

SCHEDULES

SCHEDULE 1

Section 2.

INDUSTRIAL DEATH BENEFIT

- 1 In Schedule 4 to the Social Security Act 1975, in Part V, paragraphs 13(b) and 14, “£4115” shall be substituted for “£4170”.
- 2 The repeals by the Social Security Act 1986 of the enactments mentioned in paragraph 8 of Schedule 3 to that Act other than the repeals of sections 67(2)(b) and 71 to 74 of the Social Security Act 1975, shall only take effect in relation to deaths occurring on or after 11th April 1988.
- 3 Section 69 of the Social Security Act 1975 (widower’s death benefit) shall cease to have effect except in relation to deaths before 11th April 1988.
- 4 Paragraph 9 of Schedule 3 to the Social Security Act 1986 shall cease to have effect.
- 5 In paragraph 10 of that Schedule—
 - (a) after the word “dies” there shall be inserted the words “on or after 11th April 1988”; and
 - (b) the following sub-paragraph shall be substituted for sub-paragraph (iv)—

“(iv) a Category B retirement pension which is at the same rate as her widow’s pension or which falls within section 29(4) of the Social Security Act 1975.”
- 6 (1) Any repeal by the Social Security Act 1986—
 - (a) of a provision to which this paragraph applies; or
 - (b) of any part of such a provision,shall not take effect—
 - (i) in relation to deaths occurring before 11th April 1988; or
 - (ii) for the purposes of paragraph 10 of Schedule 3 to that Act.
- (2) The provisions to which this paragraph applies are—
 - (a) in the Social Security Act 1975, sections 75(1), 90(2)(a), 107(4) and 117(4) and section 117(5)(a) and the word “and” immediately following it; and
 - (b) section 9 of the Social Security (Miscellaneous Provisions) Act 1977.

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SCHEDULE 2

Section 9.

EARNINGS FACTORS AND TRANSFER VALUES

PART I

EARNINGS FACTORS

- 1 (1) In section 13 of the Social Security Act 1975—
- (a) in subsection (5) (earnings factors to be expressed as whole numbers of pounds), after the word “shall”, in the first place where it occurs, there shall be inserted the words “, subject to subsection (5ZA) below,”; and
 - (b) the following subsection shall be inserted after that subsection—

“(5ZA) Subsection (5) above does not require earnings factors which have been revalued for the purpose of calculating guaranteed minimum pensions to be expressed as whole numbers of pounds.”
- (2) In subsection (5) of section 35 of the Social Security Pensions Act 1975 (earner’s guaranteed minimum), after the word “by” there shall be inserted the words “the same percentage as that prescribed for the increase of earnings factors by”.
- (3) This paragraph shall be deemed to have come into force on 6th April 1979.
- 2 The following section shall be inserted after section 60A of the Social Security Pensions Act 1975—

“60B Guaranteed minimum pensions attributable in part to period before 1988–1989

Where a guaranteed minimum pension is attributable in part to earnings factors for the period before the tax year 1988–1989 and in part to earnings factors for that tax year or for that tax year and subsequent tax years, the pension shall be calculated by applying section 60A above separately to the amount attributable to the period before the tax year 1988–1989 and to the amount attributable to that and subsequent tax years and then aggregating the two amounts so calculated.”

PART II

TRANSFER VALUES

- 3 In paragraph 12 of Schedule 1A to the Social Security Pensions Act 1975—
- (a) in sub-paragraph (2), in the definition of “relevant date”, after the word “means” there shall be inserted the words “, subject to regulations under sub-paragraph (2C) below,”; and
 - (b) the following sub-paragraph shall be inserted after sub-paragraph (2B)—

“(2C) Regulations —

 - (a) may provide that a right at the relevant date to the cash equivalent of any part of the benefits specified in sub-paragraph (1) above which but for regulations under the foregoing provisions of this paragraph a member would

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- have on the termination of his pensionable service in an employment to which a scheme applies shall, if his employment terminates at least one year before normal pension age, accrue to him on the date when it terminates and be valued accordingly; and
- (b) may substitute, in relation to any case to which the regulations apply—
- (i) a new definition of the “relevant date” for the definition in sub-paragraph (2) above, and
 - (ii) a new definition of “the last option date” for the definition in paragraph 15(2) below.”

SCHEDULE 3

Section 11.

