



Social Security Act 1989

1989 CHAPTER 24

An Act to amend the law relating to social security and occupational and personal pension schemes; to make provision with respect to certain employment-related benefit schemes; to provide for the recovery, out of certain compensation payments, of amounts determined by reference to payments of benefit; to make fresh provision with respect to the constitution and functions of war pensions committees; and for connected purposes. [21st July 1989]

Modifications etc. (not altering text)

- C1 The base date version of this Act is as revised to 1.7.1992 and takes account of the effects on it of the consolidating legislation which came into force at that date
- C2 Words of enactment omitted under [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C3 Act: power to amend conferred (2.12.1999) by [1998 c. 47, s. 87](#) (with s. 95); [S.I. 1999/3209, art. 2, Sch.](#)

Contributions

1–3 F1

Textual Amendments

- F1 [Ss. 1–3](#); [4\(1\)–\(4\)](#); [5\(1\)–\(4\)](#); [6\(1\)](#); [7\(1\)–\(5\)](#); [9–19](#); [21](#); [22\(1\)–\(6\)](#) and [\(8\)](#); [27](#); words in [s. 28\(2\)](#); [ss. 28\(3\)](#) and [\(4\)](#); [29\(2\)](#) and [\(5\)](#); words in [s.30\(1\)](#); [s.32](#); [Sch. 1, paras. 1–10](#); [Schs. 2](#) and [3](#); [Sch. 4, paras. 1–21, 24](#) (added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); [Sch. 7](#) except [paras 1, 14, 21](#) and [27](#); [Sch. 8, paras. 1–7, 9, 10\(1\), 11, 12\(2\), \(5\)](#) and [\(6\)](#), [14–18, 19\(a\)](#) and [\(b\)](#) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

4 **Earnings factors.**

(1) F2

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(5) The Earnings Factor Regulations, as in force for the purpose of determining earnings factors for the tax years beginning with 6th April 1985 and 6th April 1986, shall have effect, and be taken always to have had effect, with the substitution in paragraph 3 of Schedule 1 (which, as amended by regulation 2(3) of the Amending Regulations, provided in certain cases for the aggregation of separate contributions) for the words from “where the values” to “those sums” of the words—

“where, in the case of any two or more separate sums—

- (a) the values to be accorded to F (apart from this paragraph) would fall to be ascertained under the same paragraph of paragraph 2(e) above, and
- (b) the values to be so accorded to G would fall to be ascertained under the same paragraph of paragraph 2(f) above,

those sums”.

(6) In subsection (5) above—

“the Earnings Factor Regulations” means the ^{M1}Social Security (Earnings Factor) Regulations 1979; and

“the Amending Regulations” means the ^{M2}Social Security (Earnings Factor) Amendment Regulations 1985.

(7) The amendment by subsection (5) above of a provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision, whether in relation to the tax years there mentioned or otherwise.

(8) The ^{M3}Social Security (Earnings Factor) Amendment Regulations 1988 shall have effect, and be deemed always to have had effect, as if the amendment made by subsection (3) above had come into force before the making of those regulations.

Textual Amendments

F2 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); **ss. 28(3) and (4); 29(2) and (5);** words in s.30(1); **s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24**(added by **Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6**); **Sch. 7** except paras 1, 14, 21 and 27; **Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b)** were repealed (1.7.1992) by the **Social Security (Consequential Provisions) Act 1992 (c. 6)**

Marginal Citations

- M1** S. I. 1979/676.
- M2** S. I. 1985/1417.
- M3** S. I. 1988/429.

Liability to maintain children

5 Liability of parants to maintain children under the age of nineteen in respect of whom income support is paid.

(1) ^{F3}

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- (5) In section 17(2)(a) of the ^{M4} Merchant Shipping Act 1970 (seaman’s dependants to consists of his spouse and certain persons under the age of sixteen) for the word “sixteen” there should be substituted the word “nineteen”.

