



Social Security and Housing Benefits Act 1982

1982 CHAPTER 24

E+W+S

An Act to make provision for the payment of statutory sick pay by employers; to make new provision with respect to the grant of, and the payment of subsidies in respect of, rate rebates, rent rebates and rent allowances; to amend the law relating to social security and war pensions; to amend section 44 of the National Assistance Act 1948; and for connected purposes. [28th June 1982]

PART I E+W+S

STATUTORY SICK PAY

Modifications etc. (not altering text)

- C1 Power to modify Pt. I (ss. 1–27) conferred by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 17(1)
C2 Power to amend Pt. I (ss. 1–27) conferred by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 54(1)

1 Employer's liability. E+W+S

- (1) Where an employee has a day of incapacity for work in relation to his contract of service with an employer, that employer shall, if the conditions set out in sections 2 to 4 of this Act are satisfied, be liable to make to him, in accordance with the following provisions of this Part, a payment (to be known as “statutory sick pay”) in respect of that day.
- (2) Any agreement shall be void to the extent that it purports—
 - (a) to exclude, limit or otherwise modify any provision of this Part; or
 - (b) to require an employee to contribute (whether directly or indirectly) towards any costs incurred by his employer under this Part.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (3) For the purposes of this Part a day shall not be treated as a day of incapacity for work in relation to any contract of service unless on that day the employee concerned is, or is deemed in accordance with regulations to be, incapable by reason of some specific disease or bodily or mental disablement of doing work which he can reasonably be expected to do under that contract.
- (4) In any case where an employee has more than one contract of service with the same employer the provisions of this Part shall, except in such cases as may be prescribed and subject to the following provisions of this Part, have effect as if the employer were a different employer in relation to each contract of service.
- [^{F1}(5) Circumstances may be prescribed in which, notwithstanding the foregoing provisions of this section, the liability to make payments of statutory sick pay is to be a liability of the Secretary of State.
- (6) Any sums paid under regulations made by virtue of subsection (5) above shall be paid out of the National Insurance Fund.]

Textual Amendments

F1 S. 1(5)(6) added by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 68

The qualifying conditions

2 Period of incapacity for work. E+W+S

- (1) The first condition is that the day in question forms part of a period of incapacity for work.
- (2) In this Part “period of incapacity for work” means any period of four or more consecutive days, each of which is a day of incapacity for work in relation to the contract of service in question.
- (3) Any two periods of incapacity for work which are separated by a period of not more than [^{F2}8 weeks] shall be treated as a single period of incapacity for work.
- [^{F3}(3A) The Secretary of State may by regulations direct that a larger number of weeks specified in the regulations shall be substituted for the number for the time being specified in subsection (3) above.]
- (4) No day of the week shall be disregarded in calculating any period of consecutive days for the purposes of this section.
- (5) A day may be a day of incapacity for work in relation to a contract of service, and so form part of a period of incapacity for work, notwithstanding that—
- (a) it falls before the making of the contract or after the contract expires or is brought to an end; or
 - (b) it is not a day on which the employee concerned would be required by that contract to be available for work.

Textual Amendments

F2 Words substituted as provided by [S.I. 1982/894, reg. 2A](#) (as inserted by [S.I. 1986/477, reg. 2](#))

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

F3 S. 2(3A) inserted by Social Security Act 1985 (c. 53, SIF 113:1), s. 18(4)

3 **Period of entitlement.** **E+W+S**

- (1) The second condition is that the day in question falls within a period which is, as between the employee and his employer, a period of entitlement.
- (2) For the purposes of this Part a period of entitlement, as between an employee and his employer, is a period beginning with the commencement of a period of incapacity for work and ending with whichever of the following first occurs—
 - (a) the termination of that period of incapacity for work;
 - (b) the day on which the employee reaches, as against the employer concerned, his maximum entitlement to statutory sick pay (determined in accordance with section 5 of this Act);
 - (c) the day on which the employee's contract of service with the employer concerned expires or is brought to an end;
 - (d) in the case of an employee who is, or has been, pregnant, the day immediately preceding the beginning of the disqualifying period.
- (3) Schedule 1 to this Act has effect for the purpose of specifying circumstances in which a period of entitlement does not arise in relation to a particular period of incapacity for work.
- (4) A period of entitlement as between an employee and an employer of his may also be, or form part of, a period of entitlement as between him and another employer of his.

[^{F4}(4A) The Secretary of State may by regulations—

- (a) specify circumstances in which, for the purpose of determining whether an employee's maximum entitlement to statutory sick pay has been reached in a period of entitlement as between him and an employer of his, days falling within a previous period of entitlement as between the employee and any person who is or has in the past been an employer of his are to be counted; and
 - (b) direct that in prescribed circumstances an employer shall provide a person who is about to leave his employment, or who has been employed by him in the past, with a statement in the prescribed form containing such information as may be prescribed in relation to any entitlement of the employee to statutory sick pay.]
- (5) Regulations may provide, in relation to prescribed cases, for a period of entitlement to end otherwise than in accordance with subsection (2) above.
 - (6) In a case where the employee's contract of service first takes effect on a day which falls within a period of incapacity for work, the period of entitlement begins with that day.

[^{F5}(6A) In a case where the employee's contract of service first takes effect between two periods of incapacity for work which by virtue of section 2(3) of this Act are treated as one, the period of entitlement begins with the first day of the second of those periods.

- (6B) In any case where, otherwise than by virtue of section 4(2)(b) of the principal Act (exclusion of liability where earnings are below the lower earnings limit), an employee's earnings under a contract of service in respect of the day on which the contract takes effect do not attract a liability to pay secondary Class 1 contributions, subsections (6) and (6A) above shall have effect as if for any reference to the contract

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first taking effect there were substituted a reference to the first day in respect of which the employee's earnings attract such a liability.]

- (7) Regulations shall make provision as to an employer's liability under this Part to pay statutory sick pay to an employee in any case where the employer's contract of service with that employee has been brought to an end by the employer solely, or mainly, for the purpose of avoiding liability for statutory sick pay.
- (8) Subsection (2)(d) above does not apply in relation to an employee who has been pregnant if her pregnancy terminated, before the beginning of the disqualifying period, otherwise than by confinement.

[^{F6}(9) In this section—

“confinement” is to be construed in accordance with section 50 of the Social Security Act 1986; and

“disqualifying period” means—

- (a) in relation to a woman entitled to statutory maternity pay, the maternity pay period; and
- (b) in relation to a woman entitled to maternity allowance, the maternity allowance period;

“maternity allowance period” has the meaning assigned to it by section 22(2) of the principal Act; and

“maternity pay period” has the meaning assigned to it by section 47(1) of the Social Security Act 1986.]

Textual Amendments

F4 S. 3(4A) inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 18(5)

F5 S. 3(6A)(6B) inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 21, [Sch. 4 para. 4](#)

F6 S. 3(9) substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(1), [Sch. 10 para. 77](#)

4 Qualifying days. **E+W+S**

- (1) The third condition is that the day in question is a qualifying day.
- (2) The days which are, for the purposes of this Part, to be qualifying days as between an employee and an employer of his (that is to say those days of the week on which he is required by his contract of service with that employer to be available for work or which are chosen to reflect the terms of that contract) shall be such day, or days, [^{F7}as may, subject to regulations, be agreed] between the employee and his employer or, failing such agreement, determined in accordance with regulations.
- (3) In any case where qualifying days are determined by agreement between an employee and his employer there shall, in each week (beginning with Sunday), be at least one qualifying day.
- (4) A day which is a qualifying day as between an employee and an employer of his may also be a qualifying day as between him and another employer of his.

Textual Amendments

F7 Words substituted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 21, [Sch. 7 para. 7](#)

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Limitations on entitlement, etc.

5 Limitations on entitlement. E+W+S

- (1) Statutory sick pay shall not be payable for the first three qualifying days in any period of entitlement.
- (2) An employee shall not be entitled, as against any one employer, to an aggregate amount of statutory sick pay in respect of any one period of entitlement, . . . ^{F8}, which exceeds his maximum entitlement.
- (3) The maximum entitlement as against any one employer is reached on the day on which the amount to which the employee has become entitled by way of statutory sick pay during the period of entitlement in question . . . ^{F9} first reaches or passes the entitlement limit.
- (4) The entitlement limit is an amount equal to [^{F10}28] times the appropriate weekly rate set out in section 7 of this Act.
- (5) Regulations may make provision for calculating the entitlement limit in any case where an employee's entitlement to statutory sick pay is calculated by reference to different weekly rates in the same . . . ^{F11} period of entitlement.

Textual Amendments

- F8** Words repealed by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), **ss. 18(2)(a)**, 29(2), Sch. 6
- F9** Words repealed by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), **ss. 18(1)(2)(b)**, 29(2), Sch. 6
- F10** Word substituted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), **s. 18(1)**
- F11** Words repealed by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), **ss. 18(2)(c)**, 29(2), Sch. 6

6 Notification of incapacity for work. E+W+S

- (1) Regulations shall prescribe the manner in which, and the time within which, notice of any day of incapacity for work is to be given by or on behalf of an employee to his employer.
- (2) An employer who would, apart from this section, be liable to pay an amount of statutory sick pay to an employee in respect of a qualifying day (the “day in question”) shall be entitled to withhold payment of that amount if—
 - (a) the day in question is one in respect of which he has not been duly notified in accordance with regulations under subsection (1) above; or
 - (b) he has not been so notified in respect of any of the first three qualifying days in a period of entitlement (a “waiting day”) and the day in question is the first qualifying day in that period of entitlement in respect of which the employer is not entitled to withhold payment—
 - (i) by virtue of paragraph (a) above; or
 - (ii) in respect of an earlier waiting day by virtue of this paragraph.
- (3) Where an employer withholds any amount of statutory sick pay under this section—
 - (a) the period of entitlement in question shall not be affected; and
 - (b) for the purposes of calculating his maximum entitlement in accordance with section 5 of this Act, the employee shall not be taken to have become entitled to the amount so withheld.

