



Social Security (Miscellaneous Provisions)

Act 1977

CHAPTER 5

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ELIZABETH II



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]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Contributions

1.—(1) In section 129 of the Social Security Act 1975 (hereafter in this Act referred to as “the principal Act”) subsection (3) (which among other things provides that secondary Class 1 contributions in respect of certain persons employed on vessels shall be excluded from the contributions by reference to which the Treasury supplement under section 1(5) of that Act is determined) shall be omitted.

Amendments relating to contributions. 1975 c. 14.

(2) Any sums required by a secondary Class 1 contributor for the purpose of paying any secondary Class 1 contributions which are payable by him in respect of an earner in consequence of the earner's employment in an office of which the emoluments are payable out of the Consolidated Fund shall be paid out of that Fund.

Expressions used in this subsection and Part I of the principal Act have the same meanings in this subsection as in that Part

(3) Regulations under the principal Act may provide that, in cases prescribed by the regulations, paragraph 1(1) of Schedule 1 to the principal Act (which relates to contributions in respect of earnings paid in any week) shall have effect as if for any reference to a week there were substituted a reference to a period prescribed by the regulations.

(4) In paragraph 4(a) of Schedule 1 to the principal Act (which among other things relates to the calculation, in accordance with a prescribed scale, of the amounts payable by way of Class 1 contributions) for the words "prescribed scale" there shall be substituted the words "scale prepared from time to time by the Secretary of State".

1975 c. 60.

(5) It is hereby declared that the provisions of section 5(2) of the Social Security Pensions Act 1975 (hereafter in this Act referred to as "the Pensions Act") and section 8(3)(b) of the principal Act (which provide for repayable Class 3 contributions to be treated for certain purposes as not having been paid) are not to be construed as implying that any other repayable contributions are to be treated for the purposes of benefit as having been paid; but regulations may provide that any repayable or repaid contributions, or any contributions which would have been payable but for regulations under the principal Act which provide that they are not payable, shall be treated, for such purposes connected with guaranteed minimum pensions within the meaning of Part III of the Pensions Act as may be prescribed, as having been paid and, in the case of repaid contributions, as not repaid.

(6) Section 2 of the Pensions Act (which provides for the standard rate of primary contributions specified in paragraph (a) and the rate of secondary contributions specified in paragraph (b) of section 4(6) of the principal Act to be increased to 6.5 per cent. and 10 per cent. respectively) shall cease to have effect; but the Secretary of State may, by an order which comes into force on the date when section 1 of the Pensions Act comes into force, provide that the said section 4(6) shall have effect with the substitution for the percentages specified in the said paragraphs (a) and (b) of percentages specified in the order, not exceeding 6.5 per cent. in the case of paragraph (a) and 10 per cent. in the case of paragraph (b).

The power to make orders conferred by this subsection shall not be exercisable after an order under this subsection amending the said section 4(6) has come into force.

(7) Subsections (1) and (2) of section 123 of the principal Act (which prohibit the making of an order under section 122 of that Act unless a draft of it has been approved by a resolution of each House of Parliament and provide that with the draft of such an order there shall be laid before Parliament a report by the Government Actuary as to the effect which he expects

the order would have on the National Insurance Fund) shall apply to an order under the preceding subsection as it applies to an order under the said section 122 ; and—

- (a) in subsection (6) of the said section 122 (which among other things provides that no order shall be made under that section so as to increase by more than 0.25 per cent. any percentage specified in section 4(6) of that Act as for the time being amended by any other Act) after the words “any other Act” there shall be inserted the words “and, in the case of section 4(6), by an order under section 1(6) of the Social Security (Miscellaneous Provisions) Act 1977” ;
- (b) in section 167(2)(a) of the principal Act (which provides for regulations under section 129 of that Act relating to mariners and certain other persons to be subject to annulment if they are made in consequence of an order under the said section 122) after the word “122” there shall be inserted the words “or under section 1(6) of the Social Security (Miscellaneous Provisions) Act 1977.”

2. The power to amend regulations made before the passing of this Act under section 13(4) of the principal Act (crediting of contributions for the purpose of enabling contribution conditions to be satisfied) may be so exercised as to restrict the circumstances in which and the purposes for which a person is entitled to credits in respect of weeks before the coming into force of the amending regulations ; but not so as to affect any benefit for a period before the coming into force of the amending regulations if it was claimed before 18th March 1977.

Amendment of regulations for crediting contributions.

Retirement pensions

3.—(1) Schedule 1 to the Pensions Act (which provides for an increment of Category A or Category B retirement pension for each incremental period in the period during which the pensioner deferred his retirement after reaching pensionable age) shall have effect with the following amendments, namely—

Increments of retirement pension for deferred retirement etc.

- (a) in paragraph (a) of paragraph 2(2) (which provides for an incremental period to be a period of six consecutive days) for the words from “six consecutive days” onwards there shall be substituted the words “six days which are treated by regulations as days of increment for the purposes of this Schedule in relation to the person and the pension in question ; and” ;
- (b) in paragraph 2(3) (which relates to the amount of increment) for “ $\frac{1}{3}$ th” there shall be substituted “ $\frac{1}{7}$ th” ;
- (c) in paragraph 2(4) (which relates to the weekly rate of the pension by reference to which the amount of an

increment is to be determined) for the words “be the rate that would have applied on the last day of that period, including” there shall be substituted the word “include” and in paragraph 2(5) the words “under sub-paragraph (4) above” shall be omitted;

- (d) at the end of paragraph 2 there shall be inserted the following sub-paragraph—

