

Social Security Act 1980

CHAPTER 30

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ELIZABETH II



Social Security Act 1980

1980 CHAPTER 30

An Act to amend the law relating to social security and the Pensions Appeal Tribunals Act 1943.

[23rd May 1980]

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:—

Amendments of certain enactments relating to social security

1.—(1) For the purposes of any review under section 125 of the Social Security Act 1975 (under which the Secretary of State is required in each tax year to review the sums mentioned in subsection (1) of that section and in section 23(1) of the Social Security Pensions Act 1975 for the purpose of determining whether they have retained their value in relation to the general level of earnings or prices obtaining in Great Britain) the Secretary of State shall have regard only to prices except that as respects the sum specified in section 30(1) (excluding paragraphs (a) and (b)) of the Social Security Act 1975 he shall have regard only to earnings; and accordingly in subsection (1) of the said section 125 for the words “earnings or prices obtaining in Great Britain” there shall be substituted the words “prices obtaining in Great Britain except that as respects the sum specified in section 30(1) (excluding paragraphs (a) and (b)) of this Act he shall instead have regard to the general level of earnings obtaining in Great Britain”.

(2) In relation to a draft of an up-rating order which, in consequence of a review under the said section 125 made before the passing of this Act, falls to be prepared after the passing of this Act in pursuance of subsection (3) of that section (which provides for increasing reviewed sums which have not retained their value as mentioned in subsection (1) of that section), the restoration of value mentioned in the said subsection (3) shall be deemed to be a restoration of value by reference to prices except as respects the sum specified as aforesaid.

1975 c. 14.

(3) In section 126(5) of the Social Security Act 1975 (under which a draft order under section 125(3) of that Act to increase a sum must provide for the increase to come into force in certain cases not later than at the end of the period of 12 months beginning with the date on which the provision fixing the current amount of the sum came into force) for the words from “of 12 months” to “came into force” there shall be substituted the words “beginning with the date on which the provision fixing the current amount of that sum came into force and ending with the last day of the month in which the first anniversary of that date falls”.

Other
amendments
of Social
Security
Act 1975.

2. The Social Security Act 1975 (hereafter in this Act referred to as “the principal Act”) shall have effect with the amendments specified in Schedule 1 to this Act, and references in that Schedule to sections and Schedules are to sections of and Schedules to that Act.

Amendments
of Social
Security
Pensions
Act 1975.
1975 c. 60.

3.—(1) In section 62(1) of the Social Security Pensions Act 1975 (which provides among other things that regulations under section 9(3) of that Act prescribing a maximum for the additional component of a Category A retirement pension are subject to the affirmative resolution procedure) the words “or 9(3)” shall be omitted; and accordingly a statutory instrument containing regulations under the said section 9(3) is subject to annulment in pursuance of a resolution of either House of Parliament by virtue of section 66(2) of that Act (hereafter in this Act referred to as “the Pensions Act”) and section 167(3) of the principal Act.

(2) At the end of section 11 of the Pensions Act (which excludes certain sums from the rate of a pension mentioned in section 30(1) of the principal Act) there shall be inserted the words “; but the preceding provisions of this section shall be disregarded for the purposes of section 27(3)(b)(ii) of that Act (which provides for a person to be treated as retired by reference to the said section 30(1))”.

(3) In subsection (3) of section 21 of the Pensions Act (which provides that if on a review under that section of the general

level of earnings the Secretary of State concludes that certain earnings factors have not retained their value during the review period he shall prepare and lay before Parliament the draft of an order increasing the factors so as to make up the fall in their value together with falls made up by earlier orders) for the words from "prepare" to "draft of" there shall be substituted the word "make"; and accordingly—

- (a) the same amendment shall be made in subsection (5) of that section (which provides that where the Secretary of State determines that he is not required to prepare and lay such a draft he shall report to Parliament his reasons for the determination); and
- (b) a statutory instrument containing an order under the said subsection (3) is subject to annulment as mentioned in subsection (1) of this section.

(4) In section 21(1) of the Social Security (Miscellaneous 1977 c. 5. Provisions) Act 1977 (which provides that, unless the prescribed person otherwise elects, section 35(5) of the Pensions Act shall have effect, in a case where pension rights are preserved under approved arrangements, without taking into account any orders under section 21 of the Pensions Act which were made in the five years ending with the year in which the scheme ceases to be contracted-out and as if relevant earnings factors were increased by 12 per cent. for each of the years there mentioned), for the words from "have effect" onwards there shall be substituted the words "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, unless the prescribed person otherwise elects in the prescribed manner, subject to the following provisions, that is to say—

- (a) any order made under section 21 above in any of those five tax years increasing an earnings factor shall be disregarded (but without prejudice to any increase made by the last order made under that section before the beginning of those five tax years); and
- (b) any relevant earnings factor derived from contributions 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."

(5) In section 38(1) of the Pensions Act (which among other things provides that where a person leaves employment which is contracted-out by reference to a scheme, the scheme may provide for his rights to benefits under the scheme to be transferred to another scheme but, except in prescribed cases, only with his consent and to another contracted-out scheme) for the words "to another contracted-out scheme" there shall be substituted the words "if the other scheme is a contracted-out scheme in relation to an employment of his at the time of the transfer".

(6) In section 41 of the Pensions Act, after subsection (1) (which provides that for an occupational pension scheme, other than a public service scheme, to be contracted-out the Occupational Pensions Board must be satisfied that the scheme's resources are sufficient for meeting claims in respect of guaranteed minimum pensions as mentioned in paragraph (a), for paying state scheme premiums as mentioned in paragraph (b) and for meeting on winding up the liabilities and expenses mentioned in paragraph (c) of that subsection) there shall be inserted the following subsection—

(1A) Regulations may—

(a) provide for subsection (1) above to have effect, in cases specified in the regulations, with the omission of paragraphs (b) and (c) of that subsection or either of those paragraphs or with the substitution for those paragraphs or either of them of provisions so specified; and

(b) make such amendments to section 22(9)(a) of the Social Security (Miscellaneous Provisions) Act 1977 (which refers to paragraphs (b) and (c) of subsection (1) above) as the Secretary of State considers appropriate in consequence of regulations made by virtue of paragraph (a) of this subsection.

1977 c. 5.

(7) It is hereby declared—

(a) that an approval of arrangements relating to a scheme may be withdrawn in pursuance of section 44(4) of the Pensions Act at any time notwithstanding that the scheme has been wound up; and

(b) that on the withdrawal of such an approval after the winding up of the scheme a premium becomes payable in pursuance of section 44(2) of that Act;

and in subsection (10) of section 22 of the Social Security (Miscellaneous Provisions) Act 1977 (which provides for the cancellation of a certificate issued under subsection (9) of that section if the Secretary of State considers that it was issued in consequence of a mistake and provides for the payment of a

premium in pursuance of the said section 44(2) on the cancellation of such a certificate) after the word “considers” there shall be inserted the word “(a)” and after the word “mistake” there shall be inserted the words “; or

- (b) that the person upon whom an obligation to pay benefits in respect of an employment is imposed by the policy of insurance or annuity contract to which such a certificate relates is likely to fail to discharge the obligation.”.

(8) For subsection (6) of section 44 of the Pensions Act (which provides that the costs which an accrued rights premium or a pensioner’s rights premium is to defray shall, unless the person liable for the premium elects otherwise, be calculated on the basis there mentioned) there shall be substituted the following subsection—

(6) In determining the amount of any state scheme premium payable under this section 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, the costs referred to in subsection (5)(a) and (b) above shall, unless the person liable for the premium elects in the prescribed manner that this subsection shall not apply, be calculated as follows—

- (a) any order made under section 21 above in any of those five tax years increasing a relevant earnings factor shall be disregarded (but without prejudice to any increase made by the last order made under that section before the beginning of those five tax years); and
- (b) any relevant earnings factor derived from contributions 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;

and in this subsection “relevant year” and “final relevant year” have the same meanings as in section 35 above and references to the earner shall be construed as references to the earner in respect of whom or, as the case may be, in respect of whose widow the premium in question has become payable.

(9) In subsection (3) of section 45 of the Pensions Act (which provides that 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 basis there mentioned) for the words from “be calculated” onwards there shall be substituted the words “unless the person liable for the premium elects in the prescribed manner that this subsection shall not apply, be calculated as follows—

- (a) any order made under section 21 above increasing an earnings factor and made in any of the five tax years ending with the tax year in which the scheme ceases to be contracted-out shall be disregarded (but without prejudice to any increase made by the last order made under that section before the beginning of those five tax years); and
- (b) any relevant earnings factor derived from contributions 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 constitutes or begins before the relevant contributions year.”.

(10) Without prejudice to their powers apart from this subsection, the Occupational Pensions Board may withhold or cancel by virtue of this subsection a contracting-out certificate in respect of a scheme if they consider that the rules of the scheme are such that persons over particular ages may be prevented from participating in the scheme; and without prejudice to the effect apart from this subsection of subsections (1) and (2) of section 50 of the Pensions Act (which among other things provide that certain alterations of the rules of certain schemes are not to be made without the consent of the Board), those subsections shall apply to an alteration of the rules of a scheme mentioned in subsection (1) of that section which would make the rules such as aforesaid as those subsections apply to an alteration mentioned in that subsection.

(11) In Schedule 1 to the Pensions Act (into which a paragraph 4A providing for further increases of a retirement pension was inserted by the Social Security Act 1979), after the words “increase under paragraph 4” in paragraph 2(4) there shall be inserted the words “or 4A”.

1979 c. 18.

(12) In paragraph 6 of Schedule 2 to the Pensions Act—

- (a) after paragraph (b) of sub-paragraph (3) (under which regulations may provide for treating a premium as

actually paid in certain circumstances) there shall be inserted the following paragraph—

- (bb) for treating part of a premium payable in prescribed circumstances in respect of a person as actually paid and for modifying Part III of this Act in relation to a case in which such a part is so treated ;
- (b) at the end of sub-paragraph (3) there shall be inserted the words “ and the Secretary of State may accept payments in connection with a case in which a premium or part of it is treated as actually paid and shall pay into the National Insurance Fund any sums received by him by way of such payments.” ; and
- (c) after sub-paragraph (3) there shall be inserted the following sub-paragraph—
- (4) Without prejudice to sub-paragraph (3) above, regulations may provide—
- (a) that for the purpose of extinguishing accrued rights to guaranteed minimum pensions and rights to receive such pensions a state scheme premium is to be treated as actually paid on a date determined under the regulations ;
- (b) for disregarding the effect of regulations made by virtue of paragraph (a) of this sub-paragraph in a case where the premium in question is not paid on or before the date when it becomes payable or such later date as may be determined under the regulations ; and
- (c) for obtaining repayment of benefits paid by virtue of regulations so made in a case where the effect of the regulations is to be disregarded, and, where the repayment is obtained from assets of the relevant scheme, for reducing the sums payable under the scheme to the beneficiary by the amount of the repayment.

4.—(1) In the definitions of “ public service pension scheme ” in section 51(3) of the Social Security Act 1973 and section 66(1) of the Pensions Act (which provide among other things that the definition includes any scheme prescribed by such regulations as are there mentioned) after the word “ includes ” there shall be inserted the words “ 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 ”.

Miscellaneous
amendments.
1973 c. 38.

(2) Subsection (3) of section 97 of the Social Security Act 1973 (which provides for orders made by the Secretary of State under that Act to be subject to annulment in pursuance of a resolution of either House of Parliament) shall have effect in relation to orders under section 65 of that Act (under which a public service pension scheme may be modified or wound up by an order made by an authority designated by the Minister for the Civil Service) as if the reference in that subsection to the Secretary of State were a reference to an appropriate authority within the meaning of the said section 65.

1975 c. 16.

(3) In section 6(2) of the Industrial Injuries and Diseases (Old Cases) Act 1975 (which provides that a scheme under section 5 of that Act shall not provide for benefit for or in respect of a person disabled or dying from byssinosis unless he was employed for five years in an occupation prescribed in relation to that disease and shall not provide for benefit for a person so disabled unless the disablement is likely to be permanent) the words from "shall" where it first occurs to "disease, and" shall be omitted and for the words "so disabled" there shall be substituted the words "disabled as a result of the disease of byssinosis".

1975 c. 61.

(4) Regulations under subsection (1) of section 81 of the principal Act or subsection (5) of section 6 of the Child Benefit Act 1975 (which among other things enable regulations to be made about the manner of paying benefit) may provide that, in relation to payments of benefit under the principal Act, or as the case may be of child benefit, which in pursuance of regulations under the said subsection (1) or (5) have been credited to a bank account or other account under arrangements made with the agreement of the beneficiary, section 119 of the principal Act (which among other things provides for the repayment of overpayments of benefit under that Act and is applied to child benefit by section 8(1) of the other Act) shall have effect with such modifications as are prescribed by the regulations; but any modifications so prescribed shall not apply in relation to any payment of benefit unless notice of the effect of the modifications was given to the beneficiary in accordance with the regulations before he agreed to the arrangements.

In this subsection "modifications" includes additions, omissions and amendments.

(5) In section 2(3) of the Child Benefit Act 1975 (which among other things enables regulations to provide that a person who ceases in any week to be a child for the purposes of Part I of that Act shall be treated as continuing to be such a child for a prescribed period ending not more than 13 weeks after the end of that week) the words from "ending" to "that week" shall be omitted.

(6) It is hereby declared that in paragraph (a) of section 18(1) of the Social Security (Miscellaneous Provisions) Act 1977 (which among other things enables regulations to provide that certain sums shall be deemed for the purposes of the principal Act to be such earnings as are mentioned in that paragraph) the reference to the purposes of the principal Act includes the purposes of the Pensions Act. 1977 c. 5.

5.—(1) Where—

Maternity grant.

- (a) the date of a woman's confinement is the same as or later than the appointed date ; or
- (b) a woman claims a maternity grant by virtue of regulations under section 21(5) of the principal Act in a case where the week which is treated in pursuance of the regulations as that in which she is expected to be confined includes or begins after the appointed date,

the following provisions of the principal Act shall have effect in relation to the confinement or claim with the following amendments, namely—

- (i) in section 12, in subsection (1)(d) (under which maternity benefit comprising maternity grant and maternity allowance is a contributory benefit under Chapter I of Part II of that Act) for the words from the beginning to "allowance" there shall be substituted the words "maternity allowance" and in subsection (2) (which specifies the benefits which are short-term benefits for the purposes of that Part) the words "maternity grant" shall be omitted ;
- (ii) in section 13(1) (which relates to contribution conditions) the words "Maternity grant . . . Class 1, 2 or 3" shall be omitted ;
- (iii) in section 21 (under subsections (1) and (2) of which certain contribution conditions are to be satisfied in order to confer entitlement to a maternity grant) for the words from "and either" onwards in subsection (1) there shall be substituted the words "and satisfies prescribed conditions as to residence and presence in Great Britain" and subsection (2) and in subsection (5) the words from "and may modify the contribution conditions" onwards shall be omitted ;
- (iv) at the end of section 135(2) (which specifies the benefits which are to be paid out of money provided by Parliament instead of from the National Insurance Fund) there shall be inserted the words "(g) a maternity grant" ;
- (v) in Schedule 3, paragraphs 2 and 11 (which relate to contribution conditions for a maternity grant) and in

paragraph 8(3) the words “ a maternity grant ” shall be omitted ;

(vi) in the definition of “ short-term benefit ” in Schedule 20 the words “ maternity grant ” shall be omitted.

(2) In the preceding subsection “ the appointed date ” means such date as the Secretary of State may appoint for the purposes of that subsection by order made by statutory instrument ; and subsection (1) of section 23 of the principal Act (which among other things defines the expression “ confinement ” for the purposes of the Chapter which contains that section) shall have effect as if paragraphs (a) and (b) of the preceding subsection were provisions of that Chapter.

(3) References in any enactment to maternity benefit under the principal Act shall continue to be references to maternity grant and maternity allowance under that Act.

(4) Nothing in subsection (1) of this section affects the operation of paragraphs 9, 10, 12 and 13 of Schedule 3 to the principal Act (which relate to entitlement to certain benefits by reference to other benefits which include a maternity grant) so far as they relate to a maternity grant to which that subsection does not apply.

Amendments of enactments relating to supplementary benefit and family income supplement

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

6.—(1) The Supplementary Benefits Act 1976 shall have effect with the amendments specified in Part I of Schedule 2 to this Act, and except where the context otherwise requires references in that Part to sections and Schedules are to sections of and Schedules to that Act.

(2) The Supplementary Benefits Commission is hereby abolished.

(3) In accordance with subsection (1) of this section but subject to section 14 of this Act, Parts I to III of the Supplementary Benefits Act 1976, except sections 31, 32, 35 and 36 (which relate to reciprocity and to transitional, consequential and supplemental matters), and Schedules 1 and 5 to that Act are to have effect, after the coming into force of subsection (1) of this section and Part I of Schedule 2 to this Act, as set out in Part II of that Schedule (which reproduces those provisions as amended by Part I of the said Schedule 2 and with consequential adjustments in headings and sidenotes).

(4) Until the coming into force of subsection (1) of this section and Part I of Schedule 2 to this Act, section 34 of the said Act of 1976 (which provides for the interpretation of that

Act) shall have effect as if after subsection (2) of that section there were inserted the following subsection—

(3) In determining for the purposes of this Act whether a person (in this subsection referred to as “the provider”) has to provide for, or for the requirements of, another person to or in respect of whom any payments are made otherwise than by the provider, the other person shall not by reason only of the payments or the amount of them be treated as a person who is, or whose requirements are, provided for otherwise than by the provider.

7.—(1) In section 1 of the Family Income Supplements Act 1970 (of which subsection (1) specifies the persons who constitute a family for the purposes of that Act)—

Amendments
of Family
Income
Supplements
Act 1970.
1970 c. 55.