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Rate of payment, etc.

7 Rate of payment. E+W+S

- [^{F12}(1) Statutory sick pay shall be payable by an employer at the weekly rate of—
 - (a) £52.50, in a case where the employee’s normal weekly earnings under his contract of service with that employer are not less than £125; or
 - (b) £39.25, in any other case.]

- [^{F13}(1A) The Secretary of State may by [^{F14}order]—
 - (a) substitute alternative provisions for [^{F15}the paragraphs of subsection (1) above]; and
 - (b) make such consequential amendments of any provision contained in this Act as appear to him to be required.

(1B) A statutory instrument containing (whether alone or with other provisions) [^{F16}an order] under subsection (1A) above shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.]

(2) The amount of statutory sick pay payable by any one employer in respect of any day shall be the weekly rate applicable on that day divided by the number of days which are, in the week (beginning with Sunday) in which that day falls, qualifying days as between that employer and the employee concerned.

(3) ^{F17}

Textual Amendments

F12 S. 7(1)(a)(b) substituted for subsection (1)(a)–(c) by virtue of S.I. 1990/257, **reg. 2**

F13 S. 7(1A)(1B) inserted by **Social Security Act 1986 (c. 50, SIF 113:1), s. 67(1)**

F14 Word substituted by **Social Security Act 1990 (c. 27, SIF 113:1), s. 21(1), Sch. 6 para. 15(1)(a)**

F15 Words substituted by **Social Security Act 1990 (c. 27, SIF 113:1), s. 21(1), Sch. 6 para. 15(1)(b)**

F16 Words substituted by **Social Security Act 1990 (c. 27, SIF 113:1), s. 21(1), Sch. 6 para. 15(2)**

F17 S. 7(3)–(10) repealed by **Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11**

8 ^{F18} E+W+S

Textual Amendments

F18 S. 8 repealed by **Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11**

9 Recovery by employers of amounts paid by way of statutory sick pay. E+W+S

- (1) Regulations shall make provision—
 - (a) entitling, except in prescribed circumstances, any employer who has made [^{F19}one or more payments of statutory sick pay in a prescribed period to recover an amount equal to the sum of -
 - (i) the aggregate of such of those payments as qualify for small employers’ relief, and

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Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (ii) an amount equal to 80 per cent. of the aggregate of such of those payments as do not so qualify,
by making] one or more deductions from his contributions payments ; and
- (b) for the payment, in prescribed circumstances, by or on behalf of the Secretary of State of sums to employers who are unable so to recover the whole, or any part, of [^{F20}the amounts which they are entitled to recover by virtue of paragraph (a) above.].

[^{F21}(1A)]

[^{F22}(1B) For the purposes of this section, a payment of statutory sick pay which an employer is liable to make to an employee for any day which forms part of a period of incapacity for work qualifies for small employers' relief if—

- (a) on that day the employer is a small employer who has been liable to pay statutory sick pay in respect of that employee for earlier days forming part of that period of incapacity for work; and
- (b) the aggregate amount of those payments exceeds the entitlement threshold, that is to say, an amount equal to

WyR

, where—

W is a prescribed number of weeks; and

R is the appropriate weekly rate set out in section 7 above;

and regulations may make provision for calculating the entitlement threshold in any case where the employee's entitlement to statutory sick pay is calculated by reference to different weekly rates in the same period of incapacity for work.

(1C) If the Secretary of State by order so provides for any tax year, the following subsections shall have effect for that tax year in substitution for subsection (1B) above—

[For the purposes of this section, a payment of statutory sick pay which an employer is (1BB) liable to make to an employee for any day in a tax year qualifies for small employers' relief if—

- (a) on that day the employer is a small employer who has been liable to make payments of statutory sick pay for earlier days in that tax year in respect of any employees of his; and
- (b) the aggregate of any such payments for those earlier days exceeds a prescribed sum.

(1BC) In any case where—

- (a) an employer is liable to make two or more payments of statutory sick pay for the same day in a tax year, and
- (b) by virtue of the condition in subsection (1BB)(b) above, none of those payments would qualify for small employers' relief, but
- (c) that condition would have been fulfilled in relation to a proportion of the aggregate amount of those payments, had he been liable—

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- (i) to pay as statutory sick pay for an earlier day in that tax year, instead of for the day in question, the smallest part of that aggregate that would enable that condition to be fulfilled, and
 - (ii) to pay the remainder as statutory sick pay for the day in question,
- he shall be treated for the purposes of subsection (1BB) above as if he had been liable to make payments of statutory sick pay as mentioned in paragraph (c) above instead of as mentioned in paragraph (a) above.
- (1BD) If, in a case not falling within subsection (1BC) above—
- (a) an employer is liable to make a single payment of statutory sick pay for a day in a tax year, and
 - (b) by virtue of the condition in subsection (1BB)(b) above, that payment would not qualify for small employers' relief, but
 - (c) that condition would have been fulfilled in relation to a proportion of that payment, had he been liable—
 - (i) to pay as statutory sick pay for an earlier day in that tax year, instead of for the day in question, the smallest part of that payment that would enable that condition to be fulfilled, and
 - (ii) to pay the remainder as statutory sick pay for the day in question,
 he shall be treated for the purposes of subsection (1BB) above as if he had been liable to make payments of statutory sick pay as mentioned in paragraph (c) above instead of the payment mentioned in paragraph (a) above.”;
- and, without prejudice to section 45(1) below, the Secretary of State may by regulations make such transitional or consequential provision or savings as he considers necessary or expedient in connection with the coming into force of an order under this subsection or the expiry or revocation of any such order and the consequent revival of subsection (1B) above.]
- (1D) For the purposes of this section, “small employer” shall have the meaning assigned to it by regulations, and, without prejudice to the generality of the foregoing, any such regulations—
- (a) may define that expression by reference to the amount of an employer's contributions payments for any prescribed period; and
 - (b) if they do so, may in that connection make provision for the amount of those payments for that prescribed period—
 - (i) to be determined without regard to any deductions that may be made from them under this section or under any other enactment or instrument; and
 - (ii) in prescribed circumstances, to be adjusted, estimated or otherwise attributed to him by reference to their amount in any other prescribed period.
- (1E) If and so long as regulations under subsection (1D) above prescribe an amount which an employer's contributions payments must not exceed if he is to be a small employer for the purposes of this section, the Secretary of State shall in each tax year consider whether that amount should be increased, having regard to any increase in the aggregate amount of all primary and secondary Class 1 contributions payable in Great Britain and such other matters as he considers appropriate.
- (1F) A statutory instrument containing (whether alone or with other provisions) any regulations or order under or by virtue of subsection (1B), (1C) or (1D) above shall

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not be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.]

- (2) In subsection (1)(a) [^{F23} and subsection (1D)] above, “contributions payments”, in relation to an employer, means any payments (other than payments arising under the ^{M1}National Insurance Surcharge Act 1976) which the employer is required, by or under any enactment, to make in discharge of any liability in respect of primary or secondary Class 1 contributions.
- (3) Regulations under this section may, in particular,—
- (a) require employers who have made payments of statutory sick pay to furnish to the Secretary of State such documents and information, at such times, as may be prescribed; ^{F24} . . .
 - (b) provide for any deduction made in accordance with the regulations to be disregarded for prescribed purposes
- [^{F25}and
- (c) provide for the rounding up or down of any fraction of a penny which would otherwise result from calculating the amount which an employer is entitled to recover for any period by virtue of subsection (1)(a) above.]
- (4) The power to make regulations conferred by paragraph 5 of Schedule 1 to the principal Act (power to combine collection of contributions with collection of income tax) shall include power to make such provision as the Secretary of State considers expedient in consequence of any provision made by or under this section.
- (5) Provision made in regulations under paragraph 5 of Schedule 1, by virtue of subsection (4) above, may in particular require the inclusion—
- (a) in returns, certificates and other documents; or
 - (b) in any other form of record;
- which the regulations require to be kept or produced or to which those regulations otherwise apply, of such particulars relating to statutory sick pay [^{F26} . . .] as may be prescribed by those regulations.
- (6) Where, in accordance with any provision of regulations made under this section, an amount has been deducted from an employer’s contributions payments, the amount so deducted shall (except in such cases as may be prescribed) be treated for the purposes of any provision made by or under any enactment in relation to primary or secondary Class 1 contributions as having been—
- (a) paid (on such date as may be determined in accordance with the regulations); and
 - (b) received by the Secretary of State;
- towards discharging the liability mentioned in subsection (2) above.
- (7) Any sums paid under regulations made by virtue of subsection (1)(b) [^{F27} . . .] above shall be paid out of the National Insurance Fund.
- (8) ^{F28}

Textual Amendments

F19 Paras. (i)(ii) and words substituted (6.4.1991) for words in s. 9(1)(a) by [Statutory Sick Pay Act 1991 \(c. 3, SIF 113:1\)](#), **ss. 1(1)(a), 3(6)**; S.I.1991/260, **art.2**

Status: Point in time view as at 14/02/1991.