THE SOCIAL FUND

Amendments of section 32 of 1986 Act

- 1 Section 32 of the Social Security Act 1986 shall be amended as follows.
- 2 The following subsection shall be inserted after subsection (2)—
- “(2A) Payments may also be made out of that fund, in accordance with this Part of this Act, of a prescribed amount or a number of prescribed amounts to prescribed descriptions of persons, in prescribed circumstances to meet expenses for heating which appear to the Secretary of State to have been or to be likely to be incurred in cold weather.”
- 3 Subsection (3) shall cease to have effect.
- 4 The following subsections shall be inserted after subsection (7)—
- “(7A) The Secretary of State shall prepare an annual report on the social fund.
- (7B) A copy of every report prepared under subsection (7A) above shall be laid before each House of Parliament.”
- 5 In subsection (8) the words from “and” to the end shall cease to have effect.
- 6 The following subsections shall be inserted after that subsection—
- “(8A) The Secretary of State shall allocate amounts for payments from the social fund such as are mentioned in subsection (2)(b) above in a financial year.
- (8B) The Secretary of State may specify the amounts either as sums of money or by reference to money falling into the social fund on repayment or partial repayment of loans, or partly in the former and partly in the latter manner.
- (8C) Allocations —
- (a) may be for payments by a particular social fund officer or group of social fund officers;
 - (b) may be of different amounts for different purposes;
 - (c) may be made at such time or times as the Secretary of State considers appropriate; and

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(d) may be in addition to any other allocation to the same officer or group of officers or for the same purpose.

(8D) The Secretary of State may at any time re-allocate amounts previously allocated, and subsections (8B) and (8C) above shall have effect in relation to a re-allocation as they have effect in relation to an allocation.”

7 The following subsections shall be inserted after subsection (9)—

“(10) The Secretary of State may nominate for an area a social fund officer to issue general guidance to the other social fund officers in the area about such matters relating to the social fund as the Secretary of State may specify.

(11) In determining a question under section 33 below or reviewing a question under section 34 below a social fund officer shall take account (subject to any directions or guidance issued by the Secretary of State under either of those sections) of any guidance issued by the social fund officer nominated for his area under subsection (10) above.

(12) A social fund inspector reviewing a determination shall be under the same duties in relation to such guidance as the social fund officer or inspector who made the determination.”

Amendments of section 33

8 Section 33 of the Social Security Act 1986 shall be amended as follows.

9 At the end of subsection (1) there shall be added the words, “in such form and manner as may be prescribed”.

10 The following subsection shall be inserted after subsection (1)—

“(1A) The power to make a payment out of the social fund under section 32(2)(b) above may be exercised by making a payment to a third party with a view to the third party providing, or arranging for the provision of, goods or services for the applicant.”

11 The following subsection shall be inserted after subsection (4)—

“(4A) An award that is to be repayable shall be repayable upon such terms and conditions as before the award is paid the Secretary of State notifies to the person by or on behalf of whom the application for it was made.”

12 In subsection (9)(e) for “(8)” there shall be substituted “(8A) to (8D)”.

13 The following subsection shall be inserted after subsection (10)—

“(10A) Without prejudice to the generality of subsection (10) above, the power to issue general directions conferred on the Secretary of State by that subsection includes power to direct—

(a) that in circumstances specified in the direction a social fund officer shall not determine an application and, without prejudice to the generality of this paragraph, that a social fund officer shall not determine an application which is made before the end of a specified period after the making of an application by the same person for a payment such as is mentioned in section 32(2)(b) above to meet the same need and without there having been any relevant change of circumstances since the previous application;

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- (b) that for a category of need specified in the direction a social fund officer shall not award less than an amount specified in the direction;
- (c) that for a category of need specified in the direction a social fund officer shall not award more than an amount so specified;
- (d) that payments to meet a category of need specified in the direction shall in all cases or in no case be made by instalments; and
- (e) that payments to meet a category of need specified in the direction shall in all cases or in no case be repayable,

and the power to issue general guidance conferred on him by that subsection includes power to give social fund officers guidance as to any matter to which directions under that subsection may relate.”

Miscellaneous

- 14 The Social Security Act 1986 shall also be amended as follows.
- 15 The words “to him” shall be omitted from section 34(1) (a).
- 16 In sections 51(2), 52(6) and 53(10) (claims and payments, adjudication and overpayments) after “32(2)(a)” there shall be inserted “or (2A)”.

SCHEDULE 4

Section 16.

