in pursuance of subsection (1) of this section may vary or revoke any instrument made otherwise than under this section so far as the instrument relates to such pensions or other benefits as are mentioned in that subsection.

Subordinate Legislation Made

P1 S. 12: for previous exercises of this power see Index to Government Orders.

P2 S. 12: s. 12(1) (with s. 24(3)) power exercised by S.I.1991/766.

Modifications etc. (not altering text)

C3 S. 12 saved by Reserve Forces Act 1980 (c. 9), Sch. 8 para. 20

C4 Power to apply s. 12 conferred by Forfeiture Act 1982 (c.34), s. 4(2)(a)

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

Miscellaneous provisions relating to benefit

13 F9

Textual Amendments

F9 S. 13 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

14 (1) F10

(5) For section 21 of that Act (which relates to false statements) there shall be substituted the following section—

“(21) If any person, for the purpose of obtaining supplementary benefit or any other payment under this Act for himself or another person or for any other purp[ose connected with this Act,—

- (a) makes any statement or representation which he knows to be false; or
- (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months or to both.”

(6) F11

(7) F12

Textual Amendments

F10 S. 14(1)–(4) repealed by Social Security Act 1980 (c. 30), Sch. 5, Pt. II

F11 S. 14(6) repealed by Social Security Act 1981 (c. 33), s. 8(5)

F12 S. 14(7)–(10) repealed by Social Security Act 1980 (c. 30), Sch. 5, Pt. II

Modifications etc. (not altering text)

C5 The text of s. 14(5) which is spent 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.

15 F13

Textual Amendments

F13 S. 15 repealed by the Social Security Act 1980 (c. 30), Sch. 5, Pt. II

16 F14

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

Textual Amendments

F14 S. 16 repealed by the [Employment Protection \(Consolidation\) Act 1978 \(c. 44\), S. 17](#)

17^{F15}

Textual Amendments

F15 S. 17 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 3, 7\(2\), Sch.1](#)

Other miscellaneous provisions

18^{F16}

Textual Amendments

F16 S. 18 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 3, 7\(2\), Sch.1](#)

19^{F17}

Textual Amendments

F17 S. 19 repealed (6.4.87) by [Social Security Act 1986 \(c. 50\), Sch. 11](#)

20 (1)^{F18}
(3)^{F19}

Textual Amendments

F18 S. 20(1)(2) repealed (E.W.S.)(1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 3, 7\(2\), Sch. 1](#)

F19 S. 20(3)(4) repealed (N.I.) (1.7.1992) by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9\), ss. 3, 7\(2\), Sch. 1](#)

21 Calculation of guaranteed minimum pensions preserved under approved arrangements.

(1) Where an occupational pension scheme ceases to be contracted-out and guaranteed minimum pension rights or accrued rights to guaranteed minimum pensions under the scheme are subject to approved arrangements (as defined in section 44 of the Pensions

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

Act for the purposes of subsection (2) of that section) for their preservation, then, except in such circumstances as may be prescribed, section 35(5) of that Act shall ^{F20}in a case where one or more of the five tax years ending with the tax year in which the scheme ceases to be contracted-out is a relevant year in relation to the earner, have effect, . . . ^{F21}, subject to the following provisions, that is to say—

- [any earnings factor shall be taken to be that factor as increased by the last order ^{F22}(a) under section 21 of the Pensions Act ^{F23}or section 148 of the Social Security Administration Act 1992] to come into force before those five tax years; and]
- (b) any relevant earnings factor derived from contributions ^{F24}or earnings] in respect of any year (hereafter in this subsection referred to as “the relevant contributions year”) shall be treated as increased by 12 per cent. compound for each of those five tax years, other than any of those years which—
- (i) constitutes or begins before the relevant contributions year, or
 - (ii) begins after the final relevant year in relation to the earner]

^{F25}but this subsection shall not apply in any case where the application of those provisions would result in the amount of the guaranteed minimum being greater than it would have been apart from this subsection.]

- (2) Regulations may provide that subsection (1) above shall have effect with prescribed modifications in relation to a scheme which, immediately before it ceased to be contracted-out, contained provisions authorised by section 35(7) of the Pensions Act.