(6) Where a pensioner’s rights premium is paid in respect of a person who is, or if he had retired from regular employment would be, entitled to a Category A or Category B retirement pension, then, in calculating any increment under this paragraph which falls to be paid to him in respect of such a pension after the date on which the premium is paid there shall be disregarded any guaranteed minimum pension to which the pensioner was entitled in connection with the employment to which the premium relates;

- (e) for paragraph 3 (which enables regulations to provide for days to be treated as not being days of increment and which is superseded by paragraph (a) above) there shall be substituted the following paragraph—

3. Regulations may provide that sub-paragraphs (1) to (3) of paragraph 2 above shall have effect with such additions, omissions and amendments as are prescribed in relation to a person during whose period of deferment there has been a change, other than a change made by such an order as is mentioned in sub-paragraph (5) of that paragraph, in the rate of the Category A or Category B retirement pension to which he would have been entitled if he had retired from regular employment on attaining pensionable age; and the regulations may make such consequential additions, omissions and amendments in paragraph 5(3) of this Schedule as the Secretary of State considers are appropriate in consequence of any changes made by virtue of this paragraph in paragraph 2 of this Schedule.

- (2) Section 35(6) of the Pensions Act shall apply with the substitution of “seven” for “eight” and of “ $\frac{1}{7}$ th” for “ $\frac{1}{8}$ th”.

(3) So much of any pension as is payable to a beneficiary by virtue of section 35(6) of the Pensions Act (which provides for increases in a person’s guaranteed minimum if payment of his occupational pension is postponed after he attains pensionable age) shall be treated for the purposes of section 23 of that Act (which relates to the up-rating of long-term benefits) as if—

- (a) it were such a sum as is mentioned in subsection (1)(c) of the said section 23 (which relates to increments of

Category A or Category B retirement pension which are payable under Schedule 1 to that Act in consequence of deferred retirement); and

(b) for the references in subsection (3) of the said section 23 to Schedule 1 to that Act and periods of deferment there were substituted respectively references to the said section 35(6) and periods of postponement.

(4) Any increase of pension falling to be paid by virtue of the preceding subsection shall be paid by the Secretary of State out of the National Insurance Fund as if it were an increase of the relevant benefit mentioned in the following subsection and shall be treated as mentioned in the preceding subsection but as if paragraph (b) of that subsection and in the said subsection (3) the words from "and" onwards were omitted.

(5) In subsection (3) of this section "beneficiary" means a person entitled to a Category A or Category B retirement pension, a widowed mother's allowance or a widow's pension.

4.—(1) Where, apart from section 27(6) of the principal Act (which provides that a person shall not be entitled for the same period to more than one retirement pension), a person would be entitled for the same period to a Category D retirement pension and also to a Category A or Category B retirement pension, he shall be entitled to both those pensions for that period subject to any adjustment of them in pursuance of regulations under section 85 of the principal Act (which relates to overlapping benefits). Other amendments relating to retirement pensions.

(2) After subsection (10) of section 29 of the principal Act (of which paragraph (b) provides for the Category B retirement pension to which a woman is entitled by virtue of her husband's contributions to be increased after his death by reference to certain days of increment relating to him) there shall be inserted the following subsection—

(10A) For the purpose of calculating an increase under paragraph (b) of subsection (10) above in a woman's pension in a case where the husband to whom the increase relates had not retired from regular employment at the date of his death, paragraphs (a) and (b) of that subsection shall be applied as if he had so retired on that date.

(3) The preceding subsection shall cease to have effect on the date on which the repeal of the said section 29(10) by the Pensions Act comes into force and for the purposes of section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall be deemed to be repealed on that date by another Act.

(4) In subsection (5)(b) of sections 15 and 16 of the Pensions Act (which provide for the determination of the rate of certain

Category A retirement pensions in the manner specified in subsection (3) of the section for an invalidity pension) for the words from “the manner specified” onwards there shall be substituted the words “the prescribed manner”.

Adjustment of benefit

Alteration of earnings rule.

5.—(1) In sections 30(2), 45(4) and 66(5) of the principal Act (under which the amount of weekly earnings which must be exceeded before certain benefits are reduced by reference to the earnings is to be increased from £35 to £50 in 1977) the words “1977 £50” shall be omitted; and accordingly in section 124(1)(d) of that Act (which refers to the provisions aforesaid) the words “and (2)”, “and (4)” and “and (5)” shall also be omitted.

(2) In section 11 of the Pensions Act (which provides that the rate of a retirement pension from which deductions may be made under the earnings rule is its rate exclusive of the additional component) after the words “additional component” there shall be inserted the words “, of any increase under Schedule 1 to this Act so far as attributable to additional component”.

Review of earnings rule operation.

6. The Secretary of State shall review the operation of the earnings rule for retirement pensioners and the wives of retirement and invalidity pensioners and the cost of its abolition, including the extent to which it acts as a disincentive to work, and shall lay a report of his review before Parliament by 31st October 1978.

Review of limits relating to earnings.

7.—(1) In section 125 of the principal Act (which requires the Secretary of State to determine in each tax year whether the sums specified in the provisions mentioned in paragraphs (a) and (b) of subsection (1) of that section have retained their value in relation to the general level of earnings or prices in Great Britain and, if they have not, to provide for them to be increased by an order approved by a resolution of each House of Parliament) after the said paragraph (b) there shall be inserted the following paragraph—

(c) sections 30(1), 45(3) and 66(4) of this Act, excluding paragraphs (a) and (b) of those provisions.

(2) At the end of subsection (2) of the said section 125 (under which the Secretary of State is required, in making a determination as to value under that section, to have regard in certain cases to prices only and in other cases to earnings or prices, whichever he considers more advantageous to beneficiaries) there shall be inserted the words “and shall have regard only to earnings as respects the sums specified in the provisions mentioned in subsection (1)(c) of this section”.