MINOR AND CONSEQUENTIAL AMENDMENTS

Exemption from Income Tax

- 1 The following paragraph shall be inserted after paragraph (a) of section 617(2) of the Income and Corporation Taxes Act 1988 (which specifies certain social security benefits which are not to be treated as income for the purposes of the Income Tax Acts)—
 - “(aa) payments by way of an allowance under section 70 of the Social Security Act 1975 and section 70 of the Social Security (Northern Ireland) Act 1975;”.

Employment and Training

- 2 The following subsection shall be substituted for section 12(2) of the Employment and Training Act 1973—
 - “(2) It shall be the duty of each local education authority and the Commission to furnish the Secretary of State with such information in its possession as the Secretary of State may require as being information required in connection with the determination of questions relating to contributions or benefit under—
 - (a) the benefit Acts as defined in section 84(1) of the Social Security Act 1986;
 - (b) the Social Security Act 1988;

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and any information falling to be furnished in pursuance of this subsection shall be furnished in such a form and at such times as the Secretary of State may direct.”

Social Security Act 1975

- 3 The Social Security Act 1975 shall be amended as follows.
- 4 The following subsection shall be inserted after subsection (2) of section 17 (determination of days for which benefit is payable)—
- “(2A) Where it has been determined that a person is to be deemed in accordance with regulations to be available for employment in employed earner’s employment in respect of any day, the question of his actual availability for such employment in respect of that day may be subsequently determined on a review of the determination as to his deemed availability.”
- 5 In section 22 (maternity allowance)—
- (a) at the end of subsection (4) there shall be added the words “unless the woman is disqualified for receiving a maternity allowance in respect of that day by virtue of regulations under subsection (3)(a) above”; and
- (b) the following subsection shall be inserted after that subsection—
- “(4A) A woman who has become entitled to a maternity allowance shall cease to be entitled to it if she dies before the beginning of the maternity allowance period; and if she dies after the beginning, but before the end, of that period, the allowance shall not be payable for any week subsequent to that in which she dies.”
- 6 In section 44 (short-term benefit increase for adult dependants)—
- (a) in subsection (1)(b), for the words “is not engaged in any one or more employments from which her weekly earnings” there shall be substituted the words “does not have weekly earnings which”; and
- (b) in subsection (3)(a), for the words “is not engaged in any one or more employments from which his weekly earnings exceed the amount so specified” there shall be substituted the words “does not have weekly earnings which exceed the amount so specified”.
- 7 In section 45 (pension increase (wife))—
- (a) in subsection (2)(b), for the words “is not engaged in any one or more employments from which her weekly earnings” there shall be substituted the words “does not have weekly earnings which”; and
- (b) in subsection (2A), the words “is engaged in any one or more employments from which she” shall cease to have effect.
- 8 In section 45A (pension increase (husband))—
- (a) in subsection (2)(b), for the words “is not engaged in any one or more employments from which his weekly earnings” there shall be substituted the words “does not have weekly earnings which”; and
- (b) in subsection (3), the words “is engaged in any one or more employments from which he” shall cease to have effect.
- 9 In subsection (4) of section 46 (pension increase (female with care of children)) the words “from employment by the pensioner” shall cease to have effect.

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- 10 In subsection (1)(a) of section 47 (invalidity pension (dependant relative)) for the words “is not engaged in any one or more employments from which he has earnings” there shall be substituted the words “does not have earnings”.
- 11 The following subsection shall be inserted after subsection (1) of section 50 (descriptions of industrial injuries benefits)—
- “(1A) The benefits are—
- (a) disablement benefit (including disablement pensions) payable in accordance with sections 57 to 63 below;
 - (b) reduced earnings allowance payable in accordance with section 59A below and section 2 of the Social Security Act 1988;
 - (c) retirement allowance payable in accordance with section 59B below;
 - (d) industrial death benefit, payable in accordance with sections 67 to 75 below.”
- 12 In section 59A (reduced earnings allowance)—
- (a) in subsection (8), after the words “disablement pension”, in the second place where they occur, there shall be inserted the words “(not including increases in disablement pension under any provision of this Act)”; and
 - (b) the following subsection shall be inserted after subsection (10) of section 59A (reduced earnings allowance)—
- “(10A) In this section and section 59B below “maximum rate of a disablement pension” means the rate specified in the first entry in column (2) of Schedule 4, Part V, paragraph 3 and does not include increases in disablement pension under any provision of this Act.”
- 13 In section 66 (adult dependants) there shall cease to have effect—
- (a) in subsection (3), the words “from any one or more employments”; and
 - (b) in subsection (4) the words “is engaged in any one or more employments from which he or she”.
- 14 At the end of subsection (1)(c) of section 104 (review of decisions) there shall be added “or
- (d) the decision falls to be reviewed under section 17(2A) above,”.