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- F20** Words in s. 9(1)(b) substituted (6.4.1991) by Statutory Sick Pay Act 1991 (c. 3, SIF 113:1), **ss. 1(1)(b), 3(6)**; S.I. 1991/260, **art. 2**
- F21** S. 9(1A) repealed (6.4.1991) by Statutory Sick Pay Act 1991 (c.3, SIF 113:1), **ss. 1(2), 3(2)(6)**,Sch.; S.I. 1991/260, **art.2**
- F22** S. 9(1B)-(1F) inserted (14.2.1991 for certain purposes and 6.4.1991 so far as not already in force) by Statutory Sick Pay Act 1991 (c. 3, SIF 113:1), **ss. 2(1), 3(6)**; S.I. 1991/260, **art. 2**
- F23** Words in s. 9(2) substituted (14.2.1991 for certain purposes and 6.4.1991 so far as not already in force) by Statutory Sick Pay Act 1991 (c.3, SIF 113:1), **ss. 2(2), 3(6)**; S.I. 1991/260, **art. 2**
- F24** Word "and" immediately preceding para. (b) in s. 9(3) repealed (6.4.1991) by Statutory Sick Pay Act 1991 (c. 3, SIF 113:1), **s. 3(2)(6)**,Sch.; S.I. 1991/260, **art. 2**
- F25** Para. (c) and preceding word "and" added (6.4.1991) in s. 9(3) by Statutory Sick Pay Act 1991 (c.3, SIF 113:1), **ss. 1(3), 3(6)**; S.I. 1991/260, **art.2**
- F26** Words in s. 9(5) repealed (6.4.1991) by Statutory Sick Pay Act 1991 (c.3, SIF 113:1), **s. 3(2)(6)**,Sch.; S.I. 1991/260, **art. 2**
- F27** Words in s. 9(7) repealed (6.4.1991) by Statutory Sick Pay Act 1991 (c.3, SIF 113(1)), s. 3(2)(6),Sch.; S.I. 1991/260, **art. 2**
- F28** S. 9(8)–(10) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

Marginal Citations

M1 1976 c. 85.

Relationship with benefits and other payments, etc.

10.. Relationship with benefits and other payments, etc. E+W+S

Schedule 2 to this Act has effect with respect to the relationship between statutory sick pay and certain benefits and payments and for the purpose of modifying other enactments.

Determination of questions

11— ^{F29} **E+W+S**
16.

Textual Amendments

F29 Ss. 11–16 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

17 Provision of information: general. E+W+S

- (1) Where the Secretary of State considers that it is reasonable for information held by him to be disclosed to an employer, for the purpose of enabling that employer to determine the duration of a period of entitlement in respect of an employee, or whether such a period exists, he may disclose the information to that employer.
- (2) Any employee who claims to be entitled to statutory sick pay from his employer shall, if so required by his employer, provide such information as may reasonably be required for the purpose of determining the duration of the period of entitlement in question or whether a period of entitlement exists as between them.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- [^{F30}(2A) The Secretary of State may by regulations direct—
- (a) that medical information required under subsection (2) above shall, in such cases as may be prescribed, be provided in a prescribed form;
 - (b) that an employee shall not be required under subsection (2) above to provide medical information in respect of such days as may be prescribed in a period of incapacity for work.]
- (3) Where an employee asks an employer of his to provide him with a written statement, in respect of a period before the request is made, of one or more of the following—
- (a) the days within that period which the employer regards as days in respect of which he is liable to pay statutory sick pay to that employee;
 - (b) the reasons why the employer does not so regard the other days in that period;
 - (c) the employer’s opinion as to the amount of statutory sick pay to which the employee is entitled in respect of each of those days;
- the employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.
- (4) Regulations may require employers to maintain such records in connection with statutory sick pay as may be prescribed and may provide for—
- (a) any person claiming to be entitled to statutory sick pay; or
 - (b) any other person who is a party to proceedings arising under this Part;
- to furnish to the Secretary of State, within a prescribed period, any information required for the determination of any question arising in connection therewith.

Textual Amendments

F30 S. 17(2A) inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 20

18 **Claims for sickness and other benefits: provision of information by employers.** **E+W+S**

- (1) Regulations may make provision requiring an employer, in a case falling within subsection (3) below, to furnish information in connection with the making, by a person who is, or has been, an employee of that employer, of a claim for—
- (a) sickness benefit;
 - (b) a maternity allowance;
 - (c) an invalidity pension;
 - (d) industrial injuries benefit; or
 - [^{F31}(e) a severe disablement allowance.]
- (2) Regulations under this section shall prescribe—
- (a) the kind of information to be furnished in accordance with the regulations;
 - (b) the person to whom information of the prescribed kind is to be furnished; and
 - (c) the manner in which, and period within which, it is to be furnished.
- (3) The cases are—
- (a) where, by virtue of paragraph 2 of Schedule 1 to this Act or of regulations made under paragraph 1 of that Schedule, a period of entitlement does not arise in relation to a period of incapacity for work;

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (b) where a period of entitlement has come to an end but the period of incapacity for work which was running immediately before the period of entitlement came to an end continues; and
- (c) where a period of entitlement has not come to an end but, on the assumption that—
 - (i) the period of incapacity for work in question continues to run for a prescribed period; and
 - (ii) there is no material change in circumstances,
 the period of entitlement will have ended on or before the end of the prescribed period.

Textual Amendments

F31 S. 18(1)(e) substituted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 11(2), [Sch. 4 para. 15\(a\)](#)

19— ^{F32} **E+W+S**
21.

Textual Amendments

F32 Ss. 19–21 repealed by virtue of [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), [Sch. 11](#)

Miscellaneous

22 **Modification of provisions of Part I.** **E+W+S**

- (1) The Secretary of State may make regulations modifying provisions of this Part, in such manner as he thinks proper, in their application to any person who is, has been or is to be—
 - (a) employed on board any ship, vessel, hovercraft or aircraft;
 - (b) outside Great Britain at any prescribed time or in any prescribed circumstances; or
 - (c) in prescribed employment in connection with continental shelf operations.
- (2) Regulations under subsection (1) above may in particular provide—
 - (a) for any provision of this Part to apply to any such person, notwithstanding that it would not otherwise apply;
 - (b) for any provision of this Part not to apply to any such person, notwithstanding that it would otherwise apply;
 - (c) for excepting any such person from the application of any such provision where he neither is domiciled nor has a place of residence in any part of Great Britain;
 - (d) for the taking of evidence, for the purposes of the determination of any question arising under this Part, in a country or territory outside Great Britain, by a British consular official or such other person as may be prescribed.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (3) “Continental shelf operations” means ^{F33}any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the ^{M2}Oil and Gas (Enterprise) Act 1982 (application of civil law to certain offshore activities) were omitted, would nevertheless fall within subsection (2) of that section.]

Textual Amendments

F33 Words substituted [Oil and Gas \(Enterprise\) Act 1982 \(c. 23\), s. 38\(2\), Sch. 3 para. 44.](#)

Marginal Citations

M2 [1982 c. 23.](#)

23 Statutory sick pay to count as remuneration for principal Act. E+W+S

For the purposes of section 3 of the principal Act (meaning of “earnings”), any sums paid to, or for the benefit of, a person in satisfaction (whether in whole or in part) of any entitlement of his to statutory sick pay shall be treated as remuneration derived from an employed earner’s employment.

^{F34}**23A Deductions from statutory sick pay. E+W+S**

- (1) It is hereby declared for the avoidance of doubt that an agreement between an employer and an employee authorising any deductions from any statutory sick pay which the employer is liable to pay the employee in respect of any period shall not be void by reason only of section 1(2)(a) of this Act if the employer—
- (a) is authorised by that or another agreement to make the same deductions from any contractual remuneration which he is liable to pay in respect of the same period; or
 - (b) would be so authorised if he were liable to pay contractual remuneration in respect of that period.