Textual Amendments

F3 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); **ss. 28(3)** and (4); 29(2) and (5); words in s.30(1); s.32; **Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24**(added by **Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6**); **Sch. 7** except paras 1, 14, 21 and 27; **Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b)** were repealed (1.7.1992) by the **Social Security (Consequential Provisions) Act 1992 (c. 6)**

Modifications etc. (not altering text)

C4 The text of s. 5(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 1.7.1992

Marginal Citations

M4 1970 c. 36

Benefits under the principal Act

6 Benefits for women widowed before 11th April 1988.

- (1) ^{F4}
- (2) ^{F5}
- (3) The ^{M5}Social Security Benefit (Dependency) Amendment Regulations 1989 shall have effect, and be taken always to have had effect, with the insertion after regulation 3 (which made amendments concerning widowed mother’s allowance to regulation 4B of the ^{M6}Social Security Benefit (Dependency) Regulations 1977) of the following—

“3A
The first amendment made by regulation 3 above shall not have effect in relation to a widow whose late husband died before 11th April 1988.”

- (4) In any case where—
- (a) a claim for a widow’s pension or a widowed mother’s allowance is made, or treated as made, before the passing of this Act, and
 - (b) the Secretary of State has made a payment to or for the claimant on the ground that if the claim had been received immediately after its passing she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,
- the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.
- (5) Where, apart from section 165A of the principal Act (making of claim a condition of entitlement), a widow falling within subsection (1) above would be entitled to a widow’s pension for any period beginning on or after 11th April 1988, then,

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notwithstanding anything in that section, she shall be entitled to that pension for that period if she has made a claim for it before the end of the period of twelve months beginning with the passing of this Act.

- (6) Where a widow's late husband died on or after 7th October 1987 and before 11th April 1988 and, apart from section 165A of the principal Act, she would have become entitled to a widow's allowance on his death, then if either—

- (a) she was over the age of 40 but under the age of 55 at the time of his death, or
- (b) she would, apart from that section, have been entitled to a widowed mother's allowance on the cessation of her entitlement to the widow's allowance,

she shall, notwithstanding anything in that section, be entitled to the widow's allowance (and, accordingly, in a case falling within paragraph (b) above, to the widowed mother's allowance) if she has made a claim, or is treated as having made a claim, for it before the end of the period of twelve months beginning with the passing of this Act.

- (7) Where in consequence of any of the amending provisions an adjudicating authority has decided before the passing of this Act that a widow whose husband died before 11th April 1988 either—

- (a) is not entitled to a benefit under section 25 or 26 of the principal Act, or
- (b) is entitled to such a benefit at a particular rate,

an adjudication officer may review that decision, notwithstanding anything in [F6 section 25 of the Social Security Administration Act 1992].

- (8) In any case where—

- (a) it is determined on such a review that the widow in question was entitled to a benefit under section 25 or 26 of the principal Act, or was entitled to such a benefit at a higher rate, and
- (b) the application for the review was made before the end of the period of twelve months beginning with the passing of this Act,

the decision on the review may take effect on 11th April 1988 or any later date, notwithstanding any provision of any Act or instrument restricting the payment of any benefit or increase of benefit to which a person would otherwise be entitled by reason of a review in respect of any period before the review.

- (9) [F7 Section 28 of the Social Security Administration Act 1992](appeals from reviews) shall apply in relation to a review under this section as it applies in relation to a review [F7 Section 25 of that Act].

- (10) In this section—

“adjudicating authority” means—

- (a) an adjudication officer;
- (b) a social security appeal tribunal;
- (c) a Commissioner; and

“the amending provisions” are—

- (a) section 36(3) of the 1986 Act; and
- (b) regulation 2(6) of the M7 Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1987 (deemed entitlement to child allowance for purposes of widowed mother's allowance etc).

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- (11) The amendment by this section of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending those provisions.
- (12) Nothing in this section shall be taken to prejudice section 16 or 17 of the ^{M8}Interpretation Act 1978 (effect of repeals, substitutions etc).

Textual Amendments

F4 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

F5 S. 6(2) repealed (13.7.1990) by Social Security Act 1990 (c. 27), Sch. 7

F6 Words in s. 6(7) substituted (1. 7. 1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), Sch. 2 para. 105(1)

F7 Words in s. 6(9) substituted (1. 7. 1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), Sch. 2 para. 105(2)

Marginal Citations

M5 S.I. 1989/523.

M6 S.I. 1977/343.