^{F26}(3) In this section—

“earner” and “earnings” are to be construed in accordance with sections 3, 4 and 112 of the Social Security Contributions and Benefits Act 1992;

“earnings factors” is to be construed in accordance with sections 22 and 23 of that Act;

“tax year” means the 12 months beginning with 6th April in any year,

and expressions used in Part III of the Pensions Act have the same meanings as in that Part.]

Textual Amendments

F20 Words substituted by [Social Security Act 1980 \(c. 30\), s. 3\(4\)](#)

F21 Words repealed (1.10.89) by [Social Security Act 1989 \(c. 24\), Sch. 6, para. 15\(a\)](#) and [Sch. 9](#)

F22 [S. 21\(1\)\(a\)](#) substituted by [Social Security Act 1985 \(c. 53\), s. 4, Sch. 3, paras. 6 and 7\(1\)](#) with effect from 6.4.79

F23 Words in [s. 21\(1\)\(a\)](#) inserted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 4, 7\(2\), Sch. 2, para. 44\(1\)](#)

F24 Words inserted (6.4.87) by [Social Security Act 1986 \(c. 50\), Sch. 8, para. 11](#)

F25 Words added (1.10.89) by [Social Security Act 1989 \(c. 24\), Sch. 6, para. 15\(b\)](#)

F26 [S. 21\(3\)](#) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 4, 7\(2\), Sch. 2, para. 44\(2\)](#)

Modifications etc. (not altering text)

C6 [S. 21\(1\)](#) modified by [S.I. 1984/380, reg. 48.](#)

22 Other miscellaneous amendments.

(1) ^{F27}

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

- (6) F28
- (7) In sections 35(7) and 45(1) of the Pensions Act (which relate to a person whose service in contracted-out employment ceases before he attains the relevant scheme's normal pension age), for the words "the scheme's normal pension age" there shall be substituted the words "pensionable age".
- (8) In section 40(3) of the Pensions Act, after the words "the rule has taken effect" there shall be inserted the words "except that the rule may also accord priority, on a winding up occurring after an earner has attained normal pension age, to liabilities of the scheme in respect of pensions and other benefits to which he will be entitled on ceasing to be in employment or to which the earner's widow or widower or any dependant of the earner's will be entitled on the earner's death."
- (9) F29
- (12) F30
- (13) Regulations may provide that [^{F31}section 44(6) of the Pensions Act] shall have effect with prescribed modifications in relation to a scheme which has ceased to be contracted-out and, immediately before it so ceased, contained provisions authorised by section 35(7) of the Pensions Act (which, as amended by subsection (7) of this section, relates to a person whose service in a contracted-out employment ceases before he attains pensionable age).
- (14) In section 47 of the Pensions Act, in subsections (1)(b) and (8)(b), for the words "state scheme premium" there shall be substituted the words "contributions equivalent premium".
- (15) In subsection (3) of section 7 of the Tribunals and Inquiries Act 1971 (which specifies the tribunals mentioned in certain paragraphs of Schedule 1 to that Act of which the chairman are to be selected from a panel of persons appointed by the Lord Chancellor but does not include among those paragraphs paragraph 30A(a) or (c) which relate to certain local and medical tribunals constituted in pursuance of the principal Act), after the word "28(a)" where it first occurs there shall be inserted the words "30A(a) or (c)".
- (16) F32
- (17) The ^{M1}Social Security Benefit (Computation of Earnings) Regulations 1974 (which were made in exercise of powers which included the powers conferred by section 99(14) of the ^{M2}Social Security Act 1973) shall have effect as if made in exercise of the powers conferred by section 3(2) of the principal Act (which corresponds to the said section 99(14)).