(3) At the end of section 126(4) of the principal Act (which among other things authorises the Secretary of State, in preparing a draft up-rating order, to round any sum up or down as he thinks fit having regard to the nature and amount of the relevant benefit) after the words "having regard" there shall be inserted the words " , in the case of a sum specified in a provision mentioned in section 125(1)(a) or (b),".

(4) In section 126(5) of the principal Act (which requires a draft of an up-rating order to provide, except in certain cases, that the increase which the order makes of any sum comes into force within 12 months of the coming into force of the provision fixing that sum) after the words "of 12 months" there shall be inserted the words " or, in the case of the first increase by order of a sum specified in a provision mentioned in section 125(1)(c), the prescribed period ".

8.—(1) A Category A or Category B retirement pension which is payable by virtue of section 33(2) of the principal Act (which enables benefit to be made payable in cases where the first of the relevant contribution conditions is satisfied but the second of them is not) and a widowed mother's allowance which is so payable shall not be increased on account of a child if the pension or allowance contains no basic component in consequence of a failure to satisfy a contribution condition. Other adjustments of benefit.

(2) Where a person is entitled to unemployment benefit or sickness benefit at a rate determined under section 14(6) of the principal Act (which relates to persons over pensionable age) or to an invalidity pension at a rate determined under section 15(4) of that Act (which also relates to such persons) and the retirement pension by reference to which the rate of the said benefit or invalidity pension is determined—

(a) would have been payable only by virtue of section 33 of that Act (which provides for the payment of reduced benefit in cases where contribution conditions are only partly satisfied); and

(b) would, in consequence of a failure to satisfy a contribution condition, have contained no basic component,

the said benefit or invalidity pension shall not be increased on account of a child.

(3) Where a person—

(a) is entitled to an invalidity pension at a rate determined under the said section 15(4); and

(b) would have been entitled only by virtue of the said section 33 to the retirement pension by reference to

which the weekly rate of the invalidity pension is determined,

the amount of an increase of that weekly rate under section 45 or section 46 of the principal Act (which relate to increases for wives and for women with the care of children) shall be the same as the amount of the increase which, by virtue of the said section 45 or 46, would have been made in the weekly rate of the retirement pension if that pension had been payable.

Industrial injuries and diseases

9.—(1) If after the passing of this Act a person dies as a result of any pulmonary disease and—

(a) he was entitled, for a period which includes the date of his death, to disablement benefit in respect of pneumoconiosis or byssinosis or pneumoconiosis accompanied by tuberculosis; and

(b) the extent of the disablement in respect of which the benefit was payable was assessed for such a period at not less than 50 per cent,

then, subject to the following subsection, his death shall be treated, for the purposes of the enactments relating to industrial death benefit, as having been caused by the disease aforesaid in respect of which the benefit was payable.

(2) Unless regulations provide otherwise, the requirements of paragraph (b) of the preceding subsection shall be treated as unsatisfied in a case where, had the physical condition of the deceased at the time of the assessment been normal apart from the diseases mentioned in paragraph (a) of that subsection, the extent of the disablement in question would have been assessed at less than 50 per cent.

10.—(1) The Refractories Industries (Silicosis) Scheme 1931 and the Sandstone Industry (Silicosis) Scheme 1931, as amended, are hereby revoked; and Part I of Schedule 1 to this Act shall have effect in connection with the revocation of those schemes (and in particular for the purpose of securing that benefit under either of those schemes is replaced by benefit under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966).

(2) The Administrative Board established by Article 11 of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 for the administration of that scheme and the Board established by Article 11 of the Workmen's Compensation (Supplementation) Scheme 1966 for the administration of that scheme are hereby abolished; and Part II of Schedule 1 to this Act shall have effect in connection with the abolition of those boards.

Industrial death benefit in certain cases of death from pulmonary disease.

Revocation of Silicosis Schemes and abolition of boards administering Pneumoconiosis etc and Supplementation Schemes.

S.R. & O. 1931 Nos. 345, 346.

S.I. 1966 Nos. 164, 165.

11.—(1) The Old Cases Act shall have effect with the following amendments, namely—

Miscellaneous
amendments
of Old Cases
Act.

- (a) in section 4(4)(a) (under which a scheme may include provision for the constitution of a board to be charged with the general administration of the scheme) for the words “ the constitution of a board ” and “ the board ” there shall be substituted the words “ the Secretary of State ” ; and
- (b) in section 4(5) (which includes provision for the remuneration of members of a board) 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 shall be omitted.

(2) In subsection (2) of section 6 of that Act (under which benefit as a result of byssinosis is not to be paid for a person unless he was employed for not less than 10 years in an occupation which is prescribed in relation to that disease) for the words “ 10 years ” there shall be substituted the words “ 5 years ”, and after subsection (4) of that section there shall be inserted the following subsection—

(5) The Secretary of State may by regulations made by statutory instrument provide that subsection (2) of this section shall have effect as if for the reference to 5 years there were substituted a reference to a different period specified in the regulations ; and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) In section 7(5) of that Act (under which death benefit in pursuance of a scheme under section 5 of that Act may only be paid to members of the deceased’s family who at the time of his death were dependent on his earnings) the words from “ who ” to “ earnings ” shall be omitted.

(4) In section 8 of that Act paragraph (b) of subsection (3) (which relates to the determination of questions by a Commissioner appointed or a tribunal established under the principal Act), subsection (5) (under which a scheme under section 5 of that Act may provide for the county court to administer death benefit payable in pursuance of the scheme) and subsection (6) (which modifies subsection (5) in its application to Scotland) shall cease to have effect.