M7 S.I. 1987/1854.

M8 1978 c. 30.

7 (1) F8

F9(6)

Textual Amendments

F8 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

F9 S. 7(6) repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

8 F10

Textual Amendments

F10 S. 8 repealed (6.4.1992) by Disability Living Allowance and Diasability Working Allowance Act 1991 (c. 21), Sch. 4

9–19 F11

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Textual Amendments

F11 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

F12 **20**

Textual Amendments

F12 S. 20 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

21 **F13**

Textual Amendments

F13 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Recovery from damages etc of sums equivalent to benefit

22 Recovery of sums equivalent to benefit from compensation payments in respect of accidents, injuries and diseases.

(1) **F14**

(7) Schedule 4 to this Act shall have effect for the purpose of supplementing the provisions of this section; and this section shall have effect subject to the provisions of that Schedule.

(8) **F14**

Textual Amendments

F14 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

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Modifications etc. (not altering text)

- C5** The text of s. 22(7) 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 1.7.1992

Occupational and personal pensions etc

23 Equal treatment for men and women.

Schedule 5 to this Act shall have effect for the purpose of implementing the directive ^{M9} of the Council of the European Communities, dated 24th July 1986, relating to the principle of equal treatment for men and women in occupational social security schemes, and of making additional, supplemental and consequential provision.

Commencement Information

- II** S. 23 partly in force; s. 23 not in force at Royal Assent see s. 33(2); s. 23 in force for certain purposes at 23.6.1994 by S.I. 1994/1661, art. 2(c); s. 23 in force for further certain purposes at 24.8.2007 by S.I. 2007/2445, art. 2(a)

Marginal Citations

- M9** 86/378/EEC.

24 Miscellaneous amendments relating to pensions.

The enactments and instruments mentioned in Schedule 6 to this Act (which relate to occupational and personal pensions) shall have effect with the amendments there specified.

War pensions committees

25 Establishment and functions of war pensions committees.

- (1) The Secretary of State may by regulations establish committees, known as war pensions committees, for such areas as may be specified in the regulations; and the regulations may, in particular, include provisions with respect to—
- (a) the membership of the committees;
 - (b) the manner in which the members are to be appointed and the period for which, and the terms on which, they are to hold office; and
 - (c) the manner in which they may be removed.
- (2) The committees shall have such functions relating to war pensions and war pensioners as may be conferred upon them by the regulations; and the regulations may, in particular, provide that it shall be their function—
- (a) to consider any matter connected with war pensions or affecting war pensioners in their area and, where they think it appropriate, to make recommendations to the Secretary of State about that matter;
 - (b) to consider complaints made to them by persons receiving or claiming war pensions and, if they think fit, to make representations about those complaints to the Secretary of State;

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- (c) to consider any matters referred to them by the Secretary of State and to report to him on those matters with such recommendations as they may think fit; and
 - (d) to assist the War Pensioners' Welfare Service in looking after the welfare of war pensioners in their area.
- (3) The regulations may include provisions with respect to the manner in which the committees are to discharge the functions conferred on them; and they shall exercise their functions subject to, and in accordance with, any such provisions.
- (4) In this section—
- “war pension” means—
- (a) any pension or other benefit, payable otherwise than under an enactment, for or in respect of a person who has died or been disabled in consequence of service as a member of the armed forces of the Crown,
 - (b) any pension or benefit awarded under—
 - (i) the ^{M10}Personal Injuries (Emergency Provisions) Act 1939,
 - (ii) the ^{M11}Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, or
 - (iii) the ^{M12}Polish Resettlement Act 1947,
 - (c) any pension or other payment which constitutes such an obligation as is mentioned in section 4(1) of the ^{M13}Statute Law Revision Act 1958 (seamen and fishermen killed or injured in the 1914-1918 war),
 - (d) any other pension or benefit which is specified in an order made by the Secretary of State for the purposes of this section,
- but does not include any pension or benefit administered by the Defence Council, the Minister of the Crown with responsibility for defence or the Commissioners for the Royal Hospital for Soldiers at Chelsea; and
- “war pensioner” means a person in receipt of a war pension, in his capacity as such a pensioner.
- (5) In section 9(1) of the ^{M14}Chronically Sick and Disabled Persons Act 1970 (central advisory committee to include chairmen of at least 12 war pensions committees) for the words “by schemes under section 1 of that Act” there shall be substituted the words “by regulations under section 25 of the Social Security Act 1989”.
- (6) In the ^{M15}War Pensions Act 1921—
- (a) sections 1 and 2 (which are superseded by this section) shall cease to have effect; and
 - (b) in section 3 (constitution of central advisory committee) for the words “under this Act” there shall be substituted the words “under section 25 of the Social Security Act 1989”.