(a) for paragraphs (a) and (b) of subsection (1) there shall be substituted the following—

“ (a) a man or woman engaged and normally engaged in remunerative full-time work ; and

(b) if the person mentioned in the preceding paragraph is one of a married or unmarried couple, the other member of the couple ; and ”

(b) at the end of that subsection there shall be inserted the words “ except that persons who include a married or unmarried couple shall not be a family for the purposes of this Act if one of the couple is engaged and normally engaged as aforesaid and the other member of the couple is receiving such payments as may be specified by regulations ” ; and

(c) after that subsection there shall be inserted the following subsection—

(1A) It shall be the duty of the Secretary of State to appoint persons to perform the functions conferred by this Act on supplement officers.

(2) For any reference to the Supplementary Benefits Commission in that Act, except section 7(1), there shall be substituted a reference to a supplement officer.

(3) At the end of section 6(1) of that Act (which provides for the determination of certain questions relating to family income supplement) there shall be inserted the words “ , and regulations may provide for different aspects of the same question to be dealt with by different supplement officers ”.

(4) In section 7(1) of that Act (which provides for an appeal from a determination of the Supplementary Benefits Commission) for the words from “ the Supplementary ” to “ the Commission ” there shall be substituted the words “ a supplement officer including a refusal ”.

(5) In section 10 of that Act (which specifies the matters for which provision may be made by regulations)—

(a) after paragraph (b) of subsection (2) there shall be inserted the following paragraph—

(bb) for determining the circumstances in which persons are to be treated as being or not being members of the same household ;

(b) for subsection (3) there shall be substituted the following subsections—

(3) Regulations may also provide—

(a) for specified questions to be referred to the Appeal Tribunal or other bodies or persons exercising functions under the Social Security Act 1975, the Child Benefit Act 1975 or the Supplementary Benefits Act 1976 and for the application of provisions of this Act or any of those Acts, with or without modifications, to the questions and to decisions given in consequence of references in pursuance of the regulations ;

(b) for such decisions, and any other specified decisions given in pursuance of any of those Acts, to be effective or conclusive for specified purposes of this Act ; and

(c) for dealing, by postponement or otherwise, with cases in which questions are referred by virtue of paragraph (a) of this subsection ;

and section 6(1) of this Act shall have effect subject to any regulations made in pursuance of this subsection.

(3A) Subsections (2) and (3) of section 166 of the Social Security Act 1975 (which among other things make provision about the extent of powers to make regulations) shall apply to powers to make regulations conferred by this Act as they apply to powers to make regulations conferred by that Act but as if for references to that Act there were substituted references to this Act.

(6) In section 17(1) of that Act (which defines expressions used in that Act) the following definitions shall be inserted at the appropriate places in alphabetical order—

“married couple” means a man and a woman who are married to each other and are members of the same household ;

“supplement officer” means a person appointed in pursuance of section 1(1A) of this Act ;

“unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife ;

and the definition of “single woman” shall be omitted.

8.—(1) The Secretary of State may by regulations make such provision as he considers appropriate for dealing with transitional matters connected with or arising out of the coming into force of any provision of section 6 or 7 of this Act or Schedule 2 or 5 to this Act including in particular, but without prejudice to the generality of the preceding provisions of this subsection,—

Provisions supplementary to ss. 6 and 7.

- (a) provision for modifying any enactment passed before this Act ;
- (b) provision for treating anything done under an enactment which is altered or replaced by a provision of the sections or Schedules aforesaid as done under the enactment as so altered or replaced ; and
- (c) provision for the payment of supplementary benefit, of an amount specified in or determined in pursuance of the regulations, to a person who, apart from the provision, would by virtue of this Act cease to be entitled to supplementary benefit or become entitled to supplementary benefit of an amount smaller than that to which he would have been entitled apart from this Act ;

and regulations made by virtue of this subsection may be made so as to have effect from a date before that on which they are made but not before the date of the passing of this Act.

(2) An order under section 21(5) of this Act which brings into force a provision of this Act which is mentioned in the preceding subsection—

- (a) may contain such transitional provisions, including savings, as the Secretary of State considers appropriate in connection with or arising out of the coming into force of that provision ; and
- (b) may, without prejudice to the generality of the preceding paragraph, provide that the provision shall come into force in relation to such cases only as are specified in the order and accordingly that in relation to other cases the law shall remain unaffected by that provision ;

and the Secretary of State may by order made by statutory instrument vary or revoke any provision which by virtue of this subsection is included in another order.

(3) Nothing in either of the preceding subsections shall be construed as derogating from the other of them.

(4) The power to make regulations conferred by subsection (1) of this section shall be exercisable by statutory instrument and a statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Advisory Committees

9.—(1) There shall be a committee, to be known as the Social Security Advisory Committee (and hereafter in this section and in the following section referred to as “the Committee”),—

- (a) to give (whether in pursuance of a reference under this Act or otherwise) advice and assistance to the Secretary of State in connection with the discharge of his functions under the relevant enactments;
- (b) to give (whether in pursuance of a reference under this Act or otherwise) advice and assistance to the Department of Health and Social Services for Northern Ireland (hereafter in this section and in the following section referred to as “the Northern Ireland Department”) in connection with the discharge of its functions under the relevant Northern Ireland enactments; and
- (c) to perform such other duties as may be assigned to the Committee by or under this Act, any of the relevant enactments or relevant Northern Ireland enactments or any other enactment;

and the National Insurance Advisory Committee is hereby abolished.

(2) Part I of Schedule 3 to this Act shall have effect with respect to the constitution of the Committee and the other matters there mentioned.

(3) The Secretary of State may from time to time refer to the Committee for consideration and advice such questions relating to the operation of any of the relevant enactments as he thinks fit (including questions as to the advisability of amending any of them); and the Northern Ireland Department may from time to time refer to the Committee for consideration and advice such questions relating to the operation of any of the relevant Northern Ireland enactments as the Department thinks fit (including questions as to the advisability of amending any of them).

(4) The Secretary of State and the Northern Ireland Department shall furnish the Committee with such information as the Committee may reasonably require for the proper discharge of its functions.

(5) The Secretary of State may by regulations make transitional provision in connection with the abolition of the National Insurance Advisory Committee and the establishment of the Social Security Advisory Committee; and, without prejudice to the generality of the preceding provisions of this subsection, such regulations may contain provision—

(a) for treating anything done by or in relation to the National Insurance Advisory Committee as having been done by or in relation to the other Committee; and

(b) for repealing section 11(1) of this Act.

The power to make regulations conferred by this subsection shall be exercisable by statutory instrument and a statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (which list the bodies of which all the members are disqualified under those Acts) there shall be inserted at the appropriate place in alphabetical order the words "The Social Security Advisory Committee".

(7) In this section and the following section—

"the relevant enactments" means the Family Income Supplements Act 1970, the Social Security Acts 1975 to 1979, Part I of Schedule 3 to the Social Security (Consequential Provisions) Act 1975, the Child Benefit Act 1975 and the Supplementary Benefits Act 1976; and

"the relevant Northern Ireland enactments" means the Family Income Supplements Act (Northern Ireland) 1971, the Social Security (Northern Ireland) Acts 1975 to 1979, Part I of Schedule 3 to the Social Security (Consequential Provisions) Act 1975, the Child Benefit (Northern Ireland) Order 1975 and the Supplementary Benefits (Northern Ireland) Order 1977;

but in the preceding provisions of this subsection references to the Social Security Acts 1975 to 1979 and to the Social Security (Northern Ireland) Acts 1975 to 1979 shall be construed as excluding those Acts as they apply to industrial injuries benefit within the meaning respectively of the principal Act and of the Social Security (Northern Ireland) Act 1975 and as excluding respectively Parts III and IV of the Pensions Act and Parts IV and V of the Social Security Pensions (Northern Ireland) Order 1975.

Consultation with Committee on proposals for regulations.

10.—(1) Subject to the following subsection, where—

- (a) the Secretary of State proposes to make regulations under any of the relevant enactments or under section 123(2) or (3) of the Social Security (Northern Ireland) Act 1975 (which contains provision for modifying that Act in its application to members of Her Majesty's forces); or
- (b) the Northern Ireland Department proposes to make regulations under any of the relevant Northern Ireland enactments,

the Secretary of State or, as the case may be, the Department shall refer the proposals, in the form of draft regulations or otherwise, to the Committee.

(2) The preceding subsection shall not apply to the regulations specified in Part II of Schedule 3 to this Act; and nothing in that subsection shall require any proposals to be referred to the Committee if—

- (a) it appears to the Secretary of State or, as the case may be, the Northern Ireland Department that by reason of the urgency of the matter it is inexpedient so to refer the proposals; or
- (b) the Committee has agreed that the proposals should not be referred to it.

(3) The Committee shall consider any proposals referred to it by the Secretary of State or the Northern Ireland Department under this section and shall make to the Secretary of State or, as the case may be, the Department a report containing such recommendations with regard to the subject-matter of the proposals as the Committee thinks appropriate.

(4) If after receiving a report of the Committee the Secretary of State lays before Parliament any regulations or draft regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations or draft regulations a copy of the Committee's report and a statement showing—

- (a) the extent (if any) to which he has, in framing the regulations, given effect to the Committee's recommendations; and
- (b) in so far as effect has not been given to them, his reasons why not.

(5) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of the preceding subsection shall be satisfied as respects either House of Parliament if a copy of the report and statement there referred to are laid before that House not later than the second day on which the House sits after the laying of the regulations.

(6) If after receiving a report of the Committee the Northern Ireland Department lays before the Northern Ireland Assembly any regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, the Department shall lay with the regulations a copy of the Committee's report and a statement showing—

- (a) the extent (if any) to which the Department has, in framing the regulations, given effect to the Committee's recommendations ; and
- (b) in so far as effect has not been given to them, the Department's reasons why not.

(7) Where by virtue only of paragraph (a) of subsection (2) of this section regulations are made without proposals in respect of the regulations having been referred to the Committee, then, unless the Committee agrees that this subsection shall not apply, the Secretary of State or, as the case may be, the Northern Ireland Department shall, as soon as practicable after making the regulations, refer them to the Committee, which shall consider them and make a report to the Secretary of State or, as the case may be, to the Northern Ireland Department containing such recommendations with regard to the regulations as the Committee thinks appropriate ; and—

- (a) a copy of any report made to the Secretary of State in pursuance of this subsection shall be laid by him before each House of Parliament together, if the report contains recommendations, with a statement of the extent (if any) to which the Secretary of State proposes to give effect to the recommendations ;
- (b) a copy of any report made to the Northern Ireland Department in pursuance of this subsection shall be laid by the Department before the Northern Ireland Assembly together, if the report contains recommendations, with a statement of the extent (if any) to which the Department proposes to give effect to the recommendations.

(8) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 (which specifies the procedure for laying statutory instruments or statutory documents before the Northern Ireland Assembly) shall apply in relation to any document which by virtue of subsection (6) or (7) of this section is required to be laid before that Assembly as if it were a statutory document within the meaning of that Act. 1954 c. 33
(N.I.).

(9) In relation to regulations required or authorised to be made by the Secretary of State in conjunction with the Treasury or by the Northern Ireland Department in conjunction with the Department of Finance for Northern Ireland, any reference in

this section to the Secretary of State or the Northern Ireland Department shall be construed as a reference to the authorities making or proposing to make the regulations.

Exclusion of requirements to consult Advisory Committees.

11.—(1) Section 139(1) of the principal Act (which requires the Secretary of State to seek the advice of the National Insurance Advisory Committee on certain proposals to make regulations under that Act) shall, while it remains in force, not apply to—

- (a) regulations contained in a statutory instrument which states that it contains only provisions in consequence of an order under section 126A of that Act (which provides for the up-rating of certain increments); and
- (b) regulations made during the period of six months beginning with the date of the passing of this Act if the regulations are contained in a statutory instrument which states that it contains only regulations to make provision consequential on the passing of this Act.

(2) Section 141(2) of the principal Act (which requires the Secretary of State to seek the advice of the Industrial Injuries Advisory Council on certain proposals to make regulations under that Act) shall not apply to—

- (a) regulations contained in a statutory instrument which states that the only provision with respect to industrial injuries benefit or its administration that is made by the regulations is the same or substantially the same as provision made by the instrument with respect to other benefit under Part II of that Act or the administration of such benefit; and
- (b) regulations made during the period of six months beginning with the date of the passing of this Act and contained in a statutory instrument which states that it contains only regulations to make provision consequential on the passing of this Act.

Commissioners

Change of title of National Insurance Commissioners.

12. National Insurance Commissioners shall, instead of being so called, be called Social Security Commissioners; and accordingly—

- (a) any enactment or instrument passed or made before the coming into force of this section shall have effect, so far as may be necessary in consequence of the change of title made by this section, as if for any reference to a Chief or other National Insurance Commissioner there were substituted respectively a reference to a Chief or other Social Security Commissioner; and

- (b) documents and forms printed or duplicated for use in connection with functions of National Insurance Commissioners may be used notwithstanding that they contain references to such Commissioners and those references shall be construed as references to Social Security Commissioners.

13.—(1) Subject to subsections (2), (3) and (5) of this section, **a Social Security Commissioner** appointed after the coming into force of this section shall vacate his office at the end of the completed year of service in which he attains the age of seventy-two. Tenure of office of Commissioner.

(2) Where the Lord Chancellor considers it desirable in the public interest to retain a Commissioner in office after the time at which he would be required by the preceding subsection to vacate it, the Lord Chancellor may from time to time authorise the continuance of the Commissioner in office until any date not later than that on which the Commissioner attains the age of seventy-five.

(3) A Social Security Commissioner appointed after the coming into force of this section may be removed from office by the Lord Chancellor on the ground of misbehaviour or incapacity.

(4) Subject to the following subsection, a person who holds office as a Social Security Commissioner shall not practise as a barrister or advocate or act for any remuneration to himself as arbitrator, arbiter or referee or be directly or indirectly concerned in any matter as a conveyancer, notary public or solicitor.

(5) If the Lord Chancellor considers that, in order to facilitate the disposal of the business of Social Security Commissioners, he should make an appointment in pursuance of this subsection, he may appoint a barrister, advocate or solicitor of not less than ten years standing to be a Social Security Commissioner (but to be known as a deputy Commissioner) for such period or on such occasions as the Lord Chancellor thinks fit; but—

- (a) nothing in subsection (1), (2) or (4) of this section or paragraph 5 or 6 of Schedule 10 to the principal Act (which relate to pensions for Commissioners) shall apply to a person by virtue of his appointment in pursuance of this subsection; and
- (b) any reference to a Social Security Commissioner in Part I of Schedule 1 to the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975 as amended by section 12 of this Act shall be construed as excluding a person appointed in pursuance of this subsection. 1975 c. 24.
1975 c. 25.

(6) When the Lord Chancellor proposes to exercise a power conferred on him by subsection (2), (3) or (5) of this section otherwise than in relation to Northern Ireland, it shall be his duty to consult the Lord Advocate with respect to the proposal.

(7) In relation to a Social Security Commissioner appointed for Northern Ireland after the coming into force of this section—

1975 c. 15.

- (a) paragraph 5(1) of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (which provides for retirement) shall not apply ;
- (b) in paragraph 6(1)(a) of that Schedule (which relates to pensions on retirement in pursuance of paragraph 5 of that Schedule) for the reference to paragraph 5 there shall be substituted a reference to this section ; and
- (c) for the reference in subsection (5) of this section to the paragraph 5 or 6 there mentioned there shall be substituted a reference to paragraph 6 or 7 of that Schedule.

Appeal from
Commissioners
etc on
point
of law.

14.—(1) Subject to subsections (2) and (3) of this section, an appeal on a question of law shall lie to the appropriate court from any decision of a Commissioner.

(2) No appeal under this section shall lie from a decision except—

- (a) with the leave of the Commissioner who gave the decision or, in a case prescribed by regulations, with the leave of a Commissioner selected in accordance with regulations ; or
- (b) if he refuses leave, with the leave of the appropriate court.

(3) An application for leave under this section in respect of a Commissioner's decision may only be made by—

- (a) a person who, before the proceedings before the Commissioner were begun, was entitled to appeal to the Commissioner from the decision to which the Commissioner's decision relates ;
- (b) any other person who was a party to the proceedings in which the first decision mentioned in the preceding paragraph was given ;
- (c) the Secretary of State or the Department of Health and Social Services for Northern Ireland in a case where he or the Department is not entitled to apply for leave by virtue of either of the preceding paragraphs ; and
- (d) any other person who is authorised by regulations to apply for leave ;

and regulations may make provision with respect to the manner in which and the time within which applications must be made

to a Commissioner for leave under this section and with respect to the procedure for dealing with such applications.

(4) On an application to a Commissioner for leave under this section it shall be the duty of the Commissioner to specify as the appropriate court—

(a) the Court of Appeal if it appears to him that the relevant place is in England or Wales ;

(b) the Court of Session if it appears to him that the relevant place is in Scotland ; and

(c) the Court of Appeal in Northern Ireland if it appears to him that the relevant place is in Northern Ireland,

except that if it appears to him, having regard to the circumstances of the case and in particular to the convenience of the persons who may be parties to the proposed appeal, that he should specify a different court mentioned in paragraphs (a) to (c) of this subsection as the appropriate court it shall be his duty to specify the different court as the appropriate court.

(5) In this section—

“ the appropriate court ”, except in subsection (4), means the court specified in pursuance of that subsection ;

“ Commissioner ”, except in subsections (7) and (8), has the meanings assigned to it by the principal Act and the Social Security (Northern Ireland) Act 1975 ; and 1975 c. 15.

“ the relevant place ”, in relation to an application for leave to appeal from a decision of a Commissioner, means the premises where the authority whose decision was the subject of the Commissioner’s decision usually exercises its functions.