(5) In section 14(4)(b) of that Act (under which a person may be treated for the purposes of that Act as, and as likely to remain, totally incapable of work if the relevant disability is likely to prevent him from earning more than £104 a year) for the words “ £104 a year ” there shall be substituted the words “ in a year such amount as is for the time being prescribed in pursuance of section 58(3) of the Social Security Act ”.

(6) Paragraph (a) of section 4(8) of that Act (which specifies the cases in which a scheme under that Act is not to be made unless a draft of it has been approved by resolution of each House of Parliament) shall not apply to a scheme under that Act which—

- (a) is made during the period of six months beginning with the date when this subsection comes into force ; and either
- (b) contains a declaration that it is made only in consequence of the enactment of any provisions of subsections (3) and (4) of this section ; or
- (c) contains a declaration that it is made only in consequence of the enactment of any provisions of subsection (2) of the preceding section and Part II of Schedule 1 to this Act and to make amendments, in the schemes mentioned in that subsection, relating to the payment of allowances during imprisonment and to applications to undergo medical examination and an amendment to add to the diseases to which the first scheme so mentioned applies ;

but a scheme to which by virtue of this subsection the said paragraph (a) does not apply shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Disablement etc benefits of armed forces

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

12.—(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.

Miscellaneous provisions relating to benefit

13.—(1) Regulations may provide for the issue, variation and cancellation of certificates in respect of prescribed categories of persons to whom this section applies ; and a person in respect of whom such a certificate is issued shall, during any period while the certificate is in force, be deemed for the purposes of section 37A of the principal Act (which relates to mobility allowance) to be suffering from such disablement as is mentioned in subsection (1) of that section and to satisfy the requirements of paragraph (a) of subsection (2) of that section.

Mobility allowances for certain persons eligible for invalid carriages.

(2) Regulations may provide that the said section 37A shall have effect, in relation to prescribed categories of persons in respect of whom such certificates as aforesaid are in force, as if in subsection (5) (which among other things provides that a person over pensionable age shall not be entitled to a mobility allowance) the words “ or over pensionable age ” were omitted.

(3) This section applies to any person whom the Secretary of States considers—

- (a) was on 1st January 1976 in possession of an invalid carriage or other vehicle provided in pursuance of section 33 of the Health Services and Public Health Act 1968 (which relates to vehicles for persons suffering from physical defect or disability) or receiving payments in pursuance of subsection (3) of that section ; or
- (b) had at that date, or at a later date specified by the Secretary of State, made an application which the Secretary of State approved for such a carriage or vehicle or for such payments ; or
- (c) was, both at some time during a prescribed period before that date and at some time during a prescribed period after that date, in possession of such a carriage or vehicle or receiving such payments ; or
- (d) would have been, by virtue of any of the preceding paragraphs, a person to whom this section applies but

1968 c. 46.

for some error or delay for which in the opinion of the Secretary of State the person is not responsible and which is brought to the attention of the Secretary of State within the period of one year beginning with the date of the passing of this Act.

Amendments
of Supple-
mentary
Benefits
Act 1976.
1976 c. 71.

14.—(1) The Secretary of State may by regulations make such modifications of the Supplementary Benefits Act 1976 as he considers are appropriate with a view to securing that, for the purposes of that Act or of such provisions of it as are prescribed—

- (a) the resources of a person under pensionable age who is attending a course of full-time education are treated as including any prescribed contribution notwithstanding that the contribution is not actually made; and
- (b) any such contribution and any grant or award made to such a person by a Minister of the Crown or a prescribed authority in connection with the course is not disregarded;

but nothing in this subsection or in any regulations made in pursuance of this subsection shall be construed as prejudicing any power conferred on the Supplementary Benefits Commission otherwise than by virtue of this subsection.

(2) Regulations may specify the courses which are courses of full-time education for the purposes of the preceding subsection and the circumstances in which a person is or is not to be treated for those purposes as attending such a course.

(3) Subject to subsection (10) below, regulations under the preceding provisions of this section may be so made as to take effect from the commencement of the Supplementary Benefits Act 1976.

(4) In section 2(2) of that Act, after paragraph (b) (under which entitlement to any supplementary benefit is to be determined in accordance with regulations made by the Secretary of State with the consent of the Treasury) there shall be inserted the words “and regulations so made may, without prejudice to the generality of paragraph (b) of this subsection, contain provision as to the day on which entitlement to any supplementary benefit is to begin or end or the amount of any supplementary benefit is to change”.

(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 purpose 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) In sections 22, 23(3) and 25(1) of that Act (which provide for a fine not exceeding £100) for “ £100 ” there shall be substituted “ £400 ”, and in section 24(1) of that Act (which provides for a fine not exceeding £20) for “ £20 ” there shall be substituted “ £100 ”.

(7) In paragraph 3(1)(b) of Schedule 1 to that Act (which refers to persons who are cohabiting as man and wife) for the words “ are cohabiting as man ” there shall be substituted the words “ who are not married to each other are living together as husband ”.

(8) Paragraph 4(1) of Schedule 1 to that Act (adjustment for exceptional circumstances) shall have effect and, subject to subsection (10) below, be deemed always to have had effect, as if at the end there were added the words “ and for this purpose the circumstances of a case may be treated as exceptional if it falls within a class of case the circumstances of which are exceptional.”

(9) In sub-paragraph (3)(b) of paragraph 22 of Schedule 1 to that Act (which among other things requires the reduction of a person's weekly earnings provided for in sub-paragraph (1) (c) of that paragraph to be applied, in a case falling within sub-paragraph (3) of that paragraph, to less than the full amount of his net weekly earnings) for the words “ sub-paragraph (1) (c) ” there shall be substituted the words “ sub-paragraph (1)(b) or (c) ”.