Social Security Act 1986—statutory maternity pay

- 15 The provisions of the Social Security Act 1986 specified in paragraphs 16 to 19 below (all of which relate to statutory maternity pay) shall be amended as provided in those paragraphs.
- 16 (1) In paragraph (e) of section 46(8), for the words “subsection (2)(a) or (b) above or both” there shall be substituted the words “any of the provisions specified in subsection (9) below”.
- (2) The following subsection shall be inserted after that subsection—
- “(9) The provisions mentioned in subsection (8)(e) above are—
- (a) subsection (2)(a) and (b) above; and
 - (b) section 48(2), (4) and (5) below.”

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- 17 At the end of section 48(2) there shall be added the words “or the weekly rate prescribed under subsection (3) below, whichever is the higher”.
- 18 In section 50(1), in the definition of “employer”, the words “and a contract of service of hers” and the words “under the contract” shall cease to have effect.
- 19 (1) In paragraph 11 of Schedule 4, for the word “Any” there shall be substituted the words “Except as may be prescribed, a”.
- (2) The following paragraph shall be inserted after that paragraph—
- “11A (1) Regulations may provide that in prescribed circumstances a day which falls within the maternity pay period shall be treated as a day of incapacity for work for the purpose of determining entitlement to an invalidity pension.
- (2) Regulations may provide that an amount equal to a woman’s statutory maternity pay for a period shall be deducted from invalidity benefit in respect of the same period and a woman shall be entitled to invalidity benefit only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.”

Social Security Act 1986—housing benefit

- 20 The following subsection shall be added at the end of section 30 (housing benefit finance)—
- “(11) The Secretary of State may by order make provision for the modification or termination of rights to subsidy under Part II of the Social Security and Housing Benefits Act 1982 in respect of benefit paid in excess of entitlement.”

Other amendments of Social Security Act 1986

- 21 The Social Security Act 1986 shall also be amended as follows.
- 22 In subsection (3) of section 17 (statutory provisions which may be modified as respects pension schemes)—
- (a) the following paragraph shall be inserted after paragraph (d)—
- “(dd) the Water Act 1973;” and
- (b) the following paragraph shall be added at the end—
- “(h) any Act which relates to the employment of persons by a harbour authority (“harbour authority” having the meaning assigned to it by section 57 (1) of the Harbours Act 1964).”.
- 23 (1) In subsection (1) of section 21 (amount etc. of income-related benefit) for the word “Where” there shall be substituted the words “Subject to subsection (1A) below, where”.
- (2) The following subsections shall be inserted after that subsection—
- “(1A) Where a person is entitled to income support for a period to which this subsection applies, the amount payable for that period shall be calculated in such manner as may be prescribed.
- (1B) Subsection (1A) above applies—

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- (a) to a period of less than a week which is the whole period for which income support is payable; and
 - (b) to any other period of less than a week for which it is payable.”
- 24 (1) The following subsection shall be inserted after subsection (5) of section 23 (trade disputes)—
- “(5A) In respect of any period less than a week, subsection (5) above shall have effect subject to such modifications as may be prescribed.”
- (2) In subsection (6) of that section, for the words “subsection (5) above” there shall be substituted the words “this section”.
- 25 The following section shall be inserted after section 23—

“23A Effect of return to work

If a person returns to work with the same employer after a period during which section 23 above applies to him, and whether or not his return is before the end of any stoppage of work in relation to which he is or would be disqualified for receiving unemployment benefit—

- (a) that section shall cease to apply to him at the commencement of the day on which he returns to work; and
- (b) until the end of the period of 15 days beginning with that day, section 20(3) above shall have effect in relation to him as if the following paragraph were substituted for paragraph (c)—
 - “(c) in the case of a member of a married or unmarried couple, the other member is not engaged in remunerative work; and”; and
- (c) any sum paid by way of income support for that period of 15 days to him or, where he is a member of a married or unmarried couple, to the other member of that couple, shall be recoverable in the prescribed manner from the person to whom it was paid or from any prescribed person or, where the person to whom it was paid is a member of a married or unmarried couple, from the other member of the couple.”