(6) Regulations may provide for the preceding provisions of this section to have effect, with such modifications as may be prescribed by the regulations, in relation to a decision of a medical appeal tribunal appointed under the Social Security (Northern Ireland) Act 1975.

(7) In relation to a decision of a Commissioner within the meaning of the principal Act which was given in consequence of a reference under subsection (4) of section 112 of that Act (which enables a medical appeal tribunal to refer a question of law to a Commissioner), subsections (3) and (5) of this section shall have effect with such modifications as may be prescribed by regulations.

(8) The powers to make regulations conferred by this section shall be exercisable—

(a) so far as they relate to a Commissioner within the meaning of the principal Act, by the Secretary of State by statutory instrument ; and

- (b) so far as they relate to a Commissioner within the meaning of the Social Security (Northern Ireland) Act 1975, or a medical appeal tribunal appointed under that Act, by the Department of Health and Social Services for Northern Ireland by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ;

S.I. 1979/1573
(N.I. 12).

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 and any statutory rule so made shall be subject to negative resolution as defined by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.

1954 c. 33
(N.I.).

Leave
required for
appeal from
local
tribunal to
Commis-
sioner.

15.—(1) No appeal shall lie to a Commissioner within the meaning of the principal Act from a decision which is given after the coming into force of this subsection by a local tribunal appointed under section 97 of that Act and is the unanimous decision of the members of the tribunal except—

- (a) with the leave of the person who was the chairman of the tribunal when the decision was given or, in a case prescribed by regulations, with the leave of a person appointed to act as chairman of such a local tribunal who is selected in accordance with regulations ; or
- (b) if he refuses leave, with the leave of such a Commissioner,

and regulations may make provision with respect to the manner in which and the time within which applications must be made for leave under this subsection and with respect to the procedure for dealing with such applications.

(2) The powers to make regulations conferred by the preceding subsection shall be exercisable by the Secretary of State by statutory instrument ; 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) Subsection (5) of section 101 of the principal Act (under which, among other things, an appeal to a Commissioner from a decision of a local tribunal must be brought within 3 months beginning with the date when notice of the decision is given to the claimant) shall have effect, in relation to an appeal for which leave is required by virtue of this section, as if for the reference to that date there were substituted a reference to the date when leave under subsection (1) of this section is given for the appeal.

Miscellaneous

Amendments
of Pensions
Appeal
Tribunals
Act 1943.
1943 c. 39.

16.—(1) Her Majesty may by Order in Council provide for an appeal under any provision of the Pensions Appeal Tribunals Act 1943 (hereafter in this section referred to as “the Act”) in respect of a claim for benefit under any instrument mentioned in the Act to be brought or continued by another person after the death of the claimant; and—

- (a) such an Order may make such modifications of the Act as Her Majesty considers appropriate for the purposes of this subsection; but
- (b) nothing in this subsection shall be construed as prejudicing the generality of the power to make rules which is conferred by paragraph 5 of the Schedule to the Act.

(2) An Order in Council under this section—

- (a) may contain such incidental and supplemental provisions as Her Majesty considers appropriate; and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) In section 5(1) of the Act (which enables a Pensions Appeal Tribunal to uphold an interim assessment by the Minister of a degree of disablement or to assess the disablement at such degree higher or lower than that specified by the Minister as they think proper) for the words from “assess” to “proper” there shall be substituted the words “alter the assessment in one or both of the following ways, namely—

- (a) by increasing or reducing the degree of disablement it specifies; and
- (b) by reducing the period for which the assessment is to be in force.”.

(4) In section 6 of the Act (which relates to the jurisdiction and procedure of a Tribunal) after subsection (2A) there shall be inserted the following subsection—

(2B) Rules made under the Schedule to this Act may provide that where an appeal under this Act is struck out in pursuance of such rules no further appeal under this Act shall be brought in respect of the matters to which the struck-out appeal related except with leave given in pursuance of such rules.

(5) Section 8(3)(a) of the Act (which is spent) shall be omitted.

(6) For paragraph (b) of paragraph 5(4) of the Schedule to the Act (which requires rules to provide for payments by the Tribunal of certain expenses of an appellant) there shall be substituted the following paragraph—

- (b) sums, in respect of expenses, allowances and fees connected with appeals to the Tribunal, to such persons

and in such circumstances as are specified in the rules and of such amounts as are determined by the Lord Chancellor with the consent of the Minister for the Civil Service ; and

and accordingly in section 14 of the Act (under which the Act has effect, in its application to Northern Ireland, with the substitution of a reference to the Lord Chief Justice for Northern Ireland for any reference to the Lord Chancellor except in paragraph 7A of the Schedule to the Act) for the words “ paragraph 7A ” there shall be substituted the words “ paragraph 5(4)(b) ”.

Proof of decisions of statutory authorities.

17.—(1) A document bearing a certificate which—

- (a) is signed by a person authorised in that behalf by the Secretary of State ; and
- (b) states that the document, apart from the certificate, is a record of a decision of a relevant authority,

shall be conclusive evidence of the decision ; and a certificate purporting to be signed as aforesaid shall be deemed to be so signed unless the contrary is proved.

(2) In the preceding subsection “ a relevant authority ” means each of the following, namely a Commissioner within the meaning of the principal Act, a local tribunal appointed in pursuance of section 97 of that Act, an insurance officer so appointed, a tribunal constituted in accordance with Schedule 4 to the Supplementary Benefits Act 1976, a benefit officer within the meaning of that Act and a supplement officer within the meaning of the Family Income Supplements Act 1970.

1976 c. 71.

1970 c. 55.

Computation of age in Scotland.

18.—(1) For the purposes of this Act and the following enactments, namely—

- the Family Income Supplements Act 1970 ;
- the Social Security Act 1973 ;
- the Social Security Acts 1975 to 1979 ;
- the Industrial Injuries and Diseases (Old Cases) Act 1975 ;
- the Child Benefit Act 1975 ; and
- the Supplementary Benefits Act 1976,

1973 c. 38.

1975 c. 16.

1975 c. 61.

the time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

(2) This section applies only to Scotland.

General

19.—(1) Any expenses under this Act of a Minister of the Expenses. Crown shall be paid out of money provided by Parliament.

(2) Any increase attributable to this Act in the sums which under any other Act are payable out of money provided by Parliament or into the Consolidated Fund shall be paid out of such money or, as the case may be, into that Fund.

(3) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct, such sums as the Secretary of State may estimate (in accordance with directions given by the Treasury) to be the amount of any expenses incurred by a Minister of the Crown by virtue of this Act in connection with benefits payable out of the National Insurance Fund, excluding any such expenses which the Treasury direct shall be disregarded for the purposes of this subsection ; and nothing in the preceding subsection prejudices the operation of subsection (5) of section 135 of the principal Act (which contains provisions corresponding to this subsection in connection with certain expenses).

20.—(1) The enactments specified in Schedule 4 to this Act shall have effect with the amendments specified in that Schedule. Consequential and minor amendments of enactments.

(2) An order under section 21(5) of this Act which brings into force a provision of the said Schedule 4 may contain such transitional provisions, including savings, as the Secretary of State considers appropriate in connection with or arising out of the coming into force of that provision ; and the Secretary of State may by order made by statutory instrument vary or revoke any provision which by virtue of this subsection is included in another order.

(3) Section 26 of the Supplementary Benefit Act 1966 (which contained provision corresponding to section 20 of the Supplementary Benefits Act 1976 for the recovery of payments in cases of misrepresentation or non-disclosure) shall have effect and be deemed always to have had effect as if the said Act of 1976 had not been passed ; but subsections (2) to (4) of the said section 26 shall not apply to any question to which subsections (2) to (4) of the said section 20 apply by virtue of this Act. 1966 c. 20.
1976 c. 71.

21.—(1) This Act may be cited as the Social Security Act 1980 and this Act and the Social Security Acts 1975 to 1979 may be cited together as the Social Security Acts 1975 to 1980. Supplemental.

(2) In this Act “ the principal Act ” means the Social Security Act 1975 and “ the Pensions Act ” means the Social Security Pensions Act 1975.

(3) Subsections (2) and (3) of section 166 of the principal Act (which among other things make provision about the extent of powers to make regulations and orders) shall apply to powers to make regulations and orders conferred by sections 8 and 20(2) of this Act and by subsection (5) of this section as extended by the said sections 8 and 20(2) as they apply to powers to make regulations and orders conferred by that Act but as if for references to that Act there were substituted references to the said sections 8 and 20(2) and the said subsection (5) as so extended.

(4) The enactments and instruments mentioned in the first and second columns of Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) The following provisions of this Act, namely, section 6 (except subsection (4)) and sections 7 to 10, 14 and 15, Part I and paragraphs 10 and 14 of Schedule 1, Schedules 2 to 4 and Part II of Schedule 5, shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed in pursuance of this subsection for different provisions of this Act; and accordingly the other provisions of this Act come into force on the passing of this Act.

(6) The following provisions only of this Act shall extend to Northern Ireland, namely—

sections 9 to 16, except sections 11, 13(6) and 15 ;

section 20(1) and (2) and Schedule 4 so far as they relate to the Polish Resettlement Act 1947 and the Maintenance Orders Act 1950 ;

this section ;

Schedule 3 ; and

Schedule 5 so far as it relates to the Pensions Appeal Tribunals Act 1943, the Polish Resettlement Act 1947, the Merchant Shipping Act 1970, section 142(5) of the principal Act, the House of Commons Disqualification Act 1975, the Northern Ireland Assembly Disqualification Act 1975, section 36(2) of the Supplementary Benefits Act 1976 and Part III of Schedule 2 to the Administration of Justice Act 1977.

1947 c. 19.
1950 c. 37.

1943 c. 39.
1970 c. 36.

1975 c. 24.
1975 c. 25.
1976 c. 71.
1977 c. 38.

SCHEDULES

SCHEDULE 1

AMENDMENTS OF SOCIAL SECURITY ACT 1975

Sections 2
and 21.
1975 c. 14.

PART I

AMENDMENTS RELATING TO SIMILAR TREATMENT FOR MEN AND WOMEN

1.—(1) Subsection (6) of section 41 and subsection (4) of section 65 (under which a married woman residing with her husband is not entitled to an increase in benefit in respect of dependent children by virtue of that section unless her husband is incapable of self-support) shall be amended as follows—

- (a) in the said subsection (6) for the words “incapable of self-support” there shall be substituted the words “not engaged in any one or more employments from which his weekly earnings exceed the amount specified in relation to the benefit or beneficiary in question in Schedule 4, Part IV, column (3)”;
- (b) in the said subsection (4) for the words “not incapable of self-support” there shall be substituted the words “engaged in any one or more employments from which his weekly earnings exceed the amount specified in relation to the benefit or pension in Schedule 4, Part V, paragraph 11 or, as the case may be, paragraph 12”.

(2) The said subsections (6) and (4) as amended by the preceding sub-paragraph shall cease to have effect on the coming into force of this sub-paragraph.

2. In sections 44(3)(a) and 47(1)(a) (which provide for increases of specified amounts in a woman’s unemployment or sickness benefit, maternity allowance or invalidity pension to be made for periods during which, among other things, her husband is incapable of self-support) for the words “incapable of self-support” there shall be substituted the words “not engaged in any one or more employments from which his weekly earnings exceed the amount so specified”.

3. Paragraph (b) of section 44(3), paragraph (b) of section 47(1) and paragraph (c) of section 66(1) (by virtue of which certain benefits are increased for any period during which the beneficiary has living with him and is maintaining such a relative as is there mentioned) shall cease to have effect; but a person who, immediately before the date when this paragraph comes into force, was entitled to an increase by virtue of any of those paragraphs, shall continue to be entitled to it for any period not exceeding two years beginning with that date, during which, if the paragraph in question and any regulations having effect by virtue of the paragraph immediately before that date were still in force, he would have been, and would not have ceased to be, entitled to the increase by virtue of that paragraph.

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4. Sections 44(3)(c), 46(2) and 66(1)(d) (which relate to increases of benefit by reference to a female person, not a child, who has the care of a child or children in respect of whom the beneficiary is entitled to child benefit) shall be amended by substituting for the words "female person (not a child)"—

(a) in sections 44(3)(c) and 66(1)(d) the words "person who is neither the spouse of the beneficiary nor a child";

(b) in section 46(2) the words "person who is neither the spouse of the pensioner nor a child";

and in sections 46(4) and 66(6)(b) (which refer to the female person mentioned in sections 46(2) and 66(1)(d) respectively) for the words from "female person" to "residing" there shall be substituted the words "person there referred to is a female residing".

5.—(1) Subsection (5) of section 44 and subsection (2) of section 47 (which provide that, in the case of unemployment or sickness benefit or invalidity pensions payable to certain persons over pensionable age, the benefit or pensions shall not be increased under provisions providing for increases in respect of certain periods and shall only be increased by the amounts of the increases which would be made in relevant retirement pensions where the rates of those pensions would be calculated under provisions relating to the partial satisfaction of contribution conditions) shall cease to have effect; and after section 47 there shall be inserted the following section—

Rate of increase where associated retirement pension is attributable to reduced contributions.

47A. Where a person is entitled to unemployment or sickness benefit by virtue of section 14(2)(b) or (c) or to an invalidity pension by virtue of section 15(2) of this Act and would have been entitled only by virtue of section 33 to the retirement pension by reference to which the rate of the said benefit or invalidity pension is determined, the amount of any increase of the said benefit or invalidity pension attributable to sections 44 to 47 of this Act shall not be determined in accordance with those sections but shall be determined in accordance with regulations.

(2) Accordingly in section 44(1) for the words "Subject to the provisions of this section" there shall be substituted the words "Subject to section 47A", in section 44(2) for the words "Subject to the following subsections" there shall be substituted the words "Subject to subsection (4) below and section 47A" and in section 47(1) for the words "Subject to subsection (2) below" there shall be substituted the words "Subject to section 47A".

6. In section 66(1)(a) (which provides for increases of injury benefit and in certain cases of disablement pension for periods during which the pensioner's wife is residing with him or he is contributing to the maintenance of his wife at a specified rate), for the word "wife" in both places there shall be substituted the word "spouse".

7. In Schedule 20 (which contains a glossary of expressions) the entry relating to the expression "Incapable of self-support" (including both paragraphs in the second column of the entry) shall be

omitted, and after the entry relating to the expression "Pensionable age" there shall be inserted the following—

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"Permanently incapable of self-support" A person is "permanently incapable of self-support" if (but only if) he is incapable of supporting himself by reason of physical or mental infirmity and is likely to remain so incapable for the remainder of his life.

PART II

OTHER AMENDMENTS

8. After subsection (4) of section 35 (which among other things provides that an attendance allowance shall not be payable to a person for any period preceding the date on which he makes a claim for it) there shall be inserted the following subsection—

(4A) Notwithstanding anything in the preceding subsection, provision may be made by regulations for an attendance allowance to be paid to a person for a period preceding the date on which he makes a claim for it if such an allowance has previously been paid to or in respect of him.

9. In section 96(2) (which among other things prevents the Secretary of State from reviewing a decision of his on a question within section 93(1) or section 95(1)(b) or (c) while an appeal is pending on a question of law arising in connection with the decision and provides for an appeal on a question of law raised with a view to a review of such a decision)—

(a) for the words "Such a decision" there shall be substituted the words "A decision on a question within section 93(1)"; and

(b) for the words from "and section 94" onwards there shall be substituted the words "and, on a review of a decision on a question within section 93(1), any question of law may be referred under subsection (1) of section 94, or where it is not so referred may be the subject of an appeal under subsection (3) of that section, and the other provisions of that section shall apply accordingly".

10. In subsection (4) of section 100 (which provides that an appeal to a local tribunal from a decision of an insurance officer must be brought within 21 days after the date of the decision or within a further time allowed by the chairman of the tribunal) for the words "21 days after the date of the decision" there shall be substituted the words "28 days beginning with the date when the Secretary of State gives to the claimant notice in writing of the decision"; and in subsection (5) of section 101 (which provides that an appeal to a Commissioner from a decision of a local tribunal must be brought within 3 months from the date of the decision or a further period allowed by the Commissioner) for the words "from the date of the decision of the local tribunal or" there shall be substituted the words "beginning with the date when the proper officer of the local tribunal gives to the claimant notice in writing of the decision or within".

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11. In section 111 (which among other things provides that an assessment of a single medical practitioner under that section must be by reference to a period not exceeding 6 months and that regulations may make provision with respect to cases in which the practitioner considers that a final assessment can be made by reference to a longer period) for the words "6 months" in subsections (1) and (3) there shall be substituted the words "12 months".

1979 c. 18.

12. For paragraph (cc) of subsection (4) of section 119 (which as amended by the Social Security Act 1979 provides that regulations may modify subsections (1) to (2A) of that section in relation to payments in respect of a person which are paid to another person on his behalf) there shall be substituted the following paragraph—

(cc) modifying those subsections in relation to sums by way of benefit which are paid to another person on behalf of the beneficiary ;.

13. In subsection (6) of section 122 (which provides that no order shall be made under that section so as to increase the percentage rate for Class 1 or Class 4 contributions to a percentage more than 0.25 per cent. higher than that specified in section 4(6) or, as the case may be, section 9(2) as for the time being amended by any other Act and, in the case of section 4(6), by an order under section 1(6) of the Social Security (Miscellaneous Provisions) Act 1977), for the words from "so" onwards there shall be substituted the words "so as—

(a) to increase for any tax year the percentage rate for primary or secondary Class 1 contributions to a percentage rate more than 0.25 per cent. higher than the percentage rate applicable for the preceding tax year for the contributions in question ; or

(b) to increase the percentage rate for Class 4 contributions to more than 8.25 per cent."

14. Section 158 and Schedule 19 (which relate to schemes promoted by representatives of earners and their employers for supplementing certain rights to benefit in respect of industrial injuries and diseases which are conferred on the earners by the principal Act) shall cease to have effect.