(10) Neither subsection (3) nor subsection (8) above shall affect any decision substituted or to be substituted for a decision quashed by an order of a court made before 4th March 1977.

15. So far as subsections (1) to (3), (8) and (10) of section 14 of this Act apply with respect to periods before the passing of this Act they apply also with respect to periods before the commencement of the Supplementary Benefits Act 1976, but as if for the references to that Act and Schedule 1 to that Act there
Retrospective amendment of Supplementary Benefit Act 1976 c. 71.

1966 c. 20.

were substituted references to the Supplementary Benefit Act 1966 and Schedule 2 to that Act.

Recoupment
of certain
benefits from
remuneration
paid under
protective
awards.

1975 c. 71.

16.—(1) In section 112(2) of the Employment Protection Act 1975 (which relates to the recoupment of unemployment and supplementary benefit out of payments to which that section applies and which are the subject of proceedings before an industrial tribunal) after the words “industrial tribunal” there shall be inserted the words “and payments of remuneration in pursuance of a protective award made by an industrial tribunal under section 101 above”.

(2) In the said section 112 there shall be made the following amendments (which are consequential on the preceding subsection) namely—

(a) in subsection (2)(a) after the word “award” there shall be inserted the words “or the amount of the remuneration”; and

(b) in subsection (3)(a) after the words “all payments to which this section applies” there shall be inserted the words “or all payments of such remuneration as aforesaid”.

(3) In subsection (3) of the said section 112 (which specifies matters about which regulations may be made under subsection (2) of that section) after paragraph (b) there shall be inserted the following paragraphs—

(bb) impose, on an employer to whom a monetary or protective award relates, a duty to furnish particulars connected with the award and to suspend payments in pursuance of the award during any period prescribed by the regulations;

(bbb) provide for an employer who pays a sum to the Secretary of State in pursuance of this section to be relieved from any liability to pay the sum to another person.

Other
amendments
relating to
benefit.

17.—(1) In section 18(2) of the principal Act (under which a person who has exhausted his right to unemployment benefit requalifies for it when he has again been employed for 13 weeks in each of which he worked for 21 hours or more) for the words “21 hours” there shall be substituted the words “16 hours”.

(2) In section 80 of the principal Act (under which certain claims for benefit may be treated as claims in the alternative for other benefit) after the word “alternative” in both places there shall be inserted the words “or as a claim also”.

(3) It is hereby declared that in relation to any time before 6th April 1975 (which is the date on which the principal Act

came into force) any reference to an employed earner or employed earner's employment in Chapters IV and V of Part II of that Act (which relate to benefit for industrial injuries and diseases), and in any other provisions of that Act so far as they relate to those Chapters, is to be construed as a reference respectively to an insured person or insurable employment within the meaning of the provisions relating to industrial injuries and diseases which were in force at that time.

(4) Where, after any benefit or increase of benefit under the principal Act (hereafter in this subsection referred to as a "relevant benefit or increase") has been paid to a person for a period in respect of a child, child benefit for that period in respect of the child becomes payable at a rate which is such that, had the relevant benefit or increase been awarded after the child benefit became payable, the rate of the relevant benefit or increase would have been reduced, then, except so far as regulations provide otherwise, so much of the relevant benefit or increase as is equal to the difference between the amount of it which was paid for that period and the amount of it which would have been paid for that period if it had been paid at the reduced rate shall be treated as paid on account of child benefit for that period in respect of the child.

(5) Regulations under subsection (3) of section 119 of the principal Act as applied by section 8 of the Child Benefit Act 1975 may include provision as to the date from which child benefit is to be payable to a person in respect of a child in a case where, before the benefit was awarded to that person, child benefit in respect of the child was awarded to another person. 1975 c. 61.

(6) For the purpose of calculating the rate of an invalidity pension under section 15 of the Pensions Act for a woman to whom that section applies by virtue of subsection (1)(c)(ii) of that section (which relates to a woman entitled to a widow's pension with a reduction under section 26(2) of the principal Act), subsections (3) and (4) of the said section 15 (which relate to that rate) shall have effect with such modifications as are prescribed.

Other miscellaneous provisions

18.—(1) Regulations may provide that—

- (a) any sum or a prescribed part of any sum mentioned in the following subsection and prescribed amounts which the regulations provide are to be treated as related to any of those sums shall be deemed for the purposes of the principal Act and the Supplementary Benefits Act 1976 to be earnings payable by and to such persons
- Certain sums to be earnings for social security purposes. 1976 c. 71.

as are prescribed and to be so payable in respect of such periods as are prescribed ; and

(b) those periods shall, so far as they are not periods of employment, be deemed for those purposes to be periods of employment ; and

(c) any provision of the Employment Protection Act 1975 relating to maternity pay or the Maternity Pay Fund shall have effect with such modifications as the Secretary of State considers appropriate in consequence of any provision made in pursuance of the preceding paragraphs.

(2) The sums referred to in paragraph (a) of the preceding subsection are—

(a) a sum payable by way of maternity pay or payable by the Secretary of State in pursuance of section 43 of the Employment Protection Act 1975 in respect of maternity pay ;

(b) a sum which is payable by the Secretary of State by virtue of section 64(3)(a) of that Act in respect of arrears of pay and which by virtue of section 45(1) of that Act is to go towards discharging a liability to pay maternity pay ;

(c) a sum payable in respect of arrears of pay in pursuance of an order for re-instatement or re-engagement under that Act ;

(d) a sum payable by way of pay in pursuance of an order under that Act for the continuation of a contract of employment ;

(e) a sum payable by way of remuneration in pursuance of a protective award under that Act.

