

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 48(5).

#### AMENDMENTS AND TRANSITIONAL PROVISIONS

#### PART I

#### MINOR AND CONSEQUENTIAL AMENDMENTS

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

- C1** 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 I (paras. 1–37) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *[<sup>F1</sup> National Assistance Act 1948 (c. 29)*

##### Textual Amendments

- F1** Sch. 4 para. 1 repealed (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(4), Sch. 4 (with s. 33(2), Sch. 3 paras. 1, 6)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 ”.]

2 ..... <sup>F2</sup>

##### Textual Amendments

- F2** Sch. 4 paras. 2, 4, 5 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11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 ”.

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4, 5. .... F3

**Textual Amendments**  
F3 Sch. 4 paras. 2, 4, 5 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11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1 to the Housing Finance Act 1972 (the Housing Revenue Account) the words “or water rates or charges” are hereby repealed.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) ..... F4

**Textual Amendments**  
F4 Sch. 4 para. 6(2)–(4) repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3(1), Sch. 1 Pt.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 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—

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- (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 ..... F5

**Textual Amendments**

F5 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 ..... F6

**Textual Amendments**

F6 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.”

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- 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) ..... F7

<p><b>Textual Amendments</b></p> <p>F7 Sch. 4 para. 18(4) repealed by <a href="#">Health and Social Security Act 1984 (c. 48, SIF 113:1)</a>, s. 24, <a href="#">Sch. 8 Pt. II</a></p>
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19 ..... F8

<p><b>Textual Amendments</b></p> <p>F8 Sch. 4 paras. 19, 22–28, 35(1)(2) repealed by <a href="#">Social Security Act 1986 (c. 50, SIF 113:1)</a>, s. 86(2), <a href="#">Sch. 11</a></p>
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*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

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(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 ..... F9

**Textual Amendments**

**F9** 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 ”.

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.

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- (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)—
    - “(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 ”.

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

35 (1) ..... F10

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

**Textual Amendments**

**F10** 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 ”.

**PART II**

TRANSITIONALS

38 ..... F11

**Textual Amendments**

**F11** 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.

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