15. In section 167(3) (which among other things applies the negative resolution procedure to orders under the principal Act except an order under section 17(3), 30(6), 120 or 122 or an updating order) for the words "or 122" there shall be substituted the words ", 122 or 126A".

16. In paragraph 1 of Schedule 1 (which among other things provides for earnings from different employments to be aggregated for the purpose of calculating the amount of any Class 1 contributions in respect of the earnings), after sub-paragraph (1) there shall be inserted the following sub-paragraph—

(1A) Where earnings in respect of employments which include any contracted-out employment and any employment which is not a contracted-out employment are aggregated under sub-paragraph (1) above and the aggregated earnings are not less than the current lower earnings limit, then, except as may be

provided by regulations, the amount of the Class 1 contribution in respect of the aggregated earnings shall be the aggregate of the amounts obtained—

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(a) by applying the rates of Class 1 contributions applicable to contracted-out employments—

(i) to the part of the aggregated earnings attributable to any contracted-out employments, or

(ii) if that part exceeds the current upper earnings limit, to so much of that part as does not exceed that limit ; and

(b) if that part is less than that limit, by applying the rates of Class 1 contributions applicable to employments which are not contracted-out employments to so much of the remainder of the aggregated earnings as, when added to the part aforesaid, does not exceed that limit ;

and in relation to earners paid otherwise than weekly any reference in the preceding provisions of this sub-paragraph to the lower or upper earnings limit shall be construed as a reference to the prescribed equivalent of that limit.

SCHEDULE 2

Sections 6, 8
and 21.

AMENDMENTS OF SUPPLEMENTARY BENEFITS ACT 1976

1976 c. 71.

PART I

THE AMENDMENTS

1. In section 1—

(a) for paragraphs (a) and (b) of subsection (1) there shall be substituted the following paragraphs—

(a) a supplementary pension if he is one of a married or unmarried couple of whom one is or both are over the age of 65 or if he is not one of such a couple and has attained pensionable age ; and

(b) a supplementary allowance in any other case ;

(b) at the end of subsection (1) there shall be inserted the words “ Paragraph (a) of this subsection shall have effect until the prescribed date as if the words from ‘ is one ’ to ‘ couple and ’ were omitted ” ;

(c) after subsection (1) there shall be inserted the following subsection—

(1A) Regulations may provide for a person’s entitlement under subsection (1) above to continue during prescribed periods of the person’s temporary absence from Great Britain. ;

(d) at the end of subsection (3) there shall be inserted the words “ ; and regulations may provide that the requirements which by virtue of this subsection are not included in a person’s requirements include or exclude prescribed requirements ”.

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2. In section 2—

- (a) for the words “shall be determined by the Supplementary Benefits Commission” in subsection (1) there shall be substituted the words “and any other question relating to supplementary benefit which arises under this Act shall be determined by a benefit officer except so far as this Act or regulations provide otherwise; and regulations may provide for different aspects of the same question to be dealt with by different benefit officers.”;
- (b) after subsection (1) there shall be inserted the following subsection—
- (1A) Regulations may provide for prescribed questions to be determined otherwise than by benefit officers and, without prejudice to the generality of the preceding provisions of this subsection,—
- (a) for prescribed questions to be referred to bodies or persons exercising functions under the Social Security Act 1975 and for the application of provisions of that Act, with or without modifications, to the questions and to decisions given in consequence of references in pursuance of the regulations;
- (b) for such decisions, and any other prescribed decisions given in pursuance of that Act, to be effective or conclusive for prescribed purposes of this Act; and
- (c) for dealing, by postponement or otherwise, with cases in which questions are referred by virtue of paragraph (a) of this subsection.;
- (c) the words from the second “and” in subsection (2)(a) to the end of the section shall be omitted.

3. In section 3—

- (a) for the words from the beginning to “person” in subsection (1) there shall be substituted the words “There shall be payable in prescribed cases, to a person who is entitled to a supplementary pension or allowance, supplementary benefit”;
- (b) after the word “payment” in subsection (1) there shall be inserted the words “of a prescribed amount”;
- (c) for the words “the Commission may have regard” in subsection (2) there shall be substituted the words “regard shall be had, so far as regulations so provide,”; and
- (d) for the words from “Part III” onwards in subsection (2) there shall be substituted the words “regulations made in pursuance of paragraph 1(2)(b) of Schedule 1 to this Act”.

4. For section 4 there shall be substituted the following section—

Provision for cases of urgent need. 4.—(1) In urgent cases supplementary benefit shall be payable in accordance with this Act as modified by virtue of this section ; and regulations may—

- (a) prescribe the cases which are urgent cases for the purposes of this section ;
- (b) provide that in relation to such cases any of the provisions of sections 3, 5 to 8 and 10 of this Act and Schedule 1 to this Act shall have effect with prescribed modifications.

(2) Any sums paid to a person by virtue of the preceding subsection, except a sum as to which it has been determined in accordance with regulations that it is not to be recovered in pursuance of this subsection, shall be recoverable from him by the Secretary of State by making deductions from prescribed benefits or in any other manner.

5. In section 5 for the words “The Commission may determine that” there shall be substituted the words “Except in prescribed cases,” and for the words from “by regulations” onwards there shall be substituted the words “and is available for employment ; and regulations may make provision as to—

- (a) what is and is not to be treated as employment for the purposes of this section ; and
- (b) the circumstances in which a person is or is not to be treated for those purposes as available for employment”.

6. For sections 6 and 7 there shall be substituted the following section—

Exclusion from supplementary benefit of certain employed persons and pupils. 6.—(1) A person who is engaged in remunerative full-time work shall not be entitled to supplementary benefit ; and regulations may make provision as to the circumstances in which a person is or is not to be treated for the purposes of this subsection as so engaged.

(2) A person who has not attained the age of 19 and is receiving relevant education shall not be entitled to supplementary benefit except in prescribed circumstances.

(3) Regulations may make provision as to the circumstances in which a person is or is not to be treated for the purposes of the preceding subsection as receiving relevant education ; and in this section “relevant education” means full-time education by attendance at an establishment recognised by the Secretary of State as being, or as comparable to, a college or school.

7. In section 8—

- (a) in subsection (1), for the words “the requirement to provide for any other person” there shall be substituted the words “requirements of another person which are to be treated as his by virtue of any other provision of this Act and are not to be disregarded by virtue of this subsection as it applies to the other person” ; and
- (b) subsection (3) shall be omitted.

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8. In section 9—

- (a) in subsection (1), for the words “ requirement to provide for ” there shall be substituted the words “ requirements of ” and for the words “ section 6 of this Act (exclusion of persons in full-time employment) ” there shall be substituted the words “ section 6(1) of this Act ” ;
- (b) in subsection (2), for the words from “ in accordance ” onwards there shall be substituted the words “ or another person in accordance with regulations ” ;
- (c) in subsection (3), for the words from the beginning to “ work) ” there shall be substituted the words “ Regulations made by virtue of section 6(1) of this Act providing for a person not to be treated as engaged in remunerative full-time work ” ; and
- (d) subsections (4) to (8) shall be omitted.

9. For section 10 there shall be substituted the following section—

Modification
of right to
supple-
mentary
allowance in
certain cases.

10.—(1) Where—

- (a) a person is registered for employment in pursuance of section 5 of this Act and is not receiving unemployment benefit under the Social Security Act 1975 ; and
- (b) it appears to a benefit officer that the person refuses or neglects to maintain himself or any other person whom for the purposes of this Act he is liable to maintain,

the officer may give him in the prescribed manner a direction in writing requiring him to attend a course of instruction or training which is approved or provided by the Secretary of State and is specified in the direction.

(2) A person to whom such a direction is given may, in accordance with rules made by the Secretary of State, appeal against the direction to the Appeal Tribunal ; and on an appeal in pursuance of this subsection the tribunal shall either confirm or cancel the direction.

(3) A direction under subsection (1) of this section shall not come into force—

- (a) until the expiration of the period within which, without any extension of time, an appeal against it may be brought in pursuance of the preceding subsection ; and
- (b) if during that period such an appeal is brought, until the appeal is withdrawn or the direction is confirmed by the tribunal.

(4) A person in respect of whom a direction under subsection (1) of this section is in force shall not be entitled to a supplementary allowance while he fails to comply with the direction.

(5) Regulations may make provision with respect to the consequences of the cancellation of a direction which has come into force.

10. In section 11, for subsections (1) and (2) there shall be substituted the following subsection—

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(1) Regulations may make provision—

- (a) for the requirements of any person to be met in prescribed circumstances by the provision of goods or services instead of by making the whole or part of any payment to which he would otherwise be entitled under this Act ;
- (b) for any provision of this Act or regulations under it to be disregarded in connection with the provision of goods or services by virtue of the preceding paragraph ;
- (c) as to the manner of providing goods and services to be provided by virtue of that paragraph ;

and accordingly subsection (3) of that section shall be subsection (2) of that section.

11. In section 12—

(a) for subsection (1) there shall be substituted the following subsections—

(1) Where a prescribed payment which apart from this subsection falls to be made from public funds in the United Kingdom or under the law of any other member State is not made on or before the date which is the prescribed date in relation to the payment, then—

- (a) in the case of a payment from such public funds, the authority responsible for making it may abate it by the relevant amount ; and
- (b) in the case of any other payment, the Secretary of State shall be entitled to receive the relevant amount out of the payment ;

and in this subsection “the relevant amount”, in relation to a payment, means the amount which a benefit officer determines has been paid by way of supplementary benefit and would not have been paid if the payment had been made on the date aforesaid.

(1A) Where—

- (a) a payment by way of prescribed income is made after the date which is the prescribed date in relation to the payment ; and
- (b) a benefit officer determines that an amount which has been paid by way of supplementary benefit would not have been paid if the said payment had been made on the date aforesaid,

the Secretary of State shall be entitled to recover that amount from the person to whom it was paid. ;

(b) in subsection (2) for the words from “, or to” to “security benefit”)” in paragraph (a) there shall be substituted the words “any prescribed benefit”, for the words from “or of”

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to "security" in paragraph (c) and where they first occur after that paragraph there shall be substituted the words "the prescribed", for the words "the Commission determine" there shall be substituted the words "a benefit officer determines" and for the words from "equal" onwards there shall be substituted the words "equal to the amount of the prescribed benefit";

- (c) in subsection (3) for the words "the Commission of" there shall be substituted the words "a benefit officer of" and for the words "Commission have" there shall be substituted the words "officer has"; and
- (d) for subsection (4) there shall be substituted the following subsections—

(4) Where a benefit officer makes—

(a) a determination in pursuance of the preceding provisions of this section in respect of an amount of supplementary benefit; or

(b) a determination altering on review or refusing to review a determination in respect of such an amount which has been made for the purposes of this section by a benefit officer or on appeal,

the relevant person may appeal to the Appeal Tribunal against the determination; and subsection (3) of section 15 of this Act shall apply to an appeal under this subsection as it applies to an appeal under that section.

(5) In the preceding subsection "the relevant person" means the person who is entitled, apart from subsection (1), (2) or (3) of this section, to the prescribed payment or the prescribed benefit or the rebate or allowance in question or, as the case may be, to whom the amount mentioned in subsection (1A) of this section was paid.

12.—(1) In section 14, in subsection (1) for the words from the beginning to "section," there shall be substituted the words "Regulations may" and for the words "and Part II of Schedule 2 to this Act" there shall be substituted the words "to this Act; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection".

(2) Section 14(2) shall be amended as follows—

(a) for the words preceding paragraph (a) there shall be substituted the words "Regulations may make provision—";

(b) in paragraph (a) after the word "manner" there shall be inserted the words "and within such time";

(c) for paragraph (b) there shall be substituted the following paragraph—

(b) for enabling a person to be appointed to exercise, on behalf of a claimant who may be or become unable to act in relation to his claim, any power in relation to it which the claimant is entitled to exercise;

- (d) in paragraph (d), for the words “the Commission” in both places there shall be substituted the words “a benefit officer” and the words “National Insurance” shall be omitted;
- (e) in paragraph (e) for the words from “period” to “in the regulations” there shall be substituted the words “prescribed period of not less than twelve months”;
- (f) the word “and” at the end of paragraphs (e) and (ee) shall be omitted;
- (g) for paragraph (f) there shall be substituted the following paragraphs—
- (f) as to the day on which entitlement to a supplementary pension or allowance is to begin or end or the amount of a supplementary pension or allowance is to change;
- (g) as to the time and manner of paying supplementary benefit and the information and evidence to be furnished in connection with payments of it;
- (h) for withholding payments of a supplementary pension or allowance in prescribed circumstances and for subsequently making withheld payments in prescribed circumstances;
- (i) as to the circumstances and manner in which payments of supplementary benefit may be made to another person on behalf of the beneficiary for any purpose (which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person):
- (j) for the payment or distribution of supplementary benefit to or among persons claiming to be entitled to it on the death of any person and for dispensing with strict proof of their title;
- (k) for the payment of travelling expenses in connection with claims for supplementary benefit.

(3) Accordingly subsections (3) and (4) of section 14 (which relate to the payment of benefit to a person other than the beneficiary and to travelling expenses in connection with claims for benefit) shall be omitted.

13. In section 15—

- (a) in subsection (1), for the words from “the Commission or” onwards there shall be substituted the words “a benefit officer (including a determination to refuse to review a determination) with respect to the claim or benefit, except that no appeal shall lie by virtue of this subsection in a case falling within section 10(2), 12(4) or 20(3) of this Act”;
- (b) subsection (2) (which is superseded by the amendment in paragraph 2(b) of this Schedule) shall be omitted; and
- (c) in subsection (3) paragraph (b) shall be omitted and for the words “the Commission” in paragraph (c) there shall be substituted the words “a benefit officer”.

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14. In section 15A the words "National Insurance" in both places and the words from "and includes" onwards in subsection (5) shall be omitted.

15. Section 16 shall be amended as follows—

- (a) the words "or, in Scotland, on the sequestration of the estate" shall be omitted; and
- (b) that section as amended by sub-paragraph (a) of this paragraph shall be subsection (1) of that section and after that subsection there shall be inserted the following subsection—
 - (2) In the application of the preceding subsection to Scotland—

- (a) the reference to assignment of supplementary benefit shall be read as a reference to its assignation, "assign" being construed accordingly; and
- (b) the reference to the bankruptcy of a person entitled to supplementary benefit shall be read as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 14 of the Bankruptcy (Scotland) Act 1913 or section 15 of the Solicitors (Scotland) Act 1958.

16. In section 17—

- (a) after paragraph (b) of subsection (1) there shall be inserted the words "; and"
 - (c) a person shall be liable to maintain another person throughout any period in respect of which the first-mentioned person has, on or after the date of the passing of the Social Security Act 1980 and either alone or jointly with a further person, given an undertaking in writing in pursuance of immigration rules within the meaning of the Immigration Act 1971 to be responsible for the maintenance and accommodation of the other person."; and
- (b) after subsection (2) there shall be inserted the following subsection—
 - (3) A document bearing a certificate which—
 - (a) is signed by a person authorised in that behalf by the Secretary of State; and
 - (b) states that the document apart from the certificate is, or is a copy of, such an undertaking as is mentioned in subsection (1)(c) of this section,

shall be conclusive evidence for the purposes of this Act of the undertaking in question; and a certificate purporting to be signed as aforesaid shall be deemed to be so signed until the contrary is proved.

17. In section 18—

- (a) in subsection (1), for the words “relative”) the Commission” there shall be substituted the words “person”) the Secretary of State” and for the words “relative to” there shall be substituted the words “person to”;
- (b) in subsection (2) for the word “No” there shall be substituted the words “Except in a case falling within section 17(1)(c) of this Act, no”;
- (c) in subsections (2) to (4), for the word “relative” and “relative’s” there shall be substituted respectively the word “person” and “person’s”;
- (d) at the end of subsection (3) there shall be inserted the words “, except that in a case falling within section 17(1)(c) of this Act that sum shall not include any amount which is not attributable to supplementary benefit (whether paid before or after the making of the order).”; and
- (e) subsection (6) shall be omitted.

18. In section 19—

- (a) for the word “Commission” wherever it occurs, except in subsection (7), there shall be substituted the words “Secretary of State”;
- (b) subsection (7) shall be omitted; and
- (c) in subsection (8) for the figure “(7)” there shall be substituted the figure “(6)”.

19. In section 20—

- (a) in subsection (2), for the words from “referred to” onwards there shall be substituted the words “determined by a benefit officer”;
- (b) for subsection (3) there shall be substituted the following subsection—

(3) A person from whom, in pursuance of a determination of a benefit officer under the preceding subsection, an amount is recoverable under this section may appeal to the Appeal Tribunal against the determination; and subsection (3) of section 15 of this Act shall apply to an appeal under this subsection as it applies to an appeal under that section.;

- (c) in subsection (4) for the words from “benefit under” onwards there shall be substituted the words “prescribed benefits”; and
- (d) for subsection (5) there shall be substituted the following subsection—

(5) Subsections (2) and (3) of this section shall apply to any question as to whether any amount or what

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amount is recoverable by the Secretary of State under section 45 of the National Assistance Act 1948 or section 26 of the Supplementary Benefit Act 1966 (which contain provisions corresponding to subsection (1) of this section) and subsection (4) of this section shall apply to an amount recoverable under either of those sections—

- (a) as if for any reference in those subsections to this section there were substituted references to the said section 45 or 26, as the case may be; and
- (b) as respects a question relating to recovery under the said section 45 and an amount recoverable under that section, as if the words “paid by way of supplementary benefit” in subsections (2) and (4) of this section were omitted.

20. In section 21 before the word “liable” there shall be inserted the words “guilty of an offence and”.

21. In section 22 the words “or the Commission” shall be omitted and before the word “liable” there shall be inserted the words “guilty of an offence and”.