Marginal Citations

- M10** 1939 c. 82.
- M11** 1939 c. 83.
- M12** 1947 c. 19.
- M13** 1958 c. 46.
- M14** 1970 c. 44.
- M15** 1921 c. 49.

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General and supplementary provisions

26 Pre-consolidation amendments.

- (1) The enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments there specified, being amendments designed to facilitate, or otherwise desirable in connection with, the consolidation of enactments relating to social security or pensions.
- (2) The amendment by that Schedule of any provision contained in any enactment by virtue of any order or regulations shall not be taken to have prejudiced any power to make further orders or regulations revoking or amending that provision.

27 ^{F15}

Textual Amendments

F15 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

28 Financial provisions.

- (1) There shall be paid out of money provided by Parliament—
 - (a) any expenses incurred under this Act by a Minister of the Crown; and
 - (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.
- (2) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct, such sums as the Secretary of State may estimate (in accordance with any directions given by the Treasury) to be the amount of the administrative expenses incurred by him under sections . . . ^{F16}, 6, 7, . . . ^{F16}above, excluding any category of expenses or payments which the Treasury may direct, or any enactment may require, to be excluded from the Secretary of State’s estimates under this subsection.
- (3) ^{F16}
- (5) There shall be paid into the Consolidated Fund any increase by virtue of this Act in the sums so payable by virtue of any other Act.

Textual Amendments

F16 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

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29 Regulations and orders: general provisions.

(1) Subject to the following provisions of this section, [^{F17}section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992]shall apply in relation to any power conferred by any provision of this Act to make regulations or an order as they apply in relation to any power conferred by that Act to make regulations or an order, but as if for references to that Act there were substituted references to this Act.

(2) ^{F18}

[^{F19}(3) A statutory instrument—

(a) which contains (whether alone or with other provisions) any regulations or orders under this Act, other than orders under section 33 below, 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.]

(4) ^{F20}

(5) ^{F18}

(6) A power conferred by this Act to make any regulations or order, where the power is not expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.

(7) Nothing in this section applies to orders of the Occupational Pensions Board under Schedule 5 to this Act.

Textual Amendments

F17 Words in s. 29(1) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), Sch. 2 para. 106

F18 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

F19 S. 29(3) substituted (13.7.1990) by Social Security Act 1990 (c. 27, SIF113:1), Sch. 6 para. 8(12)

F20 S. 29(4) repealed (13.7.1990) by Social Security Act 1990 (c. 27), Sch. 6 para. 8(12) and Sch. 7

30 Interpretation.

(1) In this Act, unless the context otherwise requires—

“the 1973 Act” means the ^{M16}Social Security Act 1973;
..... ^{F21}

“the 1986 Act” means the ^{M17}Social Security Act 1986;

“Commissioner” has the same meaning as it has in the principal Act;
..... ^{F21}

“the Pensions Act” means the ^{M18}Social Security Pensions Act 1975;

“prescribe” means prescribe by regulations;

“the principal Act” means the ^{M19}Social Security Act 1975;

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

- (2) In this Act references to Great Britain include references to the territorial waters of the United Kingdom adjacent to Great Britain.

Textual Amendments

F21 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Marginal Citations

M16 1973 c. 38.
M17 1986 c. 50.
M18 1975 c. 60.
M19 1975 c. 14.

31 Minor and consequential amendments, repeals and transitional provisions.

- (1) The enactments mentioned in Schedule 8 to this Act shall have effect with the amendments there specified (being minor amendments and amendments consequential on provisions of this Act).
- (2) The enactments mentioned in Schedule 9 to this Act (which include some that are spent or of no further practical utility) are repealed to the extent specified in the third column of that Schedule.
- (3) The Secretary of State may by regulations make—
- (a) such transitional provision,
 - (b) such consequential provision, or
 - (c) such savings,

as he considers necessary or expedient in preparation for or in connection with the coming into force of any provision of this Act or the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.