Inspectors for the purposes of Family Income Supplements Act 1970 and Supplementary Benefits Act 1976.

19.—(1) Every appointment of an inspector under section 144 of the principal Act shall be an appointment for the purposes of the Family Income Supplements Act 1970 and the Supplementary Benefits Act 1976 (hereafter in this section referred to as “the relevant Acts”) as well as for the purposes of the principal Act.

(2) Accordingly the principal Act shall have effect as if—

(a) in sections 144(2) to (4) and 145 of that Act references to that Act included references to the relevant Acts ; and

(b) in section 145(1)(b) of that Act the reference to benefit included a reference to family income supplement and to supplementary benefit within the meaning of the said Act of 1976 ;

but the following provisions of the said sections 144 and 145 (which among other things relate to injuries and diseases and

1975 c. 71.

1970 c. 55

1976 c. 71.

to contributions and premiums) shall not apply for the purposes of the relevant Acts, namely, in section 144, subsection (2)(b) and (d), so much of subsection (2)(c) as relates to contributions and premiums and, in section 145, subsections (1)(a) and (2)(e).

20.—(1) In subsection (1) of section 143 of the principal Act (which provides that, for the purpose of giving effect to an agreement with a government outside the United Kingdom providing for reciprocity, Her Majesty may by Order in Council make provision for modifying or adapting that Act and the Pensions Act in their application to cases affected by the agreement) before the words “Her Majesty” there shall be inserted the words “or for the purpose of giving effect to any such agreement as it would be if it were altered in accordance with proposals to alter it which, in consequence of any change in the law of Great Britain relating to social security, the government of the United Kingdom has made to the other government in question,” and after the words “affected by the agreement” there shall be inserted the words “or proposed alterations”.

Modifications of principal Act etc in connection with reciprocal agreements.

(2) In subsection (1) of section 15 of the Child Benefit Act 1975 (which contains provisions corresponding to the said section 143(1)) there shall be made the same amendments as are made by the preceding subsection in the said section 143(1) except that for the words “social security” in the preceding subsection there shall be substituted the words “child benefit”.

1975 c. 61.

(3) In subsection (1) of section 134 of the Social Security (Northern Ireland) Act 1975 (which provides that, for the purpose of giving effect to an agreement with a government outside the United Kingdom providing for reciprocity, Her Majesty may by Order in Council make provision for modifying or adapting that Act in its application to cases affected by the agreement) for the words “Her Majesty may by Order in Council” there shall be substituted the words “or for the purpose of giving effect to any such agreement as it would be if it were altered in accordance with proposals to alter it which, in consequence of any change in the law of Northern Ireland relating to social security, the government of the United Kingdom has made to the other government in question, the Secretary of State may by order” and after the words “affected by the agreement” there shall be inserted the words “or proposed alterations”.

1975 c. 15.

(4) The preceding subsection shall not affect any Order in Council or other order which was made or had effect as if made under the said section 134 and is in force immediately before that subsection comes into force; but any such instrument may be varied or revoked by an order made by the Secretary of State by virtue of that subsection.

Calculation
of guaranteed
minimum
pensions
preserved
under
approved
arrangements.

21.—(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 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 have effect, unless the prescribed person otherwise elects in the prescribed manner, as if the following words were added at the end thereof: “except such an order made in any of the tax years comprised in the period of five years ending with the tax year in which the scheme ceases to be contracted-out; and as increased by 12 per cent. for each of those five tax years except any in which an order under section 21 of this Act was made which did not relate to the factor and any in which such an order was not made and would not have related to the factor if it had been made”.

(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.

(3) In this section expressions used in Part III of the Pensions Act have the same meanings as in that Part.

Other
miscellaneous
amendments.

1976 c. 71.

22.—(1) Provision may be made by regulations as to the circumstances in which a person is to be treated as residing or not residing with another person for any of the purposes of the principal Act or any other Act relating to social security which was passed after that Act and before this Act (except the Supplementary Benefits Act 1976) and as to the circumstances in which persons are to be treated for any of those purposes as residing or not residing together; and accordingly the words “Residing with”; “residing together” in the first column of Schedule 20 to the principal Act and the words in the second column of that Schedule which relate to those words shall be omitted.

(2) In the following provisions of the principal Act, namely sections 24(2), 25(3), 26(3), 31, 36(2)(b) and 37(3)(b) (which refer to a woman who is cohabiting with a man as his wife) for the words “she is cohabiting with a man as his wife” there shall be substituted the words “she and a man to whom she is not married are living together as husband and wife”.

1975 c. 61.

(3) At the beginning of paragraph (b) of section 43(2) and paragraph (b) of section 65(2) of the principal Act (which as amended by the Child Benefit Act 1975 require the contributions mentioned in those paragraphs to be over and above those required for the purposes of section 3(1)(b) of the latter Act) there shall be inserted the words “except in prescribed cases.”.

(4) In the following provisions of the principal Act, namely sections 67(2), 71(3)(b), 72(4)(a) and 73(3) (which refer to a woman who is cohabiting with a man not her husband) for the word “cohabiting” there shall be substituted the words “living as husband and wife”, and in the provisions of subsection (3) of section 71 of the principal Act which follow paragraph (b) of that subsection for the word “cohabiting” in both places there shall be substituted the words aforesaid.

(5) In section 93(1) of the principal Act (which specifies the questions to be determined by the Secretary of State) after paragraph (d) there shall be inserted the following paragraph—

(e) a question as to whether a person was, within the meaning of regulations, precluded from regular employment by responsibilities at home.