22. In section 24—

- (a) for the words “to which this section applies” in subsection (1) there shall be substituted the words “of regulations under section 9(2) of this Act”;
- (b) before the word “liable” in subsection (1) there shall be inserted the words “guilty of an offence and”; and
- (c) subsection (2) shall be omitted.

23. In section 25(1), paragraph (b) and the word “or” at the end of paragraph (a) shall be omitted and before the words “liable on” there shall be inserted the words “guilty of an offence and”.

24. In section 27—

- (a) for the words from the beginning to “Act” in subsection (1) there shall be substituted the words “It shall be the duty of the Secretary of State to make arrangements with a view to ensuring that benefit officers and other officers of his concerned with the administration of this Act exercise their functions”; and
- (b) for subsections (2) to (4) there shall be substituted the following subsection—
 - (2) It shall be the duty of the Secretary of State to appoint persons to perform the functions conferred by virtue of this Act on benefit officers.

25. In section 30—

- (a) for subsection (1) there shall be substituted the following subsection—
 - (1) The provisions of Schedule 5 to this Act shall have effect with respect to re-establishment courses and re-settlement units.;

- (b) in subsection (2) for the words from “in exercise” to “may” there shall be substituted the words “the Secretary of State so directs, payment at such rates as he may” and for the words “a centre” there shall be substituted the words “connection with courses provided or units”; and
- (c) subsections (3) and (4) shall be omitted.

26. In section 31—

- (a) in subsection (3), for the words from the beginning to “him” there shall be substituted the words “Regulations may provide for such modifications of this Act as appear to the Secretary of State”; and
- (b) in subsection (4), for the words from the beginning to “adjustments” there shall be substituted the words “The power to make regulations conferred by the preceding subsection”.

27. After section 32 there shall be inserted the following section—

Modification of Act for special cases. 32A. Regulations may provide for any provision of this Act except this section to have effect with prescribed modifications—

- (a) in cases involving a marriage celebrated under a law which permits polygamy or a marriage during the subsistence of which a party to it is at any time married to more than one person;
- (b) in cases where the Secretary of State considers that without the modifications the provision in question would give rise to an anomaly or an injustice or would produce impractical consequences.

28. In section 33—

- (a) in subsection (1A) the words “and regulations” shall be omitted; and
- (b) for subsections (2) and (3) there shall be substituted the following subsections—

(2) Subsections (2) and (3) of section 166 of the Social Security Act 1975 (which among other things make provision about the extent of powers to make regulations) shall apply to powers to make regulations conferred by this Act as they apply to powers to make regulations conferred by that Act but as if for references to that Act there were substituted references to this Act.

(3) Regulations of the following kinds, namely—

- (a) regulations of which the effect is to increase an amount which is specified in regulations made in pursuance of section 3 of this Act or which, by virtue of regulations made in pursuance of paragraph (b) of section 4(1) of this Act, is specified in a provision mentioned in that paragraph;
- (b) regulations made in pursuance of section 32A(b) of this Act except regulations made for the purpose only of consolidating regulations which they revoke;

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(c) regulations made in pursuance of paragraph 1 or 2 of Schedule 1 to this Act except regulations made for the purpose only of consolidating regulations which they revoke,

shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House and, in the case of regulations falling within paragraph (a) or (c) of this subsection, shall not be made without the consent of the Treasury.

(4) A statutory instrument containing regulations of which a draft is not required by the preceding subsection to be approved as there mentioned or containing rules made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the generality of any power conferred by this Act to make regulations, regulations may provide for a person to exercise a discretion in dealing with any matter.

29. In section 34—

(a) the following definitions shall be inserted at the appropriate places in alphabetical order in subsection (1) of that section—

“benefit officer” means a person appointed in pursuance of section 27(2) of this Act;

“married couple” means a man and a woman who are married to each other and are members of the same household;

“modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly;

“prescribed” means specified in or determined in accordance with regulations;

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

“unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;

(b) in subsection (1) the definitions of “blind” and “the Commission” and “school” shall be omitted and in the definition of “supplementary benefit” the words from “and includes” onwards shall be omitted; and

(c) after subsection (2) there shall be inserted the following subsection—

(3) Regulations may make provision as to the circumstances in which a person is to be treated for the purposes of any specified provision of this Act—

(a) as being or not being a member of the same household as another person;

(b) as responsible for another person.

30. For Schedule 1 there shall be substituted the following Schedule—

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Sections 2,3,
4,14 and 33.

SCHEDULE 1

PROVISIONS FOR DETERMINING RIGHT TO BENEFIT AND AMOUNT OF BENEFIT

General

1.—(1) The amount of any supplementary benefit to which a person is entitled shall, subject to the following provisions of this Schedule, be the amount by which his resources fall short of his requirements.

(2) For the purpose of ascertaining that amount—

(a) a person's requirements shall be determined in accordance with paragraph 2 of this Schedule ;
and

(b) a person's resources shall be calculated in the prescribed manner ;

and, without prejudice to the generality of paragraph (b) of this sub-paragraph, regulations in pursuance of that paragraph may provide for a person to be treated as possessing resources which he does not possess and for disregarding resources which a person does possess.

(3) Regulations may provide that a person whose resources as ascertained in pursuance of paragraph (b) of the preceding sub-paragraph or a prescribed part of them exceed or exceeds a prescribed amount shall not be entitled to a supplementary pension or allowance.

Requirements

2.—(1) For the purposes of this Schedule requirements shall be of three categories, namely, normal requirements, additional requirements and housing requirements ; and the items to which each category relates and, subject to sub-paragraph (3) of this paragraph, the weekly amounts for those categories shall be such as may be prescribed.

(2) A person's requirements shall consist of normal requirements together with requirements, if any, of such of the other categories as are applicable in his case.

(3) In the case of a person specified in the first column of the following table his normal requirements shall be taken to be the weekly amount specified in relation to him in the second column of that table ; and in that table—

“householder” means a person who is not one of a married or unmarried couple but who satisfies prescribed conditions with respect to living accommodation ; and

“relevant person” means a person whose requirements include those of another person by virtue of sub-paragraph (1) of paragraph 3 of this Schedule.

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TABLE

| <i>Person</i> | <i>Weekly amount</i> |
|---|--|
| <p>1. A relevant person who—</p> <p>(a) is such a person as is mentioned in section 1(1)(a) of this Act; or</p> <p>(b) is not such a person as is so mentioned but satisfies prescribed conditions.</p> | <p>The aggregate of the sums for the time being specified in section 6(1)(a) of the Social Security Pensions Act 1975 and column (3) of paragraph 6 of Part IV of Schedule 4 to the Social Security Act 1975 (which specify the amounts of the basic component of a Category A retirement pension and the increase of the pension for an adult dependant).</p> |
| <p>2. A relevant person not falling within paragraph 1 of this table.</p> | <p>The aggregate of the sums for the time being specified in paragraph 1 of Part I of the said Schedule 4 and column (3) of paragraph 1(a) of the said Part IV (which specify the amounts of unemployment or sickness benefit and the increase of it for an adult dependant of a beneficiary under pensionable age).</p> |
| <p>3. A householder who—</p> <p>(a) has attained pensionable age; or</p> <p>(b) has not attained pensionable age but satisfies prescribed conditions.</p> | <p>The sum for the time being specified in the said section 6(1)(a).</p> |
| <p>4. A householder not falling within paragraph 3 of this table.</p> | <p>The sum for the time being specified in paragraph 1 of the said Part I.</p> |
| <p>(4) Regulations may provide that the preceding subparagraph shall have effect with prescribed modifications.</p> | |
| <p>(5) Notwithstanding anything in the preceding provisions of this paragraph, regulations may provide for a person to be treated as having no normal requirements in prescribed cases.</p> | |

Aggregation of requirements and resources

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3.—(1) Where two persons are a married or unmarried couple, their requirements and resources shall be aggregated and treated—

(a) until the prescribed date, as those of the man ; and

(b) on and after that date, as those of such one of them as satisfies prescribed conditions or, where both of them satisfy or neither of them satisfies those conditions, as those of such one of them as they may jointly nominate in accordance with regulations or, in default of such a nomination, as the Secretary of State may determine.

(2) Where a person is responsible for, and is a member of the same household as, another person and they are not a married or unmarried couple, then—

(a) if the other person is a child or is excluded from entitlement to supplementary benefit by section 6(2) of this Act ; or

(b) if the circumstances are such as are prescribed, their requirements and resources shall be aggregated and treated as those of the first-mentioned person.

(3) Regulations may provide that, in a case falling within the preceding sub-paragraph, sub-paragraph (1) of this paragraph shall apply in relation to the other person with prescribed modifications.

Exclusion of small payments

4. Where the amount of any supplementary benefit would be less than a prescribed amount, the benefit shall not be payable except in prescribed circumstances.

31. In Schedule 5—

(a) for the word “Commission”, wherever it occurs except in paragraphs 1, 2(1) and 3, there shall be substituted the words “Secretary of State” ;

(b) in paragraph 1(1) for the words from the beginning to “where” there shall be substituted the words “The Secretary of State may provide courses, to be known as re-establishment courses, at which ” and for the words from “attend” to “afforded by the Commission” there shall be substituted the words “be afforded” ;

(c) in paragraph 1(2) for the words from “or be” onwards there shall be substituted the words “re-establishment courses either in consequence of a direction under section 10(1) of this Act or otherwise, and the Secretary of State may provide temporary board and lodging for persons attending re-establishment courses.” ;

(d) in paragraph 2(1) for the words from “Commission to” onwards there shall be substituted the words “Secretary of

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State to provide and maintain places, to be known as resettlement units, at which persons without a settled way of life are afforded temporary board and lodging with a view to influencing them to lead a more settled life.”;

- (e) in paragraph 2(2) for the words “reception centres” there shall be substituted the words “resettlement units”;
- (f) in paragraph 2(4) for the word “them” there shall be substituted the word “him”;
- (g) paragraph 3 shall be omitted;
- (h) in paragraph 4 for the words “maintaining centres” there shall be substituted the words “providing courses or places” and for the words “centres or reception centres are maintained” there shall be substituted the words “courses or resettlement units are provided”.

1936 c. 31.

1948 c. 29

1966 c. 20.

32.—(1) In Schedule 6 paragraphs 6 and 7 (which relate to transitional cases involving a pension under the Old Age Pensions Act 1936 or an assistance grant under the National Assistance Act 1948 or an appeal to a tribunal constituted under Schedule 3 to the Supplementary Benefit Act 1966) shall cease to have effect, but any supplementary benefit payable to a woman instead of to another person by virtue of sub-paragraph (4) of the said paragraph 6 shall continue to be so payable subject to any regulations relating to that sub-paragraph which are made in pursuance of section 8(1) of this Act.

(2) In paragraph 8 of Schedule 6 (which among other things provides for certain proceedings for the recovery of sums which could previously have been taken by the National Assistance Board to be taken by the Supplementary Benefits Commission in some cases and the Secretary of State in others) for paragraphs (a) and (b) of sub-paragraph (1) there shall be substituted the words “by the Secretary of State”, and sub-paragraph (3) shall be omitted.

PART II

PROVISIONS OF THE ACT AS AMENDED

PART I

SUPPLEMENTARY BENEFIT

Right to and amount of supplementary benefit

Right to
supple-
mentary
benefit.

1.—(1) Subject to the provisions of this Act, every person in Great Britain of or over the age of 16 whose resources are insufficient to meet his requirements shall be entitled to benefit as follows—

- (a) a supplementary pension if he is one of a married or unmarried couple of whom one is or both are over the age of 65 or if he is not one of such a couple and has attained pensionable age ; and

(b) a supplementary allowance in any other case ; and to such benefit by way of a single payment to meet an exceptional need as may be determined under section 3 of this Act.

Paragraph (a) of this subsection shall have effect until the prescribed date as if the words from "is one" to "couple and" were omitted.

(1A) Regulations may provide for a person's entitlement under subsection (1) above to continue during prescribed periods of the person's temporary absence from Great Britain.

(2) Where, under the provisions of this Act, the requirements and resources of any person fall to be aggregated with, and treated as, those of another person, that other person only shall be entitled to supplementary benefit.

(3) The requirements of any person to be taken into account for the purposes of this Act do not include any medical, surgical, optical, aural or dental requirements ; and regulations may provide that the requirements which by virtue of this subsection are not included in a person's requirements include or exclude prescribed requirements.

Determin-
ation of
right to and
amount of
supple-
mentary
benefit.

2.—(1) Subject to sections 15 and 15A of this Act (appeals), the question whether any person is entitled to supplementary benefit and the amount of any such benefit and any other question relating to supplementary benefit which arises under this Act shall be determined by a benefit officer except so far as this Act or regulations provide otherwise ; and regulations may provide for different aspects of the same question to be dealt with by different benefit officers.

(1A) Regulations may provide for prescribed questions to be determined otherwise than by benefit officers and, without prejudice to the generality of the preceding provisions of this subsection,—

1975 c. 14.

(a) for prescribed questions to be referred to bodies or persons exercising functions under the Social Security Act 1975 and for the application of provisions of that Act, with or without modifications, to the questions and to decisions given in consequence of references in pursuance of the regulations ;

(b) for such decisions, and any other prescribed decisions given in pursuance of that Act, to be effective or conclusive for prescribed purposes of this Act ; and

(c) for dealing, by postponement or otherwise, with cases in which questions are referred by virtue of paragraph (a) of this subsection.

(2) Entitlement to, and the amount of, any supplementary benefit shall be determined in accordance with the provisions of this Part of this Act and Schedule 1 to this Act.

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Supplementary benefit to meet exceptional need.

3.—(1) There shall be payable in prescribed cases, to a person who is entitled or would if he satisfied prescribed conditions be entitled to a supplementary pension or allowance, supplementary benefit by way of a single payment of a prescribed amount to meet an exceptional need.

(2) In determining whether supplementary benefit shall be paid under this section, and the amount of any such benefit, regard shall be had, so far as regulations so provide, to any resources which would otherwise fall to be disregarded under regulations made in pursuance of paragraph 1(2)(b) of Schedule 1 to this Act.

Provision for cases of urgent need.

4.—(1) In urgent cases supplementary benefit shall be payable in accordance with this Act as modified by virtue of this section; and regulations may—

- (a) prescribe the cases which are urgent cases for the purposes of this section;
- (b) provide that in relation to such cases any of the provisions of sections 3, 5 to 8 and 10 of this Act and Schedule 1 to this Act shall have effect with prescribed modifications.

(2) Any sums paid to a person by virtue of the preceding subsection, except a sum as to which it has been determined in accordance with regulations that it is not to be recovered in pursuance of this subsection, shall be recoverable from him by the Secretary of State by making deductions from prescribed benefits or in any other manner.

Power to require registration for employment.

5.—Except in prescribed cases the right of any person to a supplementary allowance shall be subject to the condition that he is registered for employment in such manner as may be prescribed and is available for employment; and regulations may make provision as to—

- (a) what is and is not to be treated as employment for the purposes of this section; and
- (b) the circumstances in which a person is or is not to be treated for those purposes as available for employment.

Exclusion from supplementary benefit of certain employed persons and pupils.

6.—(1) A person who is engaged in remunerative full-time work shall not be entitled to supplementary benefit; and regulations may make provision as to the circumstances in which a person is or is not to be treated for the purposes of this subsection as so engaged.

(2) A person who has not attained the age of 19 and is receiving relevant education shall not be entitled to supplementary benefit except in prescribed circumstances.

(3) Regulations may make provision as to the circumstances in which a person is or is not to be treated for the purposes of the preceding subsection as receiving relevant education; and in this section “relevant education” means full-time education by attendance at an establishment recognised by the Secretary of State as being, or as comparable to, a college or school.

Persons affected by trade disputes.

8.—(1) Subject to subsection (2) below, where a person—

- (a) is, by reason of a stoppage of work which is due to a trade dispute at his place of employment, without employment for any period during the stoppage ; and
- (b) has not during that stoppage become bona fide employed elsewhere in the occupation which he usually follows, or become regularly engaged in some other occupation,

his requirements for that period shall be disregarded for the purposes of supplementary benefit except so far as those requirements include requirements of another person which are to be treated as his by virtue of any other provision of this Act and are not to be disregarded by virtue of this subsection as it applies to the other person.

(2) Subsection (1) above does not apply in the case of a person who proves that he is not participating in or directly interested in the trade dispute which caused the stoppage of work.

.....

Recovery of supplementary benefit paid after return to full-time employment following trade dispute.

9.—(1) Where a person—

- (a) has, by reason of a stoppage of work which was due to a trade dispute at his place of employment, been without employment for any period during the stoppage ; and
- (b) is a person whose requirements for that period (except so far as those requirements included the requirements of any other person) fall to be disregarded for the purposes of supplementary benefit by virtue of section 8 of this Act (persons affected by trade disputes) ; and
- (c) becomes engaged in remunerative full-time work again in consequence of the ending of the stoppage ;

section 6(1) of this Act shall not apply in his case until the expiration of the period of fifteen days from the beginning of the engagement mentioned in paragraph (c) above ; but subsection (2) below shall have effect in such a case.

(2) Any sum paid to a person on an award of supplementary benefit made to him during the period of fifteen days specified in subsection (1) above by virtue of that subsection shall be recoverable from him or another person in accordance with regulations.

(3) Regulations made by virtue of section 6(1) of this Act providing for a person not to be treated as engaged in remunerative full-time work shall not apply to a person to whom subsection (1) above applies as regards the engagement mentioned in paragraph (c) of that subsection.

.....

SCH. 2
Modification
of right to
supple-
mentary
allowance in
certain cases.
1975 c. 14.