Textual Amendments

- F27** S. 22(1)–(5) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch. 1](#)
- F28** S. 22(6) repealed (26.5.88) by [Employment Act 1988 \(c. 19\)](#), [Sch. 4](#)
- F29** S. 22(9)–(11) repealed by the [Social Security Act 1985 \(c. 53\)](#), [Sch. 6](#)
- F30** S. 22(12) repealed by the [Social Security Act 1980 \(c. 30\)](#), [Sch. 5](#), Pt. I
- F31** Words substituted by [Social Security Act 1980 \(c. 30\)](#), [Sch. 4](#), para. 12
- F32** S. 22(16) repealed (11.4.88) by [Social Security Act 1986 \(c. 50\)](#), [Sch. 11](#)

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Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

Modifications etc. (not altering text)

- C7** The text of s. 22(7)(8) 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.
- C8** In s. 22(13) “the said section 44(6)” means [Social Security Pensions Act 1975 \(c. 60\), s. 44\(6\)](#)
- C9** The text of s. 22(14)(15) 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

- M1** [S.I. 1974 No. 2008.](#)
- M2** [1973 c. 38.](#)

General

23 Financial provisions.

- (1) There shall be paid out of money provided by Parliament—
 - (a) any administrative expenses incurred by the Secretary of State or a government department under this Act; and
 - (b) any increase attributable to this Act in sums which, under any other Act, are payable out of money so provided.
- (2) [^{F33}Section 165(5) of the Social Security Administration Act 1992] (which provides for certain expenses to be reimbursed out of the National Insurance Fund) shall have effect in relation to the expenses mentioned in paragraph (a) of the preceding subsection as it has effect in relation to the expenses mentioned in [^{F33}section 163(2)(a) of that Act]; . . . ^{F34}.

Textual Amendments

- F33** Words in s. 23(2) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 4, 7\(2\), Sch. 2, para. 45](#)
- F34** Words in s. 23(2) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\) ss. 3, 7\(2\), Sch.1](#)

24 Supplemental.

- (1) In this Act, except where the context otherwise requires (and in particular except in a provision inserted by this Act into another Act)—
 - “modifications” includes additions, omissions and amendments;
.....^{F35}
 - “the Pensions Act” means the ^{M3}Social Security Pensions Act 1975;
 - “prescribed” means prescribed by regulations;
 - “the principal Act” means the ^{M4}Social Security Act 1975; and
 - “regulations” means regulations made by the Secretary of State under this Act.
- (2)^{F36}

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

- (3) [^{F37}Subsections (3) to (6) and (9) of section 189 of the Social Security Administration Act 1992] (which contain general provisions relating to orders and regulations under that Act) shall have effect as if references to that Act included references to this Act and as if, in relation to powers to make Orders in Council conferred by section 12 of this Act, [^{F38}subsections (4) to (6) of that section] extended to Northern Ireland; [^{F38}and a power under any of sections 116 to 120 of the Social Security Contributions and Benefits Act 1992 or 177 to 179 of the Social Security Administration Act 1992 to make provision by regulations or Order in Council for modifications or adaptations of those Acts shall be exercisable in relation to any enactment contained in this Act.]
- (4) ^{F36}
- (5) Any statutory instrument
[^{F39}(a) which contains (whether alone or with other provisions) any regulations, and
(b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution by a resolution of each House of Parliament,]
shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The enactments mentioned in the first and second columns of Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Subordinate Legislation Made

- P3** S. 24: for previous exercises of this power see Index to Government Orders
P4 S. 24(3): s. 12(1) (with s. 24(3)) power exercised by S.I. 1991/766.

Textual Amendments

- F35** S. 24(1): definition of “the Old Cases Act” repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 3, 7\(2\), Sch. 1](#)
- F36** S. 24(2)(4) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 3, 7\(2\), Sch. 1](#)
- F37** Words in s. 24(3) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 4, 7\(2\), Sch. 2 para. 46\(a\)](#)
- F38** Words in s. 24(3) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 4, 7\(2\), Sch. 2, para. 46\(b\)\(c\)](#)
- F39** S. 24(5)(a)(b) substituted (13.7.1990) for words by [Social Security Act 1990 \(c. 27\), Sch. 6, para 8\(4\)](#)

Marginal Citations

- M3** 1975 c. 60.
M4 1975 c. 14.