(2) ^{F35}]

Textual Amendments

F34 [S. 23A inserted by Health and Social Security Act 1984 \(c. 48, SIF 113:1\), s. 21, Sch. 7 para. 8](#)

F35 [S. 23A\(2\) repealed by Wages Act 1986 \(c. 48, SIF 43:2\), s. 32\(2\), Sch. 5 Pt. III](#)

Modifications etc. (not altering text)

C3 [S. 23A extended with modifications by Social Security Act 1986 \(c. 50, SIF 113:1\), s. 46\(6\)](#)

24 ^{F36} E+W+S

Textual Amendments

F36 [S. 24 repealed by Social Security Act 1985 \(c. 53, SIF 113:1\), ss. 21, 29\(2\), Sch. 4 para. 5\(a\), Sch. 6](#)

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

25^{F37} **E+W+S**

Textual Amendments
F37 S. 25 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

26 **Interpretation of Part I and supplementary provisions.** **E+W+S**

(1) In this Part—

“Commissioner” means a Social Security Commissioner and includes a tribunal of Commissioners constituted under section 116 of the principal Act;

“contract of service” (except in paragraph (a) of the definition below of “employee”) includes any arrangement providing for the terms of appointment of an employee;

“employed earner’s employment” has the same meaning as in the principal Act;

“employee” means a person who is—

- (a) gainfully employed in Great Britain either under a contract of service or in an office (including elective office) with emoluments chargeable to income tax under Schedule E; and
- (b) over the age of 16;

but subject to regulations, which may provide for cases where any such person is not to be treated as an employee for the purposes of this Part and for cases where any person who would not otherwise be an employee for those purposes is to be treated as an employee for those purposes;

[^{F38}“employer”, in relation to an employee and a contract of service of his, means a person who under section 4 of the principal Act (liability to pay Class 1 contributions) is, or but for subsection (2)(b) of that section (exclusion of liability where earnings are below lower earnings limit) would be, liable to pay secondary Class 1 contributions in relation to any earnings (within the meaning of that Act) of the employee under the contract;]

.....^{F39}
“local office” means any office appointed by the Secretary of State as a local office for the purposes of this Part;

.....^{F39}
“maternity allowance” means an allowance payable under section 22 of the principal Act;

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

“period of entitlement” has the meaning given by section 3 of this Act;

“period of incapacity for work” has the meaning given by section 2 of this Act;

“period of interruption of employment” has the same meaning as it has in the principal Act by virtue of section 17(1)(d);

“prescribed” means prescribed by regulations;

“primary Class 1 contributions” and “secondary Class 1 contributions” have the same meaning as in the principal Act;

“qualifying day” has the meaning given by section 4 of this Act;

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

“week” means any period of seven days.

- (2) For the purposes of this Part an employee’s normal weekly earnings shall, subject to subsection (4) below, be taken to be [^{F40}the average weekly earnings which in the relevant period have been paid to him or paid for his benefit] under his contract of service with the employer in question.
- (3) For the purposes of subsection (2) above, the expressions “earnings” and “relevant period” shall have the meaning given to them by regulations.
- (4) In such cases as may be prescribed an employee’s normal weekly earnings shall be calculated in accordance with regulations.
- (5) Without prejudice to any other power to make regulations under this Part, regulations may specify cases in which, for the purposes of this Part or of such provisions of this Part as may be prescribed—
 - (a) two or more employers are to be treated as one;
 - (b) two or more contracts of service in respect of which the same person is an employee are to be treated as one.

[^{F41}(5A) Where, in consequence of the establishment of one or more National Health Service trusts under Part I of the ^{M3}National Health Service and Community Care Act 1990 or the National Health Service (Scotland) Act 1978, a person’s contract of employment is treated by a scheme under that Part or Act as divided so as to constitute two or more contracts, regulations may make provision enabling him to elect for all of those contracts to be treated as one contract for the purposes of this Part of this Act or of such provisions of this Part of this Act as may be prescribed; and any such regulations may prescribe—

- (a) the conditions that must be satisfied if a person is to be entitled to make such an election;
- (b) the manner in which, and the time within which, such an election is to be made;
- (c) the persons to whom, and the manner in which, notice of such an election is to be given;
- (d) the information which a person who makes such an election is to provide, and the persons to whom, and the time within which, he is to provide it;
- (e) the time for which such an election is to have effect;
- (f) which one of the person’s employers under the two or more contracts is to be regarded for the purposes of statutory sick pay as his employer under the one contract;

and the powers conferred by this subsection are without prejudice to any other power to make regulations under this Part of this Act.]

- (6) Regulations may provide for periods of work which begin on one day and finish on the following day to be treated, for purposes of this Part, as falling solely within one or other of those days.
- (7) In this Part any reference to Great Britain includes a reference to the territorial waters of the United Kingdom adjacent to Great Britain.

Textual Amendments

F38 Definition substituted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 21, [Sch. 4 para. 6\(1\)\(2\)](#)

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- F39** Definition repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30(1), **Sch. 10 Pt. I**
- F40** Words substituted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 21, **Sch. 4 para. 7**
- F41** [S. 26\(5A\)](#) inserted (*prosp.*) by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), ss. 21(1), 23(2), **Sch. 6 para. 16**

Marginal Citations

- M3** [1990 c. 19\(113:2\)](#)

27 Crown employment. **E+W+S**

- (1) Subject to subsection (2) below, the provisions of this Part apply in relation to persons employed by or under the Crown as they apply in relation to persons employed otherwise than by or under the Crown.
- (2) The provisions of this Part do not apply in relation to persons serving as members of Her Majesty's forces, in their capacity as such.
- [^{F42}(3) For the purposes of this section Her Majesty's forces shall be taken to consist of such establishments and organisations as may be prescribed, being establishments and organisations in which persons serve under the control of the Defence Council.]

Textual Amendments

- F42** [S. 27\(3\)](#) inserted by [Social Security Act 1989 \(c. 24, SIF 113:1\)](#), s. 26, **Sch. 7 para. 23**

PART II **E+W+S**

28— ^{F43} **E+W+S** 36.

Textual Amendments

- F43** [Pt. II \(ss. 28–36\)](#) repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), **Sch. 11**

PART III **U.K.**

MISCELLANEOUS

Modifications etc. (not altering text)

- C4** Power to amend [Pt. III \(ss. 37–48\)](#) conferred by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), **s. 54(1)**
- C5** Power to modify [Pt. III \(ss. 37–48\)](#) conferred by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), **s. 17(1)**

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

37 Sick pay to count as remuneration for principal Act. **E+W+S**

(1) In section 3 of the principal Act (meaning of “earnings”) there are inserted, after subsection (1), the following subsections—

“(1A) For the purposes of this section there shall be treated as remuneration derived from an employed earner’s employment any sickness payment made—

- (a) to or for the benefit of the employed earner ; and
- (b) in accordance with the arrangements under which the person who is the secondary contributor in relation to the employment concerned has made or remains liable to make payments towards the provision of that sickness payment.

(1B) Where the funds for making sickness payments under arrangements of the kind mentioned in subsection (1A)(b) above are attributable in part to contributions to those funds made by the employed earner, regulations may make provision for disregarding, for the purposes of subsection (1A) above, the prescribed part of any sum paid as a result of the arrangements.

(1C) In this section—

“sickness payment” means any payment made in respect of absence from work due to incapacity for work (within the meaning of section 17 of this Act) ; and

“secondary contributor” has the meaning given by section 4 of this Act.”.

(2) In Schedule 2 to the principal Act (supplementary provisions relating to contributions) the following paragraph is inserted at the end—

Sickness payments counting as remuneration

“9 (1) Regulations may make provisions as to the manner in which, and the person through whom, any sickness payment which, by virtue of section 3(1A) of this Act, is to be treated as remuneration derived from employed earner’s employment is to be made.

(2) In any case where regulations made under sub-paragraph (1) above have the effect of requiring a registered friendly society (within the meaning of the Friendly Societies Act 1974) to make amendments to its rules, the amendments to its rules, the amendments may, notwithstanding any provision of those rules, be made in accordance with the procedure prescribed by regulations made by the Chief Registrar of Friendly Societies for the purposes of this paragraph.

(3) Regulations made under sub-paragraph (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

Modifications etc. (not altering text)

C6 The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

38^{F44} **E+W+S**

Textual Amendments

F44 Ss. 38, 41(1)(2), 42(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

39 **Industrial injuries.** **E+W+S**

(1) Injury benefit is hereby abolished; and accordingly sections 50(2)(a) and 56 of the principal Act (which make provision for injury benefit) are hereby repealed.

(2) In section 57 of the principal Act, for subsection (4) (period in respect of which disablement benefit is not payable) there is substituted the following subsection—

“(4) Disablement benefit shall not be available to a person until after the expiry of the period of ninety days (disregarding Sundays) beginning with the day of the relevant accident.”.

(3) In section 14 of the principal Act (sickness benefit) the following subsection is inserted after subsection (2)—

“(2A) Subsection (1) above is subject to the provision made by section 50A of this Act in relation to entitlement to sickness benefit in case of industrial injury.”.

(4) After section 50 of the principal Act there is inserted the following section—

“50A Sickness benefit in respect of industrial injury.

(1) In any case where—

(a) an employed earner is incapable of work as a result of a personal injury of the kind mentioned in section 50(1) of this Act ; and

(b) the contribution conditions are not satisfied in respect of him ;

those conditions shall be taken to be satisfied for the purposes of paragraph (a) or, as the case may be, (b) of section 14(2) of this Act as that paragraph applies in relation to sickness benefit.

(2) in the case a person who—

(a) is entitled, by virtue of this section, to sickness benefit under subsection (2)(b) of section 14 ; and

(b) is not also entitled to sickness benefit under subsection (2)(c) of that section ;

the weekly rate at which sickness benefit is payable shall be determined in accordance with regulations.

(3) In subsection (1) above “contribution conditions” means—

(a) in the case of a person who is under pensionable age, the contribution conditions specified for sickness benefit in Schedule 3, Part I, paragraph 1 ; and

(b) in the case of a person who has attained pensionable age but has not retired from regular employment, the contribution conditions

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

for Category A retirement pension specified in Schedule 3, Part I, paragraph 5.”

- (5) Regulations may make such transitional or saving provision as the Secretary of State considers necessary or expedient in connection with the provisions of this section.

Modifications etc. (not altering text)

- C7 The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

40 Refusal and cancellation of contracting out certificates. E+W+S

In the ^{M4}Social Security Pensions Act 1975 the following section is inserted after section 51—

“51A Refusal and cancellation of contracting out certificates.