10.—(1) Where—

- (a) a person is registered for employment in pursuance of section 5 of this Act and is not receiving unemployment benefit under the Social Security Act 1975 ; and
- (b) it appears to a benefit officer that the person refuses or neglects to maintain himself or any other person whom for the purposes of this Act he is liable to maintain,

the officer may give him in the prescribed manner a direction in writing requiring him to attend a course of instruction or training which is approved or provided by the Secretary of State and is specified in the direction.

(2) A person to whom such a direction is given may, in accordance with rules made by the Secretary of State, appeal against the direction to the Appeal Tribunal ; and on an appeal in pursuance of this subsection the tribunal shall either confirm or cancel the direction.

(3) A direction under subsection (1) of this section shall not come into force—

- (a) until the expiration of the period within which, without any extension of time, an appeal against it may be brought in pursuance of the preceding subsection ; and
- (b) if during that period such an appeal is brought, until the appeal is withdrawn or the direction is confirmed by the tribunal.

(4) A person in respect of whom a direction under subsection (1) of this section is in force shall not be entitled to a supplementary allowance while he fails to comply with the direction.

(5) Regulations may make provision with respect to the consequences of the cancellation of a direction which has come into force.

Supple-
mentary
benefit in
kind.

11.—(1) Regulations may make provision—

- (a) for the requirements of any person to be met in prescribed circumstances by the provision of goods or services instead of by making the whole or part of any payment to which he would otherwise be entitled under this Act ;
- (b) for any provision of this Act or regulations under it to be disregarded in connection with the provision of goods or services by virtue of the preceding paragraph ;
- (c) as to the manner of providing goods and services to be provided by virtue of that paragraph.

(2) In relation to any goods or services provided in pursuance of this section, references in this Act to the amount of supplementary benefit shall be taken to refer to the value of the goods or services.

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Supplementary provisions

Prevention
of
duplication
of payments.

12.—(1) Where a prescribed payment which apart from this subsection falls to be made from public funds in the United Kingdom or under the law of any other member State is not made on or before the date which is the prescribed date in relation to the payment, then—

- (a) in the case of a payment from such public funds, the authority responsible for making it may abate it by the relevant amount ; and
- (b) in the case of any other payment, the Secretary of State shall be entitled to receive the relevant amount out of the payment ;

and in this subsection “the relevant amount”, in relation to a payment, means the amount which a benefit officer determines has been paid by way of supplementary benefit and would not have been paid if the payment had been made on the date aforesaid.

(1A) Where—

- (a) a payment by way of prescribed income is made after the date which is the prescribed date in relation to the payment ; and
- (b) a benefit officer determines that an amount which has been paid by way of supplementary benefit would not have been paid if the said payment had been made on the date aforesaid,

the Secretary of State shall be entitled to recover that amount from the person to whom it was paid.

(2) Where for any period—

- (a) a person (in this subsection referred to as A) is entitled to any prescribed benefit in respect of another person (in this subsection referred to as B) ; and
- (b) B’s requirements have been taken into account in determining the amount of any supplementary benefit payable for that period to B or some other person (other than A) ; and
- (c) the amount of the supplementary benefit so payable has been determined on the basis that A has not made payments for the maintenance of B at a rate equal to or exceeding the amount of the prescribed benefit ;

the amount of the prescribed benefit may, at the discretion of the authority administering it, be abated by the amount

SCH. 2

by which the amounts paid under this Act exceed what a benefit officer determines they would have been had A, at the time the amount of the supplementary benefit was determined, been making payments for the maintenance of B at a rate equal to the amount of the prescribed benefit.

(3) Where, in determining the amount of any supplementary benefit, the requirements of any person have been taken into account for the whole or part of a period in respect of which there might be afforded or granted to him—

- 1974 c. 7.
1973 c. 65.
- (a) a rate rebate under a scheme under section 11 or 12 of the Local Government Act 1974 or, in Scotland, the standard scheme prescribed under section 112 of the Local Government (Scotland) Act 1973 (including that scheme as varied under section 114 of that Act); or
- 1972 c. 47.
1972 c. 46.
- (b) a rebate or allowance under Part II of the Housing Finance Act 1972 or, in Scotland, Part II of the Housing (Financial Provisions) (Scotland) Act 1972;

and before the whole or part of the rebate or allowance has been afforded or granted, the authority administering the rebate or allowance, as the case may be, are notified by a benefit officer of the amount by which the amounts paid under this Act exceed what the officer has determined they would have been had the rebate or allowance been afforded or granted before the amount of the supplementary benefit was determined, the amount of the rebate or allowance to be afforded or granted shall be reduced by the amount so notified.

(4) Where a benefit officer makes—

- (a) a determination in pursuance of the preceding provisions of this section in respect of an amount of supplementary benefit; or
- (b) a determination altering on review or refusing to review a determination in respect of such an amount which has been made for the purposes of this section by a benefit officer or on appeal,

the relevant person may appeal to the Appeal Tribunal against the determination; and subsection (3) of section 15 of this Act shall apply to an appeal under this subsection as it applies to an appeal under that section.

(5) In the preceding subsection “the relevant person” means the person who is entitled, apart from subsection (1), (2) or (3) of this section, to the prescribed payment or the prescribed benefit or the rebate or allowance in question or, as the case may be, to whom the amount mentioned in subsection (1A) of this section was paid.

Payment of supplementary benefits.

13. Any sums payable under this Act by way of supplementary benefit shall be paid by the Secretary of State out of moneys provided by Parliament.

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Administration of supplementary benefits.

14.—(1) Regulations may make provision for carrying into effect this Part of this Act and Schedule 1 to this Act; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.

(2) Regulations may make provision—

- (a) for requiring claims for supplementary benefit to be made in such manner and within such time as may be specified in the regulations;
- (b) for enabling a person to be appointed to exercise, on behalf of a claimant who may be or become unable to act in relation to his claim, any power in relation to it which the claimant is entitled to exercise;
- (c) for prescribing the evidence which is to be provided in support of claims for supplementary benefit;
- (d) for requiring or enabling a benefit officer, in such circumstances as may be specified in the regulations, to review any determination with respect to supplementary benefit, whether the determination is made by a benefit officer or by the Appeal Tribunal or by a Commissioner or Tribunal of Commissioners by virtue of rules under section 15A of this Act;
- (e) for extinguishing the right to payment of any sum by way of supplementary benefit if payment is not obtained within a prescribed period of not less than twelve months from the date on which the right is to be treated under the regulations as having arisen;
- (ee) for suspending the payment of supplementary benefit pending the determination of questions;
- (f) as to the day on which entitlement to a supplementary pension or allowance is to begin or end or the amount of a supplementary pension or allowance is to change;
- (g) as to the time and manner of paying supplementary benefit and the information and evidence to be furnished in connection with payments of it;
- (h) for withholding payments of a supplementary pension or allowance in prescribed circumstances and for subsequently making withheld payments in prescribed circumstances;

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- (i) as to the circumstances and manner in which payments of supplementary benefit may be made to another person on behalf of the beneficiary for any purpose (which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person) ;
- (j) for the payment or distribution of supplementary benefit to or among persons claiming to be entitled to it on the death of any person and for dispensing with strict proof of their title ;
- (k) for the payment of travelling expenses in connection with claims for supplementary benefit.

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Appeals.

15.—(1) A person claiming, or in receipt of, supplementary benefit may appeal to the Appeal Tribunal against any determination of a benefit officer (including a determination to refuse to review a determination) with respect to the claim or benefit, except that no appeal shall lie by virtue of this subsection in a case falling within section 10(2), 12(4) or 20(3) of this Act ;

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(3) On an appeal under this section the Appeal Tribunal may—

- (a) confirm the determination appealed against ; or
-
- (c) substitute for any determination appealed against any determination which a benefit officer could have made.

(4) Subject to section 15A of this Act, any determination of an Appeal Tribunal shall be final ; but nothing in this section shall make any finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of any further decision.

Appeals from Appeal Tribunal.

15A.—(1) The Secretary of State may by rules make provision for any party to proceedings before an Appeal Tribunal (whether under this or any other Act) to appeal to a Commissioner against a decision of the tribunal.

(2) Rules under this section may, in particular, make provision—

- (a) as to the cases and circumstances in which, and the conditions subject to which, appeals may be made, including provision either generally or in relation to specified classes of case for appeals—
 - (i) to be confined to points of law ;
 - (ii) to be made only with leave ;

- (b) as to the manner in which, and the time within which, appeals are to be brought and (where appropriate) applications are to be made for leave to appeal ;
- (c) as to the procedure to be followed on appeals ;
- (d) as to the payment by the Secretary of State to persons attending proceedings before a Commissioner of travelling and other allowances (including compensation for loss of remunerative time).

(3) The power to make provision as to procedure under subsection (2)(c) above includes power to make provision as to the representation of one person in any proceedings by another person.

(4) Rules under this section may provide for a Commissioner hearing an appeal—

- (a) to give any decision which might have been given by the tribunal ;
- (b) to refer the case to another tribunal, with directions ;
- (c) to dispose of the appeal in such other manner as may be specified ;

and in any case where directions are given to a tribunal in accordance with rules under this section the tribunal shall proceed accordingly.

1975 c. 14. (5) In this section “Commissioner” has the same meaning as in the Social Security Act 1975.

Supplementary benefits to be inalienable. **16.—**(1) Every assignment of, or charge on, any supplementary benefit, and every agreement to assign or charge any such benefit, shall be void ; and, on the bankruptcy . . . of a person entitled to any supplementary benefit, no rights in respect of the benefit shall pass to any trustee or other person acting on behalf of his creditors.

(2) In the application of the preceding subsection to Scotland—

- (a) the reference to assignment of supplementary benefit shall be read as a reference to its assignment, “assign” being construed accordingly ; and
- (b) the reference to the bankruptcy of a person entitled to supplementary benefit shall be read as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 14 of the Bankruptcy (Scotland) Act 1913 or section 15 of the Solicitors (Scotland) Act 1958.

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PART II

LIABILITY TO MAINTAIN, RECOVERY OF EXPENDITURE AND
OFFENCES*Liability to maintain*Liability to
maintain.

17.—(1) For the purposes of this Act—

- (a) a man shall be liable to maintain his wife and his children ; and
- (b) a woman shall be liable to maintain her husband and her children ; and
- (c) a person shall be liable to maintain another person throughout any period in respect of which the first-mentioned person has, on or after the date of the passing of the Social Security Act 1980 and either alone or jointly with a further person, given an undertaking in writing in pursuance of immigration rules within the meaning of the Immigration Act 1971 to be responsible for the maintenance and accommodation of the other person.

1971 c. 77.

(2) In subsection (1) above—

- (a) the reference to a man's children includes a reference to children of whom he has been adjudged to be the putative father or, in Scotland, to children his paternity of whom has been admitted or otherwise established ; and
- (b) the reference to a woman's children includes a reference to her illegitimate children.

(3) A document bearing a certificate which—

- (a) is signed by a person authorised in that behalf by the Secretary of State ; and
- (b) states that the document apart from the certificate is, or is a copy of, such an undertaking as is mentioned in subsection (1)(c) of this section,

shall be conclusive evidence for the purposes of this Act of the undertaking in question ; and a certificate purporting to be signed as aforesaid shall be deemed to be so signed until the contrary is proved.

*Recovery of expenditure*Recovery of
expenditure
on supple-
mentary
benefits from
persons liable
for main-
tenance.

18.—(1) Where supplementary benefit is paid or claimed to meet requirements which are, or include, those of a person whom another person is, for the purposes of this Act, liable to maintain (in this section referred to respectively as “the dependant” and “the liable person”) the Secretary of State may make a complaint against the liable person to a magistrates’ court for an order under this section.

(2) Except in a case falling within section 17(1)(c) of this Act, no complaint under subsection (1) above shall be made where the dependant is an illegitimate child and the liable person is his father.

(3) On the hearing of a complaint under subsection (1) above the court shall have regard to all the circumstances and, in particular, to the resources of the liable person, and may order him to pay such sum, weekly or otherwise, as it may consider appropriate, except that in a case falling within section 17(1)(c) of this Act that sum shall not include any amount which is not attributable to supplementary benefit (whether paid before or after the making of the order).

(4) In determining whether to order any payments to be made in respect of supplementary benefit for any period before the complaint was made, or the amount of any such payments, the court shall disregard any amount by which the liable person's resources exceed the resources which were his during that period.

(5) Any payments ordered to be made under this section shall be made—

- (a) to the Secretary of State in so far as they are attributable to any supplementary benefit (whether paid before or after the making of the order);
- (b) to the person claiming supplementary benefit or (if different) the dependant; or
- (c) to such other person as appears to the court expedient in the interests of the dependant.

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(7) An order under this section shall be enforceable as an affiliation order.

(8) In the application of this section to Scotland, subsections (2) and (7) shall be omitted, and for the references to a complaint and to a magistrates' court there shall be substituted respectively references to an application and to the sheriff.

Affiliation orders.

19.—(1) The provisions of this section apply in any case in which supplementary benefit is paid to meet requirements which include those of an illegitimate child.

(2) If no affiliation order is in force the Secretary of State may, within three years from the time when any payment by way of supplementary benefit was made, make application to a justice of the peace acting for the petty sessions area in which the mother of the child resides for a summons to be served under section 1 of the

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(3) In any proceedings on an application under subsection (2) above the court shall hear such evidence as the Secretary of State may produce, and shall in all other respects, subject to the provisions of subsection (4) below, proceed as on an application made by the mother under section 1 of the said Act of 1957.

(4) An affiliation order—

(a) made on an application made by the Secretary of State under subsection (2) above ; or

(b) made on an application made by the Secretary of State in proceedings brought by the mother of the child under section 1 of the said Act of 1957,

may be made so as to provide that the payments, or a part of the payments, to be made under the order shall, instead of being made to the mother or a person having custody of the child, be made to the Secretary of State or to such other person as the court may direct.

(5) Any affiliation order, whether made before or after the commencement of this Act, may, on the application of the Secretary of State, be varied so as to provide for the making of payments, or part thereof, as mentioned in subsection (4) above ; and an application by the Secretary of State under this subsection may be made—

(a) notwithstanding that the mother has died and no person has been appointed to have the custody of the child ; and

(b) where the child is not in the care of the mother and she is not contributing to his maintenance, without making her a party to the proceedings.

(6) Any affiliation order which provides for the making of payments, or part thereof, as mentioned in subsection (4) above may, on the application of the mother of the child, be varied so as to provide that the payments shall be made to the mother or a person having the custody of the child.

(8) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (2) to (6) above—

(a) the Secretary of State shall have the like right as the mother to raise an action of affiliation and aliment concluding for payment of aliment for the child ;

(b) where in any action of affiliation and aliment in respect of the child, whether at the instance of the Secretary of State under the foregoing paragraph or at the instance of the mother, the sheriff grants or has granted decree against any

person for payment of aliment for the child, the sheriff may at the time of granting the decree or at any subsequent time on the application of the Secretary of State, order that the sums due under the decree or any part thereof shall, instead of being paid to the mother of the child, be paid to the Secretary of State or to such other person as the sheriff may direct ;

- (c) if such an order is made in favour of the Secretary of State, the Secretary of State, or, if it is made in favour of another person, that person, shall have the like right to enforce the decree (so far as relating to the said sums) by diligence, including the right to take proceedings under the Civil Imprisonment (Scotland) Act 1882, as if the decree were a decree in favour of the Secretary of State or other person.

1882 c. 42.

Recovery in cases of misrepresentation or non-disclosure. **20.**—(1) If, whether fraudulently or otherwise, any person misrepresents, or fails to disclose, any material fact, and in consequence of the misrepresentation or failure—

- (a) the Secretary of State incurs any expenditure under this Act ; or

(b) any sum recoverable under this Act by or on behalf of the Secretary of State is not recovered, the Secretary of State shall be entitled to recover the amount thereof from that person.

(2) If, whether in connection with any legal proceedings or otherwise, any question arises whether any amount paid by way of supplementary benefit is recoverable by the Secretary of State under this section, or as to the amount so recoverable, the question shall be determined by a benefit officer.

(3) A person from whom, in pursuance of a determination of a benefit officer under the preceding subsection, an amount is recoverable under this section may appeal to the Appeal Tribunal against the determination ; and subsection (3) of section 15 of this Act shall apply to an appeal under this subsection as it applies to an appeal under that section.

(4) Where any amount paid by way of supplementary benefit is recoverable under this section, it may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.

(5) Subsections (2) and (3) of this section shall apply to any question as to whether any amount or what amount is recoverable by the Secretary of State under section 45 of the National Assistance Act 1948 or section 26 of the Supplementary Benefit Act 1966 (which contain provisions corresponding to subsection (1) of this section) and subsection (4) of this section shall apply to an amount

1948 c. 29.
1966 c. 20.

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recoverable by the Secretary of State under either of those sections—

- (a) as if for any reference in those subsections to this section there were substituted references to the said section 45 or 26, as the case may be ; and
- (b) as respects a question relating to recovery under the said section 45 and an amount recoverable under that section, as if the words “paid by way of supplementary benefit” in subsections (2) and (4) of this section were omitted.

Offences

False statements.

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 guilty of an offence and liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months or to both.

Impersonation of officers.

22. If any person, with intent to deceive, falsely represents himself to be a person authorised by the Secretary of State for Social Services . . . to act in any capacity (whether under this Act or otherwise) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

Illegal possession of documents.

23.—(1) If any person—

- (a) as a pledge or a security for a debt ; or
- (b) with a view to obtaining payment from the person entitled to it of a debt due either to himself or to any other person ;

receives, detains or has in his possession any document issued by or on behalf of the Secretary of State for Social Services in connection with any benefit, pension or allowance (whether payable under this Act or otherwise) he shall be guilty of an offence.

(2) If any person has such a document in his possession without lawful authority or excuse (the proof whereof shall lie on him) he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £400 or to both.

Failure to
notify.