(6) Section 164 of the principal Act (which among other things relates to disclosure of information by the Inland Revenue in connection with the payment of benefit under that Act) shall have effect as if in subsection (1)—

(a) the reference to benefit under that Act included a reference to payments in pursuance of sections 2 and 5(1) of the Employment and Training Act 1973 which are analogous to the earnings-related supplement mentioned in section 14(7) of the principal Act; and

(b) the references to the Secretary of State included, in relation to such payments, references to the Manpower Services Commission, the Employment Service Agency and the Training Services Agency.

(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) If a certificate issued by the Secretary of State is in force stating that in his opinion the payment of a guaranteed minimum pension to which at any time a person is entitled or has accrued rights under an occupational pension scheme in consequence of an employment is secured by means of a policy of insurance

which satisfies prescribed conditions or an annuity contract which satisfies prescribed conditions, then—

- (a) for the scheme to be contracted-out in relation to the employment the Occupational Pensions Board need not be satisfied, in pursuance of section 41(1)(b) and (c) of the Pensions Act, that the resources of the scheme are sufficient for paying a state scheme premium relating to the pension and for meeting the liabilities accorded priority as mentioned in section 40(3) of that Act in respect of the premium ; and
- (b) subject to the following subsection, if the scheme ceases to be contracted-out in relation to the employment no state scheme premium shall be payable in pursuance of section 44(2) of the Pensions Act by reference to the employment.

(10) If the Secretary of State considers that a certificate in force in pursuance of the preceding subsection in connection with an employment was issued in consequence of a mistake he may, in such manner as he thinks fit, cancel the certificate so far as it relates to the employment ; and if he does so after the time when, but for paragraph (b) of the preceding subsection, any state scheme premium would have become payable by a person in pursuance of subsection (2) of section 44 of the Pensions Act by reference to the employment, the same state scheme premiums shall become payable by that person in pursuance of that section by reference to the employment as if the certificate had not been issued and shall be paid within the prescribed period to the Secretary of State.

(11) Section 52 of the Pensions Act and paragraphs 5 to 7 and 9 of Schedule 2 to that Act (which among other things provide for the modification of provisions of Part III of that Act in special cases) shall have effect as if any reference to that Part and to specified sections of that Part included a reference to subsections (9) and (10) of this section ; and expressions used in either of those subsections and that Part have the same meanings in those subsections as in that Part.

(12) In sections 44(6) and 45(3) of the Pensions Act (which provide that the cost which an accrued rights premium or a pensioner's rights premium is to defray and the costs the difference between which a limited revaluation premium is to defray shall, unless the person liable for the premium elects otherwise, be calculated on the bases there mentioned) for the words from "unless" onwards there shall be substituted the words "be calculated on the basis that any relevant earnings factor has been increased by any order relating to it which has been made under section 21 of this Act including such an order made, whether before or after the scheme in question ceases to be

contracted-out, in the tax year in which the scheme so ceases (hereafter in this subsection referred to as "the final year") except that, unless the person liable for the premium in question elects in the prescribed manner that the following provisions of this subsection shall not apply in relation to the premium, any relevant earnings factor derived from contributions in respect of a tax year earlier than the final year shall be treated—

- (a) as having been increased by 12 per cent. for each of the five tax years ending with the final year, excluding any of those years in which an order under the said section 21 was made which did not relate to the factor and any of those years in which such an order was not made and would not have related to the factor if it had been made ; and
- (b) as unaffected by such an order relating to the factor which was made in any of the said five years ”.

(13) Regulations may provide that the said section 44(6) as amended by the preceding subsection 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 c. 62. Act 1971 (which specifies the tribunals mentioned in certain paragraphs of Schedule 1 to that Act of which the chairmen 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) In section 8(2) of the Family Income Supplements Act 1970 c. 55. 1970 for the words "Ministry of Social Security Act 1966" there shall be substituted the words "Supplementary Benefits Act 1976" and in section 11 of the said Act of 1970 (which provides for a fine not exceeding £100) for "£100" there shall be substituted "£400".

(17) The Social Security Benefit (Computation of Earnings) S.I. 1974 Regulations 1974 (which were made in exercise of powers which No. 2008. included the powers conferred by section 99(14) of the Social Security Act 1973 c. 38. 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)).

General

Financial provisions.

23.—(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) Subsection (5) of section 135 of the principal Act (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 subsection (3)(a) of that section; and as respects any increase attributable to this Act in the expenses mentioned in the said subsection (3)(a), paragraph (b) of the preceding subsection shall have effect subject to the said subsection (5).

Supplemental.

24.—(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 ;

1975 c. 16.

“ the Old Cases Act ” means the Industrial Injuries and Diseases (Old Cases) Act 1975 ;

1975 c. 60.

“ the Pensions Act ” means the Social Security Pensions Act 1975 ;

“ prescribed ” means prescribed by regulations ;

1975 c. 14.

“ the principal Act ” means the Social Security Act 1975 ; and

“ regulations ” means regulations made by the Secretary of State under this Act.

(2) Section 168(1) and (2) of the principal Act (which apply the glossary of terms in Schedule 20 to that Act and provide that any reference in that Act to an enactment is a reference to it as amended) shall have effect, subject to the preceding subsection, as if references to that Act (except the first and last reference in the said subsection (1)) included references to this Act.

(3) Subsections (1) to (5) of section 166 of the principal Act (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, subsections (2) to (4) of the said section 166 extended to Northern Ireland; and for the purposes of subsection (7) of the said section 166 (under which certain powers may be used to modify or adapt an enactment passed after that Act which is to be construed as one with that Act) this Act shall be construed as one with the principal Act.