- (1) This subsection applies in any case where—
- (a) a contracting-out certificate (the “first certificate”) has been surrendered by an employer or cancelled by the Occupational Pensions Board ; and
 - (b) at any time before the expiry of the period of twelve months beginning with the date of the surrender or cancellation, that or any connected employer, with a view to the issue of a further contracting-out certificate, makes an election in respect of any employment which was specified by virtue of section 31(1)(a) of this Act in the first certificate.
- (2) This subsection applies in any case where—
- (a) a contracting-out certificate (the “first certificate”) has been surrendered by an employer or cancelled by the Board ;
 - (b) a further contracting-out certificate has been issued, after the surrender or cancellation of the first certificate but before the expiry of the period of twelve months beginning with the date of the surrender or cancellation, in respect of any employment which was specified by virtue of section 31(1)(a) of this Act in the first certificate ; and
 - (c) the Board have formed the opinion that had they been aware of all the circumstances of the case at the time when the further contracting-out certificate was issued they would have been prevented by subsection (4) below from issuing it.
- (3) Subsections (1) and (2) above apply whether or not the occupational pension scheme by reference to which the employment concerned was contracted-out employment by virtue of the first certificate is the same as the scheme by reference to which the employment—
- (a) would be contracted-out employment if the further contracting-out certificate were issued ; or
 - (b) is contracted-out employment by virtue of the further contracting-out certificate.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (4) In a case to which subsection (1) above applies, the Board shall not give effect to the election referred to in that subsection by issuing a further contracting-out certificate unless they consider that, in all the circumstances of the case, it would be reasonable to do so.
- (5) In a case to which subsection (2) above applies, the Board may, before the expiry of the period of twelve months beginning with the date on which the further contracting-out certificate was issued, cancel the further contracting-out certificate.
- (6) Where a contracting-out certificate is cancelled under subsection (5) above the provisions of this Act and of any regulations and orders made under it shall have effect as if the certificate had never been issued.
- (7) This section does not apply in any case where the surrender or cancellation of the first certificate occurred before 22nd July 1981.
- (8) Where the further contracting-out certificate referred to in paragraph (b) of subsection (2) above was issued before the commencement of this section, then—
 - (a) paragraph (c) of that subsection shall have effect as if this section had been in force at the time when the further contracting-out certificate was issued ; and
 - (b) subsection (5) above shall have effect as if the reference to the date of issue of that certificate were a reference to the commencement of this section.
- (9) Regulations may make such supplemental provision in relation to cases falling within subsection (1) or (2) above as the Secretary of State considers necessary or expedient.
- (10) Without prejudice to subsection (9) above, regulations may make provision, in relation to any case in which the Board have cancelled a contracting-out certificate under subsection (5) above, preventing the recovery by the employer concerned (whether by deduction from the emoluments or otherwise) of such arrears which he is required to pay to the Secretary of State in respect of an earner's liability under section 4(3) of the principal Act as may be prescribed.
- (11) For the purposes of subsections (1) and (2) above an employment (the "second employment") in respect of which—
 - (a) an election of the kind referred to in subsection (1)(b) above has been made ; or
 - (b) a further contracting-out certificate of the kind referred to in subsection (2)(b) above has been issued ;and an employment (the "first employment") which was specified by virtue of section 31(1)(a) of this Act in the first certificate shall be treated as one employment if, in the opinion of the Board,—
 - (i) they are substantially the same, however described ; or
 - (ii) the first employment falls wholly or partly within the description of the second employment of the second employment falls wholly or partly within the description of the first employment.
- (12) Regulations shall prescribe the case in which employers are to be treated as connected for the purposes of this section.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (13) Where the Secretary of State proposes to make regulations under subsection (10) above, section 10(1) of the Social Security Act 1980 (duty of Secretary of State to refer proposed regulations to the Social Security Advisory Committee) shall apply in relation to those proposals.”.

Modifications etc. (not altering text)

- C8** The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M4** 1975 c. 60.

41 Recovery of sums due to Secretary of State. E+W+S

(1) ^{F45}

- (3) In section 20 of ^{M5}Supplementary Benefits Act 1976 (recovery in cases of misrepresentation or non-disclosure) the following subsections are inserted after subsection (5)—

“(6) Any sum which is, by virtue of this section or regulations under section 14(2) (dd) of this Act, recoverable by the Secretary of State in pursuance of a decision made by a benefit officer, the Appeal Tribunal or a Social Security Commissioner shall, if the person from whom that sum is recoverable resides in England and Wales and the county court so order, be recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.

(7) Any such decision may, if the person from whom the sum in question is recoverable resides in Scotland, be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any court any sheriffdom in Scotland.”

Textual Amendments

- F45** Ss. 38, 41(1)(2), 42(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

Modifications etc. (not altering text)

- C9** The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M5** 1976 c. 71.

42 Up-rating regulations. U.K.

(1) ^{F46}

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (3) Neither section 139 nor section 141 of the principal Act (consultation with the Council and with the Committee) shall be taken to have applied in relation to any regulations contained in the ^{M6}Social Security Benefits Up-rating Regulations 1979 or the ^{M7}Social Security Benefits Up-rating Regulations 1980.

Textual Amendments

F46 Ss. 38, 41(1)(2), 42(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

Marginal Citations

M6 S.I. 1979/1278.

M7 S.I. 1980/1505.

43 War pensions. **U.K.**

- (1) In section 6 of the ^{M8}Pensions Appeal Tribunals Act 1943 (setting aside of Tribunal's decision and rehearing of appeal), after the words "Minister's decision" in subsection (2A) there are inserted the words " (the "original decision") " and after subsection (2B) there are inserted the following subsections—

“(2C) Where a direction for a rehearing is given under subsection (2A) above, the Minister may, before the expiry of the period of two months beginning with the date of the direction, review the original decision.

(2D) If, on any such review, the Minister is of the opinion that there are grounds for revising the original decision he shall—

- (a) notify the appellant of his opinion and of the revision which he proposes to make ; and
- (b) if the appellant withdraws his appeal against the original decision, revise it accordingly.”.

- (2) In any case where, before the commencement of this section, an award has been made in respect of a claim for a war pension, the validity of that award shall not be called into question on the ground that it was made—

- (a) in consequence of the review of a decision made in respect of the claim (whether or not following an appeal against that decision); and
- (b) at a time when there was no provision in force authorising that review.

- (3) The Secretary of State may by order make provision for determining the date from which any award made before the commencement of this section in respect of a claim for a war pension is to be taken to have had effect in a case where—

- (a) at the time when the award was made there was no provision in force for determining that date; or
- (b) the award was made following—
 - (i) an appeal to the High Court, Court of Session or Court of Appeal; or
 - (ii) the rehearing of any appeal;

and the date from which payment under the award was first made was later than the date from which payment was, by virtue of any provision in force at the time when the award was made, required to be first made.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (4) An order under subsection (3) above may provide that in any case where the date from which an award is, by virtue of the order, to be taken to have had effect is earlier than the date from which payment under the award was first made, any arrears due to a person in respect of the award shall be limited to those payable in respect of a specified period of not more than six years.
- (5) In this section “war pension” means—
- (a) such pensions and other benefits as are referred to in section 12 of the ^{M9}Social Security (Miscellaneous Provisions) Act 1977 (exercise by Order in Council of existing powers relating to benefits for death or disablement through service in the armed forces);
 - (b) any pension or benefit awarded under the ^{M10}Personal Injuries (Emergency Provisions) Act 1939, the ^{M11}Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 or the ^{M12}Polish Resettlement Act 1947; and
 - (c) such other pensions and benefits as may be specified in an order made by the Secretary of State for the purposes of this section.

Modifications etc. (not altering text)

C10 The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M8** 193 c. 39.
- M9** 1977 c. 5.
- M10** 1939 c. 82.
- M11** 1939 c. 83.
- M12** 1947 c. 19.

**44 Application of social security legislation in relation to territorial waters. E+W
+S**

- (1) The following enactments are referred to in this section as the “listed enactments”—
- (a) ^{F47}
 - (b) the principal Act;
 - (c) the ^{M13}Industrial Injuries and Diseases (Old Cases) Act 1975;
 - (d) the ^{M14}Child Benefit Act 1975;
 - (e) the ^{M15}Supplementary Benefits Act 1976;
 - (f) ^{F47}
- (2) The listed enactments shall have effect, and be deemed always to have had effect, as if—
- (a) any reference to Great Britain included a reference to the territorial waters of the United Kingdom adjacent to Great Britain;
 - (b) in any reference to the presence or residence of a person in the United Kingdom (however expressed) the reference to the United Kingdom included a reference to the territorial waters of the United Kingdom; and

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- (c) in any reference to a person residing or being in Northern Ireland (however expressed) the reference to Northern Ireland included a reference to the territorial waters of the United Kingdom adjacent to Northern Ireland.

(3) ^{F48}

Textual Amendments

F47 S. 44(1)(a)(f) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

F48 S. 44(3)(4) repealed by Social Security Act 1989 (c. 24, SIF 113:1), ss. 26, 31(2), Sch. 7 para. 24, **Sch. 9**

Marginal Citations

M13 1975 c. 16.

M14 1975 c. 61.

M15 1976 c. 71.