24.—(1) If any person fails to comply with a provision of regulations under section 9(2) of this Act requiring him to give notice of any matter to the Secretary of State, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

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Failure to
maintain.

25.—(1) If any person persistently refuses or neglects to maintain himself or any person whom for the purposes of this Act he is liable to maintain and in consequence of his refusal or neglect supplementary benefit is awarded to meet requirements which are, or include, his or those of such a person he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £400 or to both.

(2) For the purposes of this section a person shall not be taken to refuse or neglect to maintain himself or any other person by reason only of anything done or omitted in furtherance of a trade dispute.

Legal proceedings

Legal pro-
ceedings.

26.—(1) Any person authorised by the Secretary of State in that behalf may conduct any proceedings under this Act before a magistrates' court although not a barrister or solicitor.

(2) Without prejudice to any other method of recovery, any sum due under this Act to the Secretary of State, other than a sum due under an order enforceable as an affiliation order, shall be recoverable summarily as a civil debt.

(3) Notwithstanding anything in any Act—

(a) proceedings under this Act for the recovery of a sum recoverable summarily as a civil debt may be begun at any time within three years after the sum became due ;

(b) proceedings for an offence under this Act may be begun at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months from the commission of the offence, whichever period last expires.

(4) For the purposes of subsection (3) above, a certificate purporting to be signed by, or on behalf of, the Secretary of State as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to his knowledge shall be conclusive evidence of that date.

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(5) In any proceedings for an offence under this Act the wife or husband of the accused shall be competent to give evidence, whether for or against the accused, but shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or to him by the accused during the marriage.

(6) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) to (4) above—

1975 c. 21.

(a) proceedings for an offence under this Act may, notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975, be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the appropriate authority to justify proceedings comes to his knowledge, or within the period of twelve months from the commission of the offence, whichever period last expires;

(b) for the purposes of this subsection—

(i) “the appropriate authority” means the Secretary of State or, in the case of proceedings which are not preceded by a report of the facts made by the Secretary of State to the Lord Advocate, means the Lord Advocate;

(ii) a certificate of the appropriate authority as to the date on which such evidence as is mentioned above comes to his knowledge shall be conclusive evidence; and

(iii) subsection (3) of section 331 of the said Act of 1975 (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

PART III

ADMINISTRATION, GENERAL AND SUPPLEMENTAL

Administration

Duties of
Secretary
of State.

27.—(1) It shall be the duty of the Secretary of State to make arrangements with a view to ensuring that benefit officers and other officers of his concerned with the administration of this Act exercise their functions in such manner as shall best promote the welfare of persons affected by the exercise of those functions.

(2) It shall be the duty of the Secretary of State to appoint persons to perform the functions conferred by virtue of this Act on benefit officers.

The Appeal Tribunal.

28. The Appeal Tribunal for the purposes of this Act shall be such of the tribunals constituted in accordance with Schedule 4 to this Act as, under that Schedule, has jurisdiction in the case in question.

Re-establishment courses and resettlement units.

30.—(1) The provisions of Schedule 5 to this Act shall have effect with respect to re-establishment courses and resettlement units.

(2) If the Secretary of State so directs, payment at such rates as he may determine shall be made by persons for whom temporary board and lodging are provided in connection with courses provided or units maintained under that Schedule.

.

Modification of Act for special cases.

32A. Regulations may provide for any provision of this Act except this section to have effect with prescribed modifications—

- (a) in cases involving a marriage celebrated under a law which permits polygamy or a marriage during the subsistence of which a party to it is at any time married to more than one person ;
- (b) in cases where the Secretary of State considers that without the modifications the provision in question would give rise to an anomaly or an injustice or would produce impractical consequences.

Rules and regulations.

33.—(1) Powers conferred by this Act to make rules or regulations are exercisable by statutory instrument.

(1A) Rules under this Act may make different provision for different classes of case and otherwise for different circumstances.

1975 c. 14.

(2) Subsections (2) and (3) of section 166 of the Social Security Act 1975 (which among other things make provision about the extent of powers to make regulations) shall apply to powers to make regulations conferred by this Act as they apply to powers to make regulations conferred by that Act but as if for references to that Act there were substituted references to this Act.

(3) Regulations of the following kinds, namely—

- (a) regulations of which the effect is to increase an amount which is specified in regulations made in pursuance of section 3 of this Act or which, by virtue of regulations made in pursuance of paragraph (b) of section 4(1) of this Act, is specified in a provision mentioned in that paragraph ;
- (b) regulations made in pursuance of section 32A(b) of this Act except regulations made for the purpose only of consolidating regulations which they revoke ;

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(c) regulations made in pursuance of paragraph 1 or 2 of Schedule 1 to this Act except regulations made for the purpose only of consolidating regulations which they revoke,

shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House and, in the case of regulations falling within paragraph (a) or (c) of this subsection, shall not be made without the consent of the Treasury.

(4) A statutory instrument containing regulations of which a draft is not required by the preceding subsection to be approved as there mentioned or containing rules made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the generality of any power conferred by this Act to make regulations, regulations may provide for a person to exercise a discretion in dealing with any matter.

Interpretation.

34.—(1) In this Act—

“the Appeal Tribunal” means the tribunal which has jurisdiction in accordance with section 28 of this Act ;

“benefit officer” means a person appointed in pursuance of section 27(2) of this Act ;

.

“child” means a person under the age of 16 ;

.

“enactment” includes an enactment of the Parliament of Northern Ireland and a provision of a Measure of the Northern Ireland Assembly ;

“married couple” means a man and a woman who are married to each other and are members of the same household ;

“modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly ;

“pensionable age” means, in the case of a man, the age of 65, and, in the case of a woman, the age of 60 ;

“place of employment” has the same meaning as in section 19 of the Social Security Act 1975 ;

“prescribed” means specified in or determined in accordance with regulations ;

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

.

1975 c. 14.

“supplementary benefit” means any benefit under this Act ; SCH. 2

“trade dispute” has the same meaning as in section 19 of the Social Security Act 1975 ;

“unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances ;

“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit.

(2) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended or extended by or under any other enactment, including this Act.

(3) Regulations may make provision as to the circumstances in which a person is to be treated for the purposes of any specified provision of this Act—

- (a) as being or not being a member of the same household as another person ;
- (b) as responsible for another person.

Sections 2, 3,
4, 14 and 33.

SCHEDULE 1

PROVISION FOR DETERMINING RIGHT TO BENEFIT AND AMOUNT OF BENEFIT

General

1.—(1) The amount of any supplementary benefit to which a person is entitled shall, subject to the following provisions of this Schedule, be the amount by which his resources fall short of his requirements.

(2) For the purpose of ascertaining that amount—

- (a) a person's requirements shall be determined in accordance with paragraph 2 of this Schedule ;
and
- (b) a person's resources shall be calculated in the prescribed manner ;

and without prejudice to the generality of paragraph (b) of this sub-paragraph, regulations in pursuance of that paragraph may provide for a person to be treated as possessing resources which he does not possess and for disregarding resources which a person does possess.

(3) Regulations may provide that a person whose resources as ascertained in pursuance of paragraph (b) of the preceding sub-paragraph or a prescribed part of them exceed or exceeds a prescribed amount shall not be entitled to a supplementary pension or allowance.

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Requirements

2.—(1) For the purposes of this Schedule requirements shall be of three categories, namely, normal requirements, additional requirements and housing requirements; and the items to which each category relates and, subject to sub-paragraph (3) of this paragraph, the weekly amounts for those categories shall be such as may be prescribed.

(2) A person's requirements shall consist of normal requirements together with requirements, if any, of such of the other categories as are applicable in his case.

(3) In the case of a person specified in the first column of the following table his normal requirements shall be taken to be the weekly amount specified in relation to him in the second column of that table; and in that table—

“householder” means a person who is not one of a married or unmarried couple but who satisfies prescribed conditions with respect to living accommodation; and

“relevant person” means a person whose requirements include those of another person by virtue of sub-paragraph (1) of paragraph 3 of this Schedule.

TABLE

| | <i>Person</i> | <i>Weekly amount</i> |
|------------|--|---|
| | 1. A relevant person who— | The aggregate of the sums for the time being specified in section 6(1)(a) of the Social Security Pensions Act 1975 and column (3) of paragraph 6 of Part IV of Schedule 4 to the Social Security Act 1975 (which specify the amounts of the basic component of a Category A retirement pension and the increase of the pension for an adult dependant). |
| 1975 c. 60 | (a) is such a person as is mentioned in section 1(1)(a) of this Act; or | |
| 1975 c. 14 | (b) is not such a person as is so mentioned but satisfies prescribed conditions. | |
| | 2. A relevant person not falling within paragraph 1 of this table. | The aggregate of the sums for the time being specified in paragraph 1 of Part I of the said Schedule 4 and column (3) of paragraph 1(a) of the said Part IV (which specify the amounts of |

SCH. 2

unemployment or sickness benefit and the increase of it for an adult dependant of a beneficiary under pensionable age).

3. A householder who—
- (a) has attained pensionable age; or
- (b) has not attained pensionable age but satisfies prescribed conditions.

The sum for the time being specified in the said section 6(1)(a).

4. A householder not falling within paragraph 3 of this table.

The sum for the time being specified in paragraph 1 of the said Part I.

(4) Regulations may provide that the preceding subparagraph shall have effect with prescribed modifications.

(5) Notwithstanding anything in the preceding provisions of this paragraph, regulations may provide for a person to be treated as having no normal requirements in prescribed cases.

Aggregation of requirements and resources

3.—(1) Where two persons are a married or unmarried couple, their requirements and resources shall be aggregated and treated—

- (a) until the prescribed date, as those of the man; and
- (b) on and after that date, as those of such one of them as satisfies prescribed conditions or, where both of them satisfy or neither of them satisfies those conditions, as those of such one of them as they may jointly nominate in accordance with regulations or, in default of such a nomination, as the Secretary of State may determine.

(2) Where a person is responsible for, and is a member of the same household as, another person and they are not a married or unmarried couple, then—

- (a) if the other person is a child or is excluded from entitlement to supplementary benefit by section 6(2) of this Act; or
- (b) if the circumstances are such as are prescribed, their requirements and resources shall be aggregated and treated as those of the first-mentioned person.

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(3) Regulations may provide that, in a case falling within the preceding sub-paragraph, sub-paragraph (1) of this paragraph shall apply in relation to the other person with prescribed modifications.

Exclusion of small payments

4. Where the amount of any supplementary benefit would be less than a prescribed amount, the benefit shall not be payable except in prescribed circumstances.

Section 30.

SCHEDULE 5

RE-ESTABLISHMENT COURSES AND RESETTLEMENT UNITS

Re-establishment courses

1.—(1) The Secretary of State may provide courses, to be known as re-establishment courses, at which persons who are in need of re-establishment through lack of regular occupation or lack of instruction or training may be afforded the occupation, instruction or training required to fit them for entry into, or return to, regular employment.

(2) Persons mentioned in sub-paragraph (1) above may attend re-establishment courses either in consequence of a direction under section 10(1) of this Act or otherwise, and the Secretary of State may provide temporary board and lodging for persons attending re-establishment courses.

Resettlement units

2.—(1) It shall be the duty of the Secretary of State to provide and maintain places, to be known as resettlement units, at which persons without a settled way of life are afforded temporary board and lodging with a view to influencing them to lead a more settled life.

(2) The Secretary of State may require the councils of counties, other than metropolitan counties, and of metropolitan districts, regions, island areas and London boroughs and the Common Council of the City of London to exercise, on behalf of the Secretary of State and in accordance with any directions given by the Secretary of State, the functions of providing and maintaining resettlement units.

(3) A council may recover from the Secretary of State any expenditure incurred by them under this paragraph with the approval of the Secretary of State, given either as respects that expenditure or generally as respects expenditure up to a specified amount.

(4) Before giving directions under sub-paragraph (2) above the Secretary of State shall consult with such local authorities, or associations of local authorities, as appear to him to be concerned.

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Contributions for courses and places provided by voluntary organisations

4. The Secretary of State may make contributions to the funds of any voluntary organisation providing courses or places for purposes similar to the purposes for which re-establishment courses or resettlement units are provided by the Secretary of State.

SCHEDULE 3

Sections 9 and 10.

SOCIAL SECURITY ADVISORY COMMITTEE

PART I

CONSTITUTION ETC OF COMMITTEE

1. The Committee shall consist of a chairman appointed by the Secretary of State and not less than 8 nor more than 11 other members so appointed.

2. Subject to paragraph 4 of this Schedule, the chairman and other members of the Committee shall hold office for such period of not more than 5 nor less than 3 years as the Secretary of State may determine ; but any member—

- (a) shall be eligible for reappointment from time to time on or after the expiration of his term of office ;
- (b) may by notice in writing to the Secretary of State resign office at any time, while remaining eligible for reappointment.

3.—(1) Of the members of the Committee (other than the chairman) there shall be appointed—

- (a) one after consultation with organisations representative of employers ;
- (b) one after consultation with organisations representative of workers ; and
- (c) one after consultation with the Head of the Department of Health and Social Services for Northern Ireland ;

and the Committee shall include at least one person with experience of work among, and of the needs of, the chronically sick and disabled.

(2) In selecting a person with such experience as aforesaid regard shall be had to the desirability of having a chronically sick or disabled person.

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4. The Secretary of State may remove a member of the Committee on the ground of incapacity or misbehaviour.

5. The Secretary of State shall appoint a secretary to the Committee and may appoint such other officers and such servants to the Committee, and there shall be paid to them by the Secretary of State such salaries and allowances, as the Secretary of State may with the consent of the Minister for the Civil Service determine.

6. The expenses of the Committee 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 Committee—

(a) to all or any of the members of the Committee, such salaries or other remuneration and travelling and other allowances ; and

(b) to persons attending its meetings at the request of the Committee, such travelling and other allowances (including compensation for loss of remunerative time),

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

8.—(1) The Secretary of State may pay or make provision for paying, to or in respect of any member of the Committee, such sums by way of pensions, superannuation allowances and gratuities as the Secretary of State may determine with the consent of the Minister for the Civil Service.

(2) Where a person ceases to be a member of the Committee otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for the person to receive compensation the Secretary of State may make to him a payment of such amount as the Secretary of State may determine with the consent of the Minister for the Civil Service.

9. The Committee may act notwithstanding any vacancy among the members.

10. The Committee may make rules for regulating its procedure (including the quorum of the Committee).

PART II

REGULATIONS NOT REQUIRING PRIOR SUBMISSION TO COMMITTEE

Family Income Supplement

1970 c. 55.

1971 c. 8 (N.I.).

11. Regulations under section 2(1) or 3(1) of the Family Income Supplements Act 1970 or the Family Income Supplements Act (Northern Ireland) 1971 (under which amounts may be prescribed for the purposes of determining the amount of family income supplement payable to any person).

Social Security

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12.—(1) Regulations relating only to industrial injuries benefit within the meaning of the principal Act or the Social Security 1975 c. 15 (Northern Ireland) Act 1975.

(2) Regulations contained in a statutory instrument which states that it contains only provisions in consequence of an order under section 120, 122 or 126A of the principal Act (which provide for the re-rating of contributions and the up-rating of certain increments) or an up-rating order within the meaning of that Act or contained in a statutory rule which states that it contains only provisions in consequence of an order under section 120 of the said Act of 1975 (which provides for re-rating and up-rating in Northern Ireland).

(3) Regulations contained in a statutory instrument or rule which states that the regulations relate only to matters which in accordance with the principal Act, the said Act of 1975 or any enactment directed to be construed as one with either of those Acts, have been referred to the Attendance Allowance Board or the Attendance Allowance Board for Northern Ireland.

Social Security Pensions

13.—(1) Regulations under section 1 of the Pensions Act or Article 3 of the Social Security Pensions (Northern Ireland) Order S.I. 1975/1503 1975 (which provide for the fixing of the upper and lower earnings (N.I. 15). limits) or regulations contained in a statutory instrument or rule which states that it contains only regulations to make provision consequential on regulations under that section or, as the case may be, that Article.

(2) Regulations made only for the purposes of Part III or IV of that Act or Part IV or V of that Order (which relate to contracting-out and occupational pensions).

Child Benefit

14.—(1) Regulations under section 5 of the Child Benefit Act 1975 c. 61. 1975 or Article 7 of the Child Benefit (Northern Ireland) Order 1975 S.I. 1975/1504 (under which the rate of child benefit may be prescribed). (N.I. 16).

(2) Regulations under section 17 of that Act or Article 19 of that Order (under which social security benefits may be varied following an increase of the rate of child benefit).

Supplementary Benefits

15. Regulations of which the effect is to increase any amount which is—

- (a) specified in regulations made for the purposes of section 3 of the Supplementary Benefits Act 1976 (which relates to 1976 c. 71. cases of exceptional need); or
- (b) specified in any provision mentioned in section 4 of that Act (which provides for the modification for urgent cases of

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sections 3, 5 to 8 and 10 of that Act and Schedule 1 to that Act) by virtue of regulations made in pursuance of the said section 4 ; or

(c) specified in regulations made by virtue of paragraph 1(2)(b) or (3) or 2(1) of Schedule 1 to that Act (which relate to resources and requirements) ; or

(d) specified in paragraph 2(3) of that Schedule (which relates to the requirements of couples and householders) by virtue of regulations made in pursuance of paragraph 2(4) of that Schedule,

and corresponding regulations applying to Northern Ireland.

National Insurance Surcharge

1976 c. 85.

16. Regulations contained in a statutory instrument or rule which states that it contains only provisions in consequence of the National Insurance Surcharge Act 1976 or of that Act and either an order under section 120 or 122 of the principal Act or an order under section 120 of the Social Security (Northern Ireland) Act 1975.

1975 c. 15.

Miscellaneous

1970 c. 55.

1971 c. 8 (N.I.).