(4) Sections 139(1) and 141(2) of the principal Act (which require the Secretary of State to seek the advice of the National Insurance Advisory Committee or the Industrial Injuries Advisory Council on certain proposals to make regulations under that Act) shall not apply—

(a) in relation to regulations made under that Act before the expiration of six months beginning with the date of the passing of this Act if the instrument containing the regulations states that they contain only provisions made in consequence of this Act or that they contain provisions made by virtue of section 2 of this Act;

(b) in relation to regulations made under the principal Act if the instrument containing the regulations states that they contain only provisions made in consequence of an order under section 1(6) of this Act.

(5) Any statutory instrument containing regulations 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.

25.—(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. Citation, commencement and extent.

(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 (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 Tribunals and Inquiries Act 1971 and the Social Security (Northern Ireland) Act 1975.

1971 c. 62.

1975 c. 15.

SCHEDULES

SCHEDULE 1

Section 10.

PROVISIONS CONNECTED WITH REVOCATION OF SILICOSIS SCHEMES AND ABOLITION OF BOARDS ADMINISTERING PNEUMOCONIOSIS ETC AND SUPPLEMENTATION SCHEMES.

PART I

PROVISIONS CONNECTED WITH REVOCATION OF SILICOSIS SCHEMES

1. All money and securities belonging to either of the general compensation funds established under the Refractories Industries (Silicosis) Scheme, 1931 and the Sandstone Industry (Silicosis) Scheme 1931 shall be transferred to the National Insurance Fund. S.R. & O. 1931 Nos. 345, 346.

2. The Secretary of State shall make a scheme providing for the payment, notwithstanding anything in section 6 of the Old Cases Act (which restricts the scope of certain schemes under that Act), of benefit under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 to persons who, immediately before the coming into force of section 10(1) of this Act, were entitled to benefit under a scheme mentioned in the preceding paragraph. S.I. 1966 No. 164.

3. A scheme in pursuance of the preceding paragraph may, notwithstanding anything in the said section 6, contain provision for the payment of benefit under the said Scheme of 1966 to persons who, immediately before the coming into force of the said section 10(1), had claimed but not become entitled to benefit under a scheme mentioned in paragraph 1 of this Schedule.

4. The Secretary of State may make a scheme containing such provision, in addition to any provision made by virtue of paragraph 2 or 3 of this Schedule, as he considers appropriate in anticipation or in consequence of the coming into force of the said section 10(1); and, without prejudice to the generality of the preceding provisions of this paragraph, a scheme in pursuance of this paragraph may provide for the making out of the National Insurance Fund of payments representing any part of the assets transferred to that Fund by virtue of paragraph 1 of this Schedule.

5. Any power to make a scheme conferred by the preceding provisions of this Schedule—

- (a) includes power to make by the scheme such incidental or supplemental provision as the Secretary of State considers appropriate for the purposes of the scheme;
- (b) includes power to vary or revoke a scheme made under those provisions by a subsequent scheme so made; and
- (c) shall be exercisable by statutory instrument;

and any statutory instrument made by virtue of this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SCH. 1

6. If the said Scheme of 1966 is replaced by a subsequent scheme under section 5 of the Old Cases Act, the subsequent scheme and any further scheme under that section may contain any provision which the Secretary of State considers corresponds to a provision required by paragraph 2 or authorised by paragraph 3 of this Schedule.

PART II

PROVISIONS CONNECTED WITH ABOLITION OF BOARDS ADMINISTERING PNEUMOCONIOSIS ETC AND SUPPLEMENTATION SCHEMES

S.I. 1966
Nos. 164, 165.

7. Subject to the following paragraph, the functions conferred by the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 on the Administrative Board established by Article 11 of that scheme and the functions conferred by the Workmen's Compensation (Supplementation) Scheme 1966 on the Board established by Article 11 of that scheme are hereby transferred to the Secretary of State, except that any question relating to any allowance or benefit under either scheme shall be determined as if it had arisen under the principal Act.

S.R. & O. 1931
No. 341.

8. The preceding paragraph shall not affect any function which, under a scheme mentioned in that paragraph, is a function of the Medical Board appointed under the Silicosis and Asbestosis (Medical Arrangements) Scheme 1931 and shall not affect any determination of that Board.

9. The provisions of section 10(2) of this Act and paragraphs 7 and 8 of this Schedule are without prejudice to the powers conferred by the Old Cases Act to vary or revoke schemes in force under that Act, and a scheme made under that Act after the passing of this Act may repeal those paragraphs.

SCHEDULE 2
ENACTMENTS REPEALED

Section 24(6).

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.	In section 1(5) the words " Subject to section 129 below (mariners, airmen etc.) ". In section 30(2), 45(4) and 66(5) the words " 1977 £50 ". In section 124(1)(d) the words " and (2) ", " and (4) " and " and (5) ". Section 129(3). 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.
1975 c. 15.	The Social Security (Northern Ireland) Act 1975.	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 ". In section 157(4) the words " an Order in Council, or " and " an Order in Council, ".
1975 c. 16.	The Industrial Injuries and Diseases (Old Cases) Act 1975.	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. In section 7(5) the words from " who " to " earnings ". Section 8(3)(b), (5) and (6). Section 2.
1975 c. 60.	The Social Security Pensions Act 1975.	In paragraph 2(5) of Schedule 1 the words " under subparagraph (4) above ".
1975 c. 71.	The Employment Protection Act 1975.	Section 40(3). Section 113.
1976 c. 71.	The Supplementary Benefits Act 1976.	Section 29. In Schedule 7, paragraph 41.

c. 5 *Social Security (Miscellaneous Provisions) Act 1977*

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