45 Regulations. **U.K.**

- (1) Subsections (2), (3) and (5) of section 166 of the principal Act (which among other things make provision about the extent of powers to make orders and regulations) shall apply to any power to make orders or regulations conferred by this Act as they apply to any power to make orders or regulations conferred by that Act; . . . ^{F49}

[^{F50}(2) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory instrument; and any statutory instrument—

- (a) which contains (whether alone or with other provisions) any such orders or regulations, other than an order under section 48(3) of this Act, and
 (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(3) ^{F51}

Textual Amendments

F49 Words repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

F50 S. 45(2) substituted by Social Security Act 1990 (c. 27, SIF 113:1), s. 21(1), **Sch. 6 para. 8(7)**

F51 S. 45(3) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

46 Expenses. **E+W+S**

- (1) There shall be paid out of money provided by Parliament—
- (a) any administrative expenses of the Secretary of State incurred under this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

(2) The administrative expenses referred to in subsection (1)(a) above include those in connection with any inquiry undertaken on behalf of the Secretary of State with a view to obtaining statistics relating to the operation of Part I.

(3)^{F52}

Textual Amendments

F52 S. 46(3) repealed by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), s. 21(2), [Sch. 7](#)

47 Interpretation. E+W+S

In this Act—

“benefit”, except in . . .^{F53} section 43, has the same meaning as in the principal Act;

“principal Act” means the^{M16}Social Security Act 1975;

“regulations” means regulations made by the Secretary of State;

“tax year” means the period of twelve months beginning with 6th April in any year.

Textual Amendments

F53 Words repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), [Sch. 11](#)

Modifications etc. (not altering text)

C11 In the definition of “regulations” certain functions are transferred by [S.I. 1984/1818, art. 2\(c\)](#), [Sch.](#)

Marginal Citations

M16 [1975 c. 14.](#)

48 Short title etc. U.K.

(1) This Act may be cited as the Social Security and Housing Benefits Act 1982, and Parts I and III of this Act and the Social Security Acts 1975 to 1981 may be cited together as the Social Security Acts 1975 to 1982.

(2) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the^{M17}Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of Parts I and III of this Act—

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but

(b) shall be subject to annulment in pursuance of a resolution of either House.

(3) The following provisions come into force on the passing of this Act—

(a) sections 7, 26, 40, 42 and 44 to 47;

(b) paragraphs 1 to 4, 7, 11, 14(1) and (3), 16, 21, 23 to 25, 30 to 34, 37 and 38 of Schedule 4; and

(c) subsections (1) to (4) and (7) of this section and subsection (5) of this section so far as it relates to the provisions mentioned in paragraph (b) above:

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

and the other provisions of this Act 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 for different provisions, different purposes or different areas.

- (4) An order under subsection (3) above may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force.
- (5) The enactments mentioned in Part I of Schedule 4 to this Act shall have effect subject to the minor and consequential amendments specified in that Part; and the transitional provisions in Part II of that Schedule shall have effect.
- (6) The enactments mentioned in Schedule 5 to this Act (which include some that are spent) are hereby repealed to the extent specified in the third column of that Schedule.
- (7) This Act, except sections 42(2), 43 and 45 and this section and paragraphs 2 and 30, 32 and 33 of Schedule 4, does not extend to Northern Ireland.

Modifications etc. (not altering text)

C12 Power of appointment conferred by s. 48(3) partly exercised: [S.I. 1982/893](#) and 1982/906

C13 The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M17 [1974 c. 28](#).

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W+S**

Section 3(3).

CIRCUMSTANCES IN WHICH PERIODS OF ENTITLEMENT DO NOT ARISE

- 1 A period of entitlement does not arise in relation to a particular period of incapacity for work in any of the circumstances set out in paragraph 2 below or in such other circumstances as may be prescribed.

- 2 The circumstances are that—
 - (a) at the relevant date the employee is over pensionable age;
 - (b) the employee's contract of service was entered into for a specified period of not more than three months;
 - (c) at the relevant date the employee's normal weekly earnings are less than the lower earnings limit then in force under section 4(1)(a) of the principal Act;
 - (d) the employee had—
 - (i) in the period of 57 days ending immediately before the relevant date, at least one day which formed part of a period of interruption of employment; and
 - (ii) at any time during that period of interruption of employment, an invalidity pension day (whether or not the day referred to in subparagraph (i) above);
 - (e) in the period of 57 days ending immediately before the relevant date the employee had at least one day on which—
 - (i) he was entitled to sickness benefit (or on which he would have been so entitled if he had satisfied the contribution conditions for sickness benefit mentioned in section 14(2)(a) of the principal Act); or
 - (ii) she was entitled to a maternity allowance;
 - (f) the employee has done no work for his employer under his contract of service;
 - (g) on the relevant date there is, within the meaning of section 19 of the principal Act, a stoppage of work due to a trade dispute at the employee's place of employment;
 - (h) ^{F54}
 - (i) the employee is, or has been, pregnant and the relevant date falls within the disqualifying period (within the meaning of section 3(9) of this Act).

Textual Amendments

F54 Sch. 1 para. 2(h) repealed by Social Security Act 1985 (c. 53, SIF 113:1), ss. 18(2)(d), 29(2), Sch. 6

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- 3 In this Schedule “relevant date” means the date on which a period of entitlement would begin in accordance with section 3 of this Act if this Schedule did not prevent it arising.
- 4 (1) Paragraph 2(b) above does not apply in any case where—
- (a) at the relevant date the contract of service has become a contract for a period exceeding three months; or
 - (b) the contract of service (the “current contract”) was preceded by a contract of service entered into by the employee with the same employer (the “previous contract”) and—
 - (i) the interval between the date on which the previous contract ceased to have effect and that on which the current contract came into force was not more than eight weeks; and
 - (ii) the aggregate of the period for which the previous contract had effect and the period specified in the current contract (or, where that period has been extended, the specified period as so extended) exceeds thirteen weeks.
- (2) For the purposes of sub-paragraph (1)(b)(ii) above, in any case where the employee entered into more than one contract of service with the same employer before the current contract, any of those contracts which came into effect not more than eight weeks after the date on which an earlier one of them ceased to have effect shall be treated as one with the earlier contract.
- 5 (1) In paragraph 2(d) above “invalidity pension day” means a day—
- (a) for which the employee in question was entitled to an invalidity pension [^{F55}or a severe disablement allowance] or a non-contributory invalidity pension; or
 - (b) for which he was not so entitled but which was the last day of the invalidity pension qualifying period.
- (2) In sub-paragraph (1)(b) above the “invalidity pension qualifying period” means the period mentioned in section 15(1) of the principal Act or, as the case may be, section 15(2) or 16(2) of the ^{M18}Social Security Pensions Act 1975 as falling within the period of interruption of employment referred to in that section.

Textual Amendments

F55 Words inserted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 11(2), [Sch. 4 para. 15\(b\)](#)

Marginal Citations

M18 1975 c. 60.

- 6 For the purposes of paragraph 2(f) above, if an employee enters into a contract of service which is to take effect not more than eight weeks after the date on which a previous contract of service entered into by him with the same employer ceased to have effect, the two contracts shall be treated as one.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- 7 Paragraph 2(g) above does not apply in the case of an employee who proves that at no time on or before the relevant date did he . . . ^{F56} have a direct interest in, the trade dispute in question.

Textual Amendments

F56 Words repealed by [Social Security Act 1989 \(c. 24, SIF 113:1\)](#), s. 31(1)(2), Sch. 8 para. 14, [Sch. 9](#)

- 8 Paragraph 2(i) above does not apply in relation to an employee who has been pregnant if her pregnancy terminated, before the beginning of the disqualifying period, otherwise than by confinement (within the meaning of section 3(9) of this Act).

SCHEDULE 2 **E+W+S**

Section 10.

RELATIONSHIP WITH BENEFITS AND OTHER PAYMENTS, ETC.

The general principle

- 1 Any day which—
- (a) is a day of incapacity for work in relation to any contract of service; and
 - (b) falls within a period of entitlement (whether or not it is also a qualifying day);
- shall not be treated, for the purposes of the principal Act or ^{F57}, except as provided by paragraph 1A below, of] the ^{M19}Social Security Pensions Act 1975, as a day of incapacity for work for the purposes of determining whether a period is a period of interruption of employment.

Textual Amendments

F57 Words inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 18(6)(a)

Marginal Citations

M19 1975 c. 60.

- ^{F58}1A Paragraph 1 above shall not apply for the purpose of determining whether the conditions specified in sections 15(2) and 16(2) respectively of the Social Security Pensions Act 1975 (invalidity pension for widows and for widowers) are satisfied.]

Textual Amendments

F58 Sch. 2 para. 1A inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 18(6)(b)

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

Contractual remuneration

- 2 (1) Subject to sub-paragraphs (2) and (3) below, any entitlement to statutory sick pay shall not affect any right of an employee in relation to remuneration under any contract of service (“contractual remuneration”).
- (2) Subject to sub-paragraph (3) below—
- (a) any contractual remuneration paid to an employee by an employer of his in respect of a day of incapacity for work shall go towards discharging any liability of that employer to pay statutory sick pay to that employee in respect of that day; and
 - (b) any statutory sick pay paid by an employer to an employee of his in respect of a day of incapacity for work shall go towards discharging any liability of that employer to pay contractual remuneration to that employee in respect of that day.
- (3) Regulations may make provision as to payments which are, and those which are not, to be treated as contractual remuneration for the purposes of sub-paragraph (1) or (2) above.