- 26 The following subsection shall be inserted after section 29(7)—
- “(8) Without prejudice to any other method of recovery, amounts recoverable under any enactment having effect in Northern Ireland and corresponding to this section shall be recoverable by deduction from benefits prescribed under subsection (7) above.”

- 27 The following subsection shall be inserted after section 33(8)—
- “(8A) Without prejudice to any other method of recovery, awards recoverable under Part IV of the Social Security (Northern Ireland) Order 1986 shall be recoverable by deduction from benefits prescribed under subsection (6) above, and subsections (7) and (8) above shall have effect in relation to such awards as they have effect in relation to awards under this Part of this Act.”

- 28 The following subsection shall be inserted after section 53(7)—
- “(7A) Without prejudice to any other method of recovery, amounts recoverable under any enactment or instrument having effect in Northern Ireland and

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corresponding to an enactment or instrument mentioned in subsection (7) above shall be recoverable by deduction from benefits prescribed under subsection (7) above.”

29 Paragraphs 26 to 28 above shall be deemed to have come into force on 6th April 1987.

30 (1) In paragraph (c) of subsection (10) of section 53 before “income” there shall be inserted “subject to subsection (10A) below,”.

(2) The following subsection shall be inserted after that subsection—

“(10A) This section only applies to income support recoverable under section 20(4E) above to the extent specified in section 20(4F) and (4G) above.”

SCHEDULE 5

Section 16.

REPEALS

Chapter	Short title	Extent of repeal
1964 c. 60.	Emergency Laws (Re-enactments and Repeals) Act 1964.	Section 4.
1968 c. 46.	Health Services and Public Health Act 1968.	Section 61.
1975 c. 14.	Social Security Act 1975.	In section 45(2A), the words “is engaged in any one or more employments from which she”. In section 45A(3), the words “is engaged in any one or more employments from which he”. In section 46(4), the words “from employment by the pensioner”. Section 47B(1)(b) and the word “and” immediately preceding it. Section 59A(11). In section 66, in subsection (3), the words “from any one or more employments” and in subsection (4), the words “is engaged in any one or more

The repeal of section 69 of the Social Security Act 1975 is subject to paragraph 3 of Schedule 1 to this Act.

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Chapter	Short title	Extent of repeal
		employments from which he or she”.
		Section 69.
		In Schedule 3, paragraph 1(4) (b), in paragraph 8(3), the words from “paragraph (b)” in the first place where those words occur, to “of”, in the fourth place where it occurs and paragraph 9.
1976 c. 36.	Adoption Act 1976.	Section 47(4) and (5).
1977 c. 49.	National Health Service Act 1977.	Section 5(3).
		In Schedule 12, in paragraph 1, in sub-paragraph (1), the words from “and regulations” to the end, and sub-paragraph (2) and paragraph 5.
1978 c. 28.	Adoption (Scotland) Act 1978.	Section 41(3) to (5).
1978 c. 29.	National Health Service (Scotland) Act 1978.	Section 85(5).
		In Schedule 11, in paragraph 1, in sub-paragraph (1), the words from “and regulations” to the end, and sub-paragraph (2).
1980 c. 30.	Social Security Act 1980.	In Schedule 1, paragraph 2.
1985 c. 53.	Social Security Act 1985.	Section 13(4)(a).
		Section 14.
1986 c. 50.	Social Security Act 1986.	In section 20(6), the words “beginning with the week in which a claim for it is made or is treated as made”.
		Section 23(8).
		In section 32, subsection (3), in subsection (4), the words “Social fund” and in subsection (8), the words “social fund”, in the second place where they occur and

The repeal of section 69 of the Social Security Act 1975 is subject to paragraph 3 of Schedule 1 to this Act.

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Chapter	Short title	Extent of repeal
		the words from “and” to the end.
		In section 33(1), the words “social fund”.
		In section 34(1)(a), the words “to him” and the words “social fund”, in the second place where they occur.
		In section 50(1), in the definition of “employer”, the words “and a contract of service of hers” and the words “under the contract”.
		In section 51(2), the words “social fund”.
		In section 52(6), the words “social fund”.
		In section 53(10), the words “social fund”.
		In section 63(7), the word “specified”, in the second place where it occurs.
		In section 84(1), the definition of “social fund payment”.
		In Schedule 3, paragraph 5(3) to (8) and paragraphs 9 and 11.
		In Schedule 10, paragraph 45.

The repeal of section 69 of the Social Security Act 1975 is subject to paragraph 3 of Schedule 1 to this Act.