25 Citation, commencement and extent.

- (1) This Act may be cited as the Social Security (Miscellaneous Provisions) Act 1977, and this Act, the principal Act and the Pensions Act may be cited together as the Social Security Acts 1975 to 1977.
- (2) Sections 1(3), 4(1) and (2) and 22(17) of this Act shall be deemed to have come into force on 6th April 1975; and this section and sections 1(5), 2, 5, 9, 14(1) to (3), (8) and

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Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

(10), 15, 16, 17(3), 18 and 24(1) to (5) of this Act and Schedule 2 to this Act so far as that Schedule relates to the provisions mentioned in section 5(1) of this Act shall come into force on the passing of this Act.

- (3) Section 22(3) of this Act shall come into force on 4th April 1977 and section 7 of this Act shall come into force on 6th April 1977.
- (4) Except as provided by subsections (2) and (3) of this section, this Act shall come into force on such day as the Secretary of State may by order appoint; and—
- (a) different days may be appointed in pursuance of this subsection for different provisions of this Act or for different purposes of the same provision; but
 - (b) the power to vary or revoke such an order which is conferred by virtue of section 24(3) of this Act shall not be exercisable after the day preceding the day specified in the order.
- (5) The following provisions only of this Act shall extend to Northern Ireland, namely—
- (a) this section and sections 12, 20(3) and (4) and 22(15);
 - (b) section 24(3) so far as it applies section 166(2) to (4) of the principal Act to powers conferred by section 12 of this Act; and
 - (c) section 24(6) and Schedule 2 so far as they relate to the ^{M5}Tribunals and Inquiries Act 1971 and the ^{M6}Social Security (Northern Ireland) Act 1975.

Modifications etc. (not altering text)

C10 Power of appointment conferred by s. 25(4) fully exercised by [S.I. 1977/617](#), 1977/618

Marginal Citations

M5 [1971 c. 62.](#)

M6 [1975 c. 15.](#)

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

SCHEDULES

SCHEDULE 1

. . . F40

Textual Amendments

- F40** Sch. 1 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 3, 7\(2\), Sch. 1](#)

SCHEDULE 2

ENACTMENTS REPEALED

Modifications etc. (not altering text)

- C11** The text of Sch. 2 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

Chapter	Short title	Extent of repeal
1971 c. 62.	The Tribunals and Inquiries Act 1971.	In section 7(3) the words “18(b) or (c)” and paragraph 18 of Schedule 1.
1975 c. 14.	The Social Security Act 1975.	<p>In section 1(5) the words “Subject to section 129 below (mariners, airmen etc.)”.</p> <p>In section 30(2), 45(4) and 66(5) the words “1977... .. £50”.</p> <p>In section 124(1)(d) the words “and (2)”, “and (4)” and “and (5)”.</p> <p>Section 129(3).</p> <p>In Schedule 20, in the first column the words “Residing with”; “residing together” and in the second column the words which relate to those words.</p>

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977. (See end of Document for details)

1975 c. 15.	The Social Security (Northern Ireland) Act 1975.	<p>In section 155, in subsection (2) the words “an Order in Council,” and “Orders in Council,”; in subsection (3) the words “an Order in Council,” “Her Majesty, or” and “Order in Council,”; in subsection (4) the word “an” where it first occurs, the words “Order in Council or” wherever they occur and the words “, as the case may be,”; and in subsection (7) the words “in Council”.</p> <p>In section 157(4) the words “an Order in Council, or” and “an Order in Council,”.</p>
1975 c. 16.	The Industrial Injuries and Diseases (Old Cases) Act 1975.	<p>In section 4(5) the words “may pay to members of any board constituted by a scheme such remuneration or allowances, and” and the word “other” where it first occurs.</p> <p>In section 7(5) the words from “who” to “earnings”.</p> <p>Section 8(3)(b), (5) and (6).</p>
1975 c. 60	The Social Security Pensions Act 1975.	<p>Section 2.</p> <p>In paragraph 2(5) of Schedule 1 the words “under subparagraph (4) above”.</p>
1975 c. 71.	The Employment Protection Act 1975.	<p>Section 40(3).</p> <p>Section 113.</p>
1976 c. 71.	The Supplementary Benefits Act 1976.	<p>Section 29.</p> <p>In Schedule 7, paragraph 41.</p>

Status:

Point in time view as at 01/07/1992.

Changes to legislation:

There are currently no known outstanding effects for the Social Security (Miscellaneous Provisions) Act 1977.