Sickness and unemployment benefit

- 3 (1) This paragraph applies in any case where—
- (a) a period of entitlement as between an employee and an employer of his comes to an end; and
 - (b) the first day immediately following the day on which the period of entitlement came to an end—
 - (i) is a day of incapacity for work in relation to that employee; and
 - (ii) is not prevented by paragraph 1 above from being treated as a day of incapacity for work for the purposes of determining whether a period is a period of interruption of employment.
- (2) In a case to which this paragraph applies, the day of incapacity for work mentioned in sub-paragraph (1)(b) above shall, except in prescribed cases, be or as the case may be form part of a period of interruption of employment notwithstanding section 17(1)(d)(ii) of the principal Act (which requires a period of interruption of employment to consist of four or more consecutive days of incapacity for work).
- (3) Where each of the first two consecutive days, or the first three consecutive days, following the day on which the period of entitlement came to an end is a day falling within sub-paragraphs (i) and (ii) of sub-paragraph (1)(b) above, sub-paragraph (2) above shall have effect in relation to the second day or, as the case may be, the second and third days, as it has effect in relation to the first day.
- (4) Any day which is, by virtue of section 17(1)(e) of the principal Act, to be disregarded in computing any period of consecutive days for the purposes of that Act shall be disregarded in determining, for the purposes of this paragraph, whether a day is the first day following the end of a period of entitlement or, as the case may be, the second or third consecutive such day.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- 4 (1) This paragraph applies in any case where—
- (a) a period of entitlement as between an employee and an employer of his comes to an end; and
 - (b) that employee has a day of incapacity for work which—
 - (i) is, or forms part of, a period of interruption of employment; and
 - (ii) falls within the period of 57 days immediately following the day on which the period of entitlement came to an end.
- (2) In a case to which this paragraph applies, section 14(3) of the principal Act (which provides for no entitlement to unemployment or sickness benefit for the first three days of any period of interruption of employment) shall not apply in relation to a day of incapacity for work of a kind mentioned in sub-paragraph (1)(b) above or to any later day in the period of interruption of employment concerned.

5 F59

Textual Amendments

F59 Sch. 2 para. 5 repealed by Social Security Act 1985 (c. 53, SIF 113:1), s. 29(2), Sch. 6

6 F60

Textual Amendments

F60 Sch. 2 para. 6 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

7—11. F61

Textual Amendments

F61 Sch. 2 paras. 7—11 repealed by Social Security Act 1985 (c. 53, SIF 113:1), ss. 21, 29(2), Sch. 4 para. 5(b), Sch. 6

Employment Protection (Consolidation) Act 1978 (c. 44)

12 F62

Textual Amendments

F62 Sch. 2 para. 12 repealed by Insolvency Act 1985 (c. 65, SIF 66), s. 235(3)(4), Sch. 10 Pt. IV

- 13 In paragraphs 2(2) and 3(3) of Schedule 3 to the Act of 1978 (sick pay etc. treated as discharging employer’s liability towards employee in period of notice terminating contract of employment) in each case, after the words “sick pay” there are inserted the words “ statutory sick pay ”.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

Modifications etc. (not altering text)

- C14** The text of Sch. 2 para. 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULE 3 **E+W+S**

F63

. . .

Textual Amendments

- F63** Sch. 3 repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), [Sch. 11](#)

SCHEDULE 4 **U.K.**

Section 48(5).

AMENDMENTS AND TRANSITIONAL PROVISIONS

PART I **U.K.**

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C15** The text of Sch. 4 Pt. I (paras. 1–37) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

[^{F64} National Assistance Act 1948 (c. 29)

Textual Amendments

- F64** Sch. 4 para. 1 repealed (E.W.) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(4), [Sch. 4](#) (with s. 33(2), Sch. 3 paras. 1, 6)

- 1 In section 44 of the National Assistance Act 1948 (affiliation orders)—
- (a) in subsection (4) for the words “the mother or a person appointed to have custody of the child” there are substituted the words “ a person entitled thereunder ” ; and
 - (b) in subsection (6) for the words from “the mother or a person” to the end there are substituted the words “ a person entitled as mentioned in subsection (4) above ”.]

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

2 F65

Textual Amendments

F65 Sch. 4 paras. 2, 4, 5 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

Industrial Training Act 1964 (c. 16)

3 Section 10 of the Industrial Training Act 1964 (accidents in connection with training), as it applies otherwise than in relation to the Agricultural Training Board, shall have effect as if after the word “board” in subsection (1) and in each place where it occurs in subsection (3) there were inserted the words “ the Commission or the Minister ”.

4, 5. F66

Textual Amendments

F66 Sch. 4 paras. 2, 4, 5 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

Housing Finance Act 1972 (c. 47)

6 (1) In paragraph 1(1)(a) of Schedule 1 to the Housing Finance Act 1972 (the Housing Revenue Account) the words “or water rates or charges” are hereby repealed.

(2) F67

Textual Amendments

F67 Sch. 4 para. 6(2)–(4) repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3(1), Sch. 1 Pt. I

National Insurance Act 1974 (c. 14)

7 In section 6(1) of the National Insurance Act 1974 (power to make regulations providing, amongst other things, for the correction of accidental errors in decisions or records of decisions under relevant enactments) there are added, at the end, the words “ or the Social Security and Housing Benefits Act 1982 ”.

Social Security Act 1975 (c. 14)

8 In section 3 of the principal Act (meaning of “earnings”) there is inserted at the end, the following subsection—

“(4) For the purposes of this section, regulations may make provision for treating as remuneration derived from an employed earner’s employment any payment made by a body corporate to or for the benefit of any of its

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

directors where that payment would, when made, not be earnings for the purposes of this Act.”.

9 In section 14 of the principal Act (unemployment and sickness benefit), in subsection (4), after the words “subsection (2)(a) above” there are inserted the words “ (including a person entitled by virtue of that subsection and section 50A of this Act) ”.

10 In section 15 of the principal Act (invalidity pension) the following subsection is inserted at the end—

- “(6) Regulations may make provision in relation to entitlement to invalidity pension—
 - (a) corresponding to that made by or under section 50A of this Act in relation to sickness benefit for persons who have attained pensionable age but have not retired from regular employment ;
 - (b) restricting entitlement to invalidity pension in cases where in respect of one or more of the 168 days mentioned in subsection (1) above the person claiming invalidity pension (whether or not he has attained pensionable age) would not have been entitled to sickness benefit but for the provisions of section 50A(1) of this Act.”.

11 F68

Textual Amendments
F68 Sch. 4 para. 11 repealed by Social Security Act 1989 (c. 24, SIF 113:1), s. 31(2), Sch. 9

12 (1) Section 50 of the principal Act (descriptions of industrial injuries benefits) is amended as follows.

(2) For subsection (4) there is substituted the following subsection—

“(4) Regulations may make provision as to the day which, in the case of night workers and other special cases, is to be treated for the purposes of industrial injuries benefit as the day of the accident.”.

(3) The following subsection is inserted at the end—

“(6) In this Chapter “work”, in the contexts “incapable of work” and “incapacity for work”, means work which the person in question can reasonably be expected to do.”

13 In section 60(1) of the principal Act (increase of disablement pension for special hardship) for the words “injury benefit period” there are substituted the words “period of ninety days referred to in section 57(4) of this Act ”.

14 F69

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

Textual Amendments

F69 Sch. 4 para. 14 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

- 15 In section 91(1)(b)(i) of the principal Act (regulations as to adjusting injury benefit in certain circumstances) for the word “either” there are substituted the words “that benefit”.
- 16 In section 141 of the principal Act (Industrial Injuries Advisory Council) the following subsection is inserted at the end—
“(4) The Council may also give advice to the Secretary of State on any other matter relating to industrial injuries benefit or its administration.”
- 17 In paragraph 4 of Schedule 8 to the principal Act (period to be taken into account in assessing extent of disablement for purposes of industrial injuries benefit) for the words “injury benefit period” there are substituted the words “period of ninety days referred to in section 57(4) of this Act”.

Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16)

- 18 (1) Section 7 of the Industrial Injuries and Disease (Old Cases) Act 1975 (nature and amount of benefit under industrial diseases benefit schemes) is amended as follows.
- (2) In subsection (3), in paragraph (a), for the words “55” and “55 and 56” there are substituted respectively “58” and “58 and 19”; and that paragraph shall have effect as if it has been enacted as so amended.
- (3) In subsection (3), for paragraphs (c) and (d) there are substituted the following paragraphs—
“(c) where the person is entitled to child benefit in respect of a child or children, by an amount equal to any increase which would be payable under section 41 of that Act in respect of that child or those children if he were entitled to sickness benefit ;
(d) where the person is treated under the provisions of the scheme as residing with his wife or contributing at a weekly rate of not less than the relevant amount towards her maintenance, by the relevant amount (that is to say an amount equal to any increase which would be payable under section 44 of that Act in respect of her if he were entitled to sickness benefit).”
- (4) F70

Textual Amendments

F70 Sch. 4 para. 18(4) repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, Sch. 8 Pt. II

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

19 F71

Textual Amendments

F71 Sch. 4 paras. 19, 22–28, 35(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

Social Security Pensions Act 1975 (c. 60)

20 In section 32 of the Social Security Pensions Act 1975 (contracted-out schemes) the following subsection is added at the end—

- “(7) An occupational pension scheme which—
- (a) at any time before the coming into operation of the first regulations made under paragraph (a) of subsection (2) above did not satisfy that paragraph ; but
 - (b) would have satisfied if it those regulations had then been in operation ;
- shall, for the purpose of determining whether the scheme satisfied that paragraph, be treated as if those regulations had been in operation at that time.”