1975 c. 61.

S.I. 1975/1504

(N.I. 16).

1976 c. 71.

S.I. 1977/2156

(N.I. 27).

17. Regulations made within a period of six months beginning with the date of the passing of this Act under the Family Income Supplements Act 1970, the Family Income Supplements Act (Northern Ireland) 1971, the Child Benefit Act 1975, the Child Benefit (Northern Ireland) Order 1975, the Supplementary Benefits Act 1976 or the Supplementary Benefits (Northern Ireland) Order 1977.

18. Regulations not falling within paragraph 17 of this Schedule which are made during the period of six months beginning with the passing of this Act and contained in a statutory instrument or rule which states that it contains only regulations to make provision consequential on the passing of this Act.

1971 c. 62.

19. Regulations in so far as they consist only of procedural rules for a tribunal in respect of which consultation with the Council on Tribunals is required by section 10(1) of the Tribunals and Inquiries Act 1971.

20. Regulations made for the purpose only of consolidating other regulations revoked thereby.

21. Regulations making in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State in relation to Great Britain.

Section 20.

SCHEDULE 4

CONSEQUENTIAL AND MINOR AMENDMENTS OF ENACTMENTS

1947 c. 19.

Polish Resettlement Act 1947

1.—(1) Section 3 of the Polish Resettlement Act 1947 and Part II of the Schedule to that Act (which among other things authorise the Supplementary Benefits Commission to provide accommodation and

goods and services for former members of certain Polish forces) shall be amended as follows—

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- (a) for references to the Supplementary Benefits Commission, wherever they occur except in section 3(5), there shall be substituted references to the Secretary of State;
- (b) in section 3(2) the words “by making payments to persons for whom accommodation is provided” shall be omitted and for the word “another” there shall be substituted the words “the other”.
- (c) subsections (4), (5), (10) and (10A) of section 3 (which among other things provide for the making and observance of rules about conduct in accommodation and that the Commission’s functions under that section are exercised on behalf of the Secretary of State) shall be omitted;
- (d) in paragraph 3 of that Schedule the words from “(including” to “repealed)” (which relate to the recovery of certain charges from a step-father) shall be omitted; and
- (e) in paragraph 4 of that Schedule the proviso (which provides for an appeal about the amounts of certain charges) shall be omitted.

(2) In sections 4(1), 6(1) and 7(1) of that Act (which contain references to persons for whom there is power to provide accommodation under section 3 of that Act) for the words from “for whom” to “power” there shall be substituted the words “for whom the Secretary of State has power”; and for subsection (3) of section 12 of that Act (which modifies references to such persons in the application of the Act to Northern Ireland) there shall be substituted the following subsection—

(3) References in sections 4 to 7 of this Act to persons of any description for whom the Secretary of State has power to provide accommodation under section 3 of this Act shall include references to persons in Northern Ireland of any description for whom he would have power so to provide if those persons were in Great Britain.

The National Assistance Act 1948

1948 c. 29.

2.—(1) In section 22 of the National Assistance Act 1948, in subsection (5) (which provides that in assessing a person’s ability to pay for certain accommodation a local authority shall have regard to Part III of Schedule 1 to the Supplementary Benefits Act 1976) for the words from “Part III” onwards there shall be substituted the words “regulations made by the Secretary of State for the purposes of this subsection”, and subsection (9) (under which payments of benefit may be diverted to a local authority to discharge a liability in respect of accommodation provided by the authority) shall cease to have effect.

(2) Section 27 of that Act (under which among other things questions as to the circumstances of a person applying for accommodation under the Act may be referred to the Supplementary Benefits Commission) shall cease to have effect.

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(3) In paragraph 8(3)(b) of Schedule 6 to that Act (which refers to a centre to be maintained for the like purposes as a reception centre maintained by the Supplementary Benefits Commission) for the words from "a centre" to "the centre" there shall be substituted the words "a place for the like purposes as a resettlement unit maintained by the Secretary of State, and that place".

1950 c. 37.

The Maintenance Orders Act 1950

3. In section 8(1) of the Maintenance Orders Act 1950 (which relates to jurisdiction in certain actions of affiliation and alimony in Scotland) for the words from "or at the instance" to "local authority" there shall be substituted the words "or at the instance of the Secretary of State or of a local authority".

1967 c. 43.

The Legal Aid (Scotland) Act 1967

4.—(1) Section 4(5) of the Legal Aid (Scotland) Act 1967 (which provides, in relation to legal aid, for computing resources by reference to the rules set out in certain paragraphs of Schedule 1 to the Supplementary Benefits Act 1976) shall cease to have effect.

(2) In section 4(6) of that Act (which among other things provides for the income and capital of a person and the maximum amount of his contribution to the legal aid fund to be determined by the Supplementary Benefits Commission) for the words from "determined" onwards there shall be substituted the words "determined in accordance with regulations; and regulations for the purposes of this subsection may make different provision for different cases or classes of cases."

1968 c. 49.

The Social Work (Scotland) Act 1968

5.—(1) In section 87(3) of the Social Work (Scotland) Act 1968 (under which accommodation provided under that Act is regarded as provided under Part III of the National Assistance Act 1948) for the words "sections 22(2) to (9)" there shall be substituted the words "sections 22(2) to (8)".

(2) Section 87(6) of that Act (under which among other things questions as to the circumstances of a person applying for accommodation under that Act may be referred to the Supplementary Benefits Commission) shall cease to have effect.

1970 c. 42.

The Local Authority Social Services Act 1970

6. In Schedule 1 to the Local Authority Social Services Act 1970 (which lists the functions of a local authority assigned to its Social Services Committee), in column 2 of the entry relating to Schedule 5 to the Supplementary Benefits Act 1976, for the words "reception centres" there shall be substituted the words "resettlement units".

1972 c. 46.

The Housing (Financial Provisions) (Scotland) Act 1972

7. In section 16A(4) of the Housing (Financial Provisions) (Scotland) Act 1972 (which relates to a housing authority and the Supplementary Benefits Commission providing each other with information

for purposes connected with supplementary benefits), for the words "Supplementary Benefits Commission" in both places where they occur there shall be substituted the words "Secretary of State" and for the words "the Commission" there shall be substituted the words "the Secretary of State".

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The Employment and Training Act 1973

1973 c. 50.

8. In section 12(2)(b) of the Employment and Training Act 1973 (which refers to the Supplementary Benefits Commission), for the words "the Supplementary Benefits Commission" there shall be substituted the words "a benefit officer within the meaning of the Supplementary Benefits Act 1976" and for the words "latter Commission" there shall be substituted the word "officer".

The Legal Aid Act 1974

1974 c. 4.

9.—(1) Section 11(6) of the Legal Aid Act 1974 (which provides, in relation to legal aid, for computing resources by reference to the rules set out in certain paragraphs of Schedule 1 to the Supplementary Benefits Act 1976) shall cease to have effect.

(2) In section 11(7) of that Act (which among other things provides for the income and capital of a person and the maximum amount of his contribution to the legal aid fund to be determined by the Supplementary Benefits Commission) for the words from "determined" onwards there shall be substituted the words "determined in accordance with regulations; and regulations for the purposes of this subsection may make different provision for different cases or classes of cases."

(3) In section 33(1) of that Act (which relates to enquiries into persons' means) for the words "Supplementary Benefits Commission" there shall be substituted the words "Secretary of State to arrange for an officer of his", for the words "the Commission" there shall be substituted the words "the Secretary of State" and before the word "report" there shall be inserted the words "arrange for the officer to".

The Child Benefit Act 1975

1975 c. 61.

10. In section 21(6) of the Child Benefit Act 1975 (which refers to sections 139(1) and 141(2) of the principal Act) for the words from the beginning to "that Act" there shall be substituted the words "Section 141(2) of the Social Security Act 1975".

The Sex Discrimination Act 1975

1975 c. 65.

11. In section 35(1)(a) of the Sex Discrimination Act 1975 (which refers to a reception centre provided by the Supplementary Benefits Commission) for the words "reception centre provided by the Supplementary Benefits Commission" there shall be substituted the words "resettlement unit provided under Schedule 5 to the Supplementary Benefits Act 1976".

SCH. 4

The Social Security (Miscellaneous Provisions) Act 1977

1977 c. 5.

12. In subsection (13) of section 22 of the Social Security (Miscellaneous Provisions) Act 1977 (which refers to section 44(6) of the Pensions Act as amended by a subsection repealed by this Act) for the words “the said section 44(6) as amended by the preceding subsection” there shall be substituted the words “section 44(6) of the Pensions Act”.

1978 c. 44.

The Employment Protection (Consolidation) Act 1978

13.—(1) In section 132(3) of the Employment Protection (Consolidation) Act 1978 (which among other things refers to section 15(2) to (4) of the Supplementary Benefits Act 1976)—

(a) for the words “the Supplementary Benefits Commission” and “the Commission” in paragraphs (b) and (e) there shall be substituted the words “a benefit officer within the meaning of the Supplementary Benefits Act 1976”; and

(b) for the words “15(2) to (4) of that Act (appeals)” in paragraph (e) there shall be substituted the words “15(3) and (4) and regulations under section 2(1A) of that Act”.

(2) For paragraph (b) of section 132(4) of that Act (which provides that certain provisions of the Supplementary Benefits Act 1976 relating to the recovery of benefit shall not apply to supplementary benefit recouped by virtue of that section) there shall be substituted the following paragraph—

(b) no sum shall be recoverable under the Supplementary Benefits Act 1976, and no abatement, payment or reduction shall be made under section 12(1), (2) or (3) of that Act, by reference to the supplementary benefit recouped.

1979 c. 48.

The Pensioners' Payments and Social Security Act 1979

14. In section 2(7) of the Pensioners' Payments and Social Security Act 1979 (under which an unmarried couple are to be treated as spouses for the purposes of section 1 of that Act if among other things the man is entitled to a supplementary pension) for the words “the man” there shall be substituted the words “one of them”.

SCHEDULE 5

Sections 8
and 21.

ENACTMENTS AND INSTRUMENTS REPEALED

PART I

ENACTMENTS AND INSTRUMENTS REPEALED ON PASSING OF ACT

| Chapter | Short title | Extent of repeal |
|--|--|---|
| 6 & 7 Geo. 6. c. 39. 1975 c. 14. | The Pensions Appeal Tribunals Act 1943. The Social Security Act 1975. | Section 8(3)(a). Paragraph 7A of the Schedule. In section 125(2) the words from "and shall have regard either" onwards. |
| 1975 c. 16. | The Industrial Injuries and Diseases (Old Cases) Act 1975. | In section 6, in subsection (2) the words from "shall" where it first occurs to "dis- ease, and", and subsection (5). |
| 1975 c. 60. | The Social Security Pen- sions Act 1975. | Section 21(6). In section 23, in subsection (1) the words "(4) and" and subsection (4). In section 62(1)(b) the words "or 9(3)". |
| 1975 c. 61. | The Child Benefit Act 1975. | Paragraph 49 of Schedule 4. In section 2(3) the words from "ending" to "that week". |
| 1977 c. 5. | The Social Security (Mis- cellaneous Provisions) Act 1977. | Section 1(7)(a). Section 7(2) and (4). Section 11(2). Section 22(12). |
| 1977 c. 38. | The Administration of Justice Act 1977. | Part III of Schedule 2. |
| 1979 c. 18. | The Social Security Act 1979. | Paragraph 9(b)(ii) of Schedule 3. |

| Number | Title | Extent of repeal |
|------------------------|--|--------------------|
| S.I. 1966 No. 164. | The Pneumoconiosis, Byssinosis and Miscel- laneous Diseases Bene- fit Scheme 1966. | Article 2(2)(iii). |
| S.I. 1977 No. 1104. | The Pneumoconiosis, Byssinosis and Miscel- laneous Diseases Bene- fit (Amendment) (No. 3) Scheme 1977. | The whole scheme. |

SCH. 5

PART II

ENACTMENTS REPEALED ON APPOINTED DAY

| Chapter | Short title | Extent of repeal |
|---------------------------|---|---|
| 10 & 11 Geo. 6. c. 19. | The Polish Resettlement Act 1947. | In section 3, in subsection (2) the words "by making payments to persons for whom accommodation is provided" and subsections (4), (5), (10) and (10A). In the Schedule, the words from "(including" to "repealed)" in paragraph 3, the proviso in paragraph 4 and the words from "whether" to "the tribunal" in paragraph 6. |
| 11 & 12 Geo. 6. c. 29. | The National Assistance Act 1948. | Sections 22(9) and 27. |
| 1967 c. 43. | The Legal Aid (Scotland) Act 1967. | Section 4(5). |
| 1968 c. 49. | The Social Work (Scotland) Act 1968. | Section 87(6). |
| 1970 c. 36. | The Merchant Shipping Act 1970. | In section 17(10) the words "Secretary of State or the", the words "Secretary of State or" in the second place where they occur and the words "the Supplementary Benefits Commission or, as the case may be,". |
| 1970 c. 55. | The Family Income Supplements Act 1970. | In section 7(2) the words from "(or, if" to "the refusal)". In section 10(2)(h) the words "National Insurance". In section 17(1) the definition of "single woman". |
| 1972 c. 46. | The Housing (Financial Provisions) (Scotland) Act 1972. | In paragraph 18(2) of Schedule 3, the words "and the Supplementary Benefits Commission". |
| 1972 c. 47. | The Housing Finance Act 1972. | In paragraph 17(2) of Schedule 4 the words "and the Supplementary Benefits Commission". |
| 1974 c. 4. | The Legal Aid Act 1974. | Section 11(6). |
| 1975 c. 14. | The Social Security Act 1975. | Section 41(6). In section 44, subsection (3)(b) and subsections (5) and (6). In section 47 the words from the last "or" in subsection (1)(a) onwards. Section 65(4). In section 66, subsection (1)(b) and (c) and subsection (8). Sections 138 and 139. |

| Chapter | Short title | Extent of repeal |
|-----------------------------|--|--|
| 1975 c. 14— <i>cont.</i> | The Social Security Act 1975— <i>cont.</i> | <p>In section 142(5) the words from “section 139” to “and”.</p> <p>Section 158.</p> <p>In section 166(4) the words from “except” to “scheme”.</p> <p>In section 168(4) the figures “139”.</p> <p>In Part IV of Schedule 4 the words from “Where unemployment” onwards.</p> <p>Schedule 15.</p> <p>Schedule 19.</p> <p>In Schedule 20 the entry relating to the expression “Incapable of self-support” (including both paragraphs in the second column of the entry).</p> |
| 1975 c. 18. | The Social Security (Consequential Provisions) Act 1975. | In Schedule 3, in paragraph 11(2), the words “139(1)”, the words “reference to N.I.A.C. and” and the words from “except” onwards. |
| 1975 c. 24. | The House of Commons Disqualification Act 1975. | In Part II of Schedule 1 the words “The National Insurance Advisory Committee” and “The Supplementary Benefits Commission”. |
| 1975 c. 25. | The Northern Ireland Assembly Disqualification Act 1975. | In Part II of Schedule 1 the words “The National Insurance Advisory Committee” and “The Supplementary Benefits Commission”. |
| 1975 c. 60. | The Social Security Pensions Act 1975. | Sections 22(6) and 61(1). |
| 1975 c. 61. | The Child Benefit Act 1975. | In Schedule 4, paragraph 36. |
| 1976 c. 71. | The Supplementary Benefits Act 1976. | <p>In section 2, the words from the second “and” in subsection (2)(a) to the end of the section.</p> <p>Section 8(3).</p> <p>In section 9, subsections (4) to (8).</p> <p>In section 14, in subsection (2) the words “National Insurance” in paragraph (d) and the word “and” at the end of paragraphs (e) and (ee), and subsections (3) and (4).</p> <p>In section 15, subsections (2) and (3)(b).</p> <p>In section 15A the words “National Insurance” in both places and the words from “and includes” onwards in subsection (5).</p> |

SCH. 5

| Chapter | Short title | Extent of repeal |
|-----------------------------|--|---|
| 1976 c. 71— <i>cont.</i> | The Supplementary Benefits Act 1976— <i>cont.</i> | In section 16 the words “ or, in Scotland, on the sequestration of the estate ”. Sections 18(6) and 19(7). In section 22 the words “ or the Commission ”. Section 24(2). In section 25(1), paragraph (b) and the word “ or ” at the end of paragraph (a). Section 30(3) and (4). In section 32(1) the words “ or adapting ”. In section 33(1A) the words “ and regulations ”. In section 34(1) the definitions of “ blind ”, “ the Commission ” and “ school ” and in the definition of “ supplementary benefit ” the words from “ and includes ” onwards. In section 36(2) the words “ 27 (including Schedule 3) ” and the words “ the Commission ’ and ”. Schedules 2 and 3. In Schedule 5, paragraph 3. In Schedule 6, paragraphs 3, 6, 7 and 8(3). In Schedule 7, paragraphs 1(a), 2, 3(b) and (c) and 34. Section 1(4). |
| 1976 c. 85. | The National Insurance Surcharge Act 1976. | Section 8(3). |
| 1977 c. 5. | The Social Security (Miscellaneous Provisions) Act 1977. | In section 14, subsections (1) to (4) and (7) to (10). Section 15. In section 24(4) the words “ 139(1) and ” and the words “ the National Insurance Advisory Committee or ”. |
| 1978 c. 44. | The Employment Protection (Consolidation) Act 1978. | In Schedule 16, paragraph 19(2). |
| 1979 c. 18. | The Social Security Act 1979. | Sections 4(3), 15(2) and 17. Paragraphs 28 and 30(a) of Schedule 3. |
| 1979 c. 26. | The Legal Aid Act 1979. | Paragraphs 2 and 14 of Schedule 1. |
| 1980 c. 9. | The Reserve Forces Act 1980. | In Schedule 9, paragraph 16. |

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