21 In section 61(2) of the Act of 1975 (duty of Secretary of State to refer proposed regulations to the Occupational Pensions Board) after the words “other than” there are inserted the words “ regulations under section 51A(10) above ”.

22—28 F72

Textual Amendments

F72 Sch. 4 paras. 19, 22–28, 35(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

Employment Protection (Consolidation) Act 1978 (c. 44)

29 In section 132(4)(b) of the Employment Protection (Consolidation) Act 1978 (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) for the words “section 12(1), (2) or (3)” there are substituted the words “ section 12(1) or (2) ”.

Social Security Act 1980 (c. 30)

30 In section 9 of the Social Security Act 1980 (functions etc. of the Social Security Advisory Committee) in the definition of “relevant enactments” in subsection (7) there are inserted, after the words “Act 1976”, the words “ and Parts I and II of the Social Security and Housing Benefits Act 1982 ”.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

- 31 In section 18(1) of the Act of 1980 (computation of age in Scotland for purposes of certain enactments including the Social Security Acts 1975 to 1979) for the words “1979” there are substituted the words “ 1982 ”.
- 32 (1) Part I of Schedule 3 to the Act of 1980 (constitution etc. of Social Security Advisory Committee) is amended as follows.
- (2) In paragraph 1 for the words “not less than 8 nor more than 11” there are substituted the words “ not less than 10 nor more than 13 ”.
- (3) In paragraph 2 for the words from the beginning to “but any member—” there is substituted the following—
- “2 (1) Each member of the Committee shall be appointed to hold office for such period of not more than 5 years, nor less than 3 years, as the Secretary of State shall determine.
- (2) The Secretary of State may, at any time before the expiration of the term of office of any member, extend or further extend that member’s term of office ; but no one extension shall be for a period of more than 5 years from the date when the term of office would otherwise expire.
- (3) Any member—”.
- 33 (1) Part II of Schedule 3 to the Act of 1980 (regulations not requiring prior submission to the Committee) is amended as follows.
- (2) In paragraph 13(2) after the words “Part III” there are inserted the words “ (other than regulations made under section 51A(10) of that Act) ”.
- (3) After paragraph 15 there is inserted—

Statutory sick pay

“15A Regulations under section 9 of the Social Security and Housing Benefits Act 1982 and corresponding regulations applying to Northern Ireland.

Housing benefits

15B Regulations under section 28(1) of the Social Security and Housing Benefits Act 1982 of which the effect is to increase any amount specified in regulations previously made.”.

Social Security (No. 2) Act 1980 (c. 39)

- 34 (1) Section 5 of the Social Security (No. 2) Act 1980 (abatement of unemployment benefit on account of payments of occupational pension) is amended as follows.
- (2) The following subsection is inserted after subsection (1)—

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

“(1A) Where a reduction in the rate of unemployment benefit payable to a person falls to be made under this section the reduction shall be made, so far as is necessary—

- (a) initially against so much of the benefit as falls to be paid by virtue of subsection (4) or (6) of section 14 of the principal Act (basic rates) or of regulations under section 33 of that Act (lower rate where contribution conditions partially satisfied) ;
- (b) then against so much of the benefit as falls to be paid by way of earnings-related supplement under subsection (7) of section 14 ;
- (c) then against any increase in the benefit payable under section 44 of the principal Act (dependent adults) ; and
- (d) finally against any increase in the benefit payable under section 41 of the principal Act (dependent children).”.

(3) In subsection (2)(b) for the words “the preceding subsection” there is substituted the words “ subsection (1) above ”.

Local Government, Planning and Land Act 1980 (c. 65)

35 (1) F73

(3) In subsection (6) of that section (excluded items) paragraph (c) and the word “and” immediately preceding that paragraph are hereby repealed.

Textual Amendments
F73 Sch. 4 paras. 19, 22–28, 35(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

36 For section 154 of the said Act of 1980 (grant of rent rebates by urban development corporations) there is substituted the following section—

“**154**(1) If the Secretary of State so provides by order, such provisions of Part II of the Social Security and Housing Benefits Act 1982 relating to rent rebates as may be specified in the order shall have effect in relation to an urban development corporation—

- (a) as if the corporation were a housing authority ; and
- (b) with such other modifications (if any) as may be so specified.

(2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

Industrial Training Act 1982 (c. 10)

37 In section 18 of the Industrial Training Act 1982 (industrial injuries benefit for accidents in training) after the word “board” in subsection (1) and in each place where it occurs in subsection (3) there shall be inserted the words “ , the Commission or the Secretary of State ”.

Status: Point in time view as at 14/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982. (See end of Document for details)

PART II E+W+S

TRANSITIONALS

38 F74

Textual Amendments

F74 Sch. 4 para. 38 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

39 Regulations may make provision with respect to the date from which a period of entitlement is to be taken to have begun in any case where, on the date on which section 3 of this Act comes into force, a period of incapacity for work which began before that date has not come to an end.

SCHEDULE 5 E+W+S

Section 48(6).

REPEALS

Modifications etc. (not altering text)

C16 The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of repeal
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972.	In section 1(2), the entries relating to rent rebates and rent allowances subsidies. Section 1(3). Sections 5, 6 and 11. Part II. Schedules 2 and 3.
1972 c. 47.	The Housing Finance Act 1972.	In section 1(2), the entry relating to rent allowance subsidy. Section 17(2). Part II. In section 104(1), in the definition of “dwelling” the words “except in Part II of this Act”.

Status: Point in time view as at 14/02/1991.

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		In Schedule 1, in paragraph 1(1)(a) the words “or water rates or charges”.
		Schedules 3 and 4.
1973 c. 6.	The Furnished Lettings (Rent Allowances) Act 1973.	The whole Act.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Sections 112 to 115.
		In Schedule 12, paragraph 23.
1974 c. 7.	The Local Government Act 1974.	In section 8, subsections (1) and (4) and, in subsection (3) the words “subsection (1) or”.
		Sections 11 to 14.
1974 c. 51.	The Rent Act 1974.	Sections 11 and 12.
		In Schedule 3, paragraphs 4 to 6.
1975 c. 6.	The Housing Rents and Subsidies Act 1975.	In section 1(1) the words from “but without prejudice” to the end.
		Section 3.
		Section 12.
		In section 16(1), the definition of “rate fund contribution” and “standard amount of rent rebates”.
		In Schedule 5, paragraphs 3 to 5 and 8(3).
1975 c. 14.	The Social Security Act 1975.	In section 4(2), the words “Subject to section 6 below”.
		Section 50(2)(a).
		Section 56.
		In section 64(1) and (2), paragraph (a).
		In section 65(4) the words “injury benefit or”, “benefit or” and “paragraph 11 or as the case may be,”.
		In section 66, in subsection (1), the words “of injury benefit and” and subsection (2)(a).

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		In section 77(2)(a) the words “injury benefit and”.
		Section 78(4)(a).
		In section 81(3) the words “injury benefit”.
		In section 87(3) the words “injury benefit or”.
		In section 89(1) the words “unjury benefit or”.
		In section 90, subsection (1), in subsection (2) the words from “disqualifying”, in the first place, to “provide for”, in the second place, and in subsection (4)(a) the words “subsection (1) above, or those of”.
		In section 91(1), in paragraph (a) the words from “either” to “or pensions or” and in paragraph (b) the words “injury benefit or”.
		In section 92(2) the words “injury benefit, and”.
		In Schedule 4, in Part V, paragraphs 1, 9 and 11.
		In Schedule 11, paragraph 2.
1975 c. 28.	The Housing Rents and Subsidies (Scotland) Act 1975.	In Schedule 3, paragraphs 6 and 8.
1975 c. 60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraph 22.
1975 c. 61.	The Child Benefit Act 1975.	In Schedule 4, paragraph 39.
1976 c. 71.	The Supplementary Benefits Act 1976.	Section 12(3).
		In Schedule 7, paragraphs 26 to 28 and 32.
1976 c. 75.	The Development of Rural Wales Act 1976.	Sections 19 and 20.
		In section 22 the words “19 or” and “or for Part II of the Housing Finance Act 1972 (as extended to the Board by section 20 of this Act)”.

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		In Schedule 5, Part III.
1976 c. 80.	The Rent (Agriculture) Act 1976.	Section 32.
		Schedule 7.
1977 c. 42.	The Rent Act 1977.	In Schedule 23, paragraphs 52 to 54, 56 and 57.
1978 c. 14.	The Housing (Financial Provisions) (Scotland) Act 1978.	Sections 12 and 13.
		In Schedule 2, paragraphs 8 to 10 and 34 to 36.
1980 c. 30.	The Social Security Act 1980.	In Schedule 1, in paragraph 1(1)(b) the words “benefit or” and “paragraph 11, or as the case may be,” and in paragraph 6 the words “of injury benefit and”.
1980 c. 39.	The Social Security (No. 2) Act 1980.	Section 3(2).
1980 c. 51.	The Housing Act 1980.	Sections 117 to 119. Schedule 15.
1980 c. 52.	The Tenants’ Rights, Etc. (Scotland) Act 1980.	Sections 78 and 79.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Section 45. In section 54(6), paragraph (c) and the words “and” immediately preceding that paragraph.

Status:

Point in time view as at 14/02/1991.

Changes to legislation:

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