32 **F22**

Textual Amendments

F22 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

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33 Short title, commencement and extent.

- (1) This Act may be cited as the Social Security Act 1989; and this Act, other than section 25, and the Social Security Acts 1975 to 1988 may be cited together as the Social Security Acts 1975 to 1989.
- (2) Apart from the provisions specified in subsection (3) below, this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or different purposes of the same provision.
- (3) The provisions referred to in subsection (2) above are the following—
 - (a) sections 2, 3, 4, 6, 14 to 20, 28, 29, 30, 31(3), 32 and this section;
 - (b) Schedule 2;
 - (c) paragraphs 1, 12 and 13 of Schedule 3 (and section 21 so far as relating to those paragraphs),
 - (d) paragraphs 6 to 8, 14 and 16 to 21 of Schedule 6 (and section 24 so far as relating to those paragraphs);
 - (e) paragraphs 2 to 7, 13 and 15 of Schedule 7 (and section 26 so far as relating to those paragraphs);
 - (f) paragraphs 1, 4 to 6, 8 to 13, 17 and 18 of Schedule 8 (and section 31 so far as relating to those paragraphs);
 - (g) the repeals in Schedule 9 to the extent that they are consequential on any provision specified in paragraphs (a) to (f) above (and section 31 so far as relating to those repeals).
- (4) Where any enactment repealed or amended by this Act extends to any part of the United Kingdom, the repeal or amendment extends to that part.
- (5) Paragraph 12 of Schedule 4 does not extend to Scotland.
- (6) Sections 25, 31(3), 32 and this section [F23 and paragraph 20A of Schedule 4] extend to Northern Ireland.
- (7) Except as provided by this section, this Act does not extend to Northern Ireland.

Subordinate Legislation Made

P1 S. 33(2) power partly exercised: 24.8.2007 appointed for specified provisions by {S.I. 2007/2445}, art. 2

Textual Amendments

F23 Words inserted (13.7.1990) in section 33(6) by Social Security Act 1990 (c. 27, SIF113:1), Sch. 1 para. 5(3). (section 32 and the said paragraph 20A were later repealed by S. S. (C. P.) Act 1992 (c. 6), Sch. 1 (1.7.1992))

Modifications etc. (not altering text)

C6 The power of appointment conferred by s. 33(2) partly exercised: S.I. 1989/1238, 1262; 1990/102, 199, 312

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SCHEDULES

SCHEDULE 1

Section 7

ABOLITION OF EARNINGS RULE ETC.

1–10 F24

Textual Amendments

F24 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Occupational and personal pensions

F25 11

Textual Amendments

F25 Sch. 1 para. 11 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

SCHEDULES 2,

3. F26

Textual Amendments

F26 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

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SCHEDULE 4

Section 22.

RECOVERY OF SUMS EQUIVALENT TO BENEFIT FROM COMPENSATION PAYMENTS IN RESPECT OF ACCIDENTS ETC: SUPPLEMENTARY PROVISION

PARTS I—III

... F27

Textual Amendments
F27 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

PART IV

MISCELLANEOUS

21 F28

Textual Amendments
F28 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Modification of Law Reform (Personal Injuries) Act 1948

22 (1) In section 2 of the ^{M20}Law Reform (Personal Injuries) Act 1948, in subsection (1) (which requires that, in assessing damages, half of certain benefits shall be brought into account against loss of profits or earnings)—
(a) after the word “contract),” there shall be inserted the words “ where this section applies ”;
(b) for the words from “against any loss” to “from the injuries” there shall be substituted the words “ against them ”; and
(c) for the words from “therefrom” onwards there shall be substituted the words “from the injuries in respect of—
(a) any of the relevant benefits, within the meaning of section 22 of the Social Security Act 1989, or
(b) any corresponding benefits payable in Northern Ireland,
for the five years beginning with the time when the cause of action accrued.”

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(2) After that subsection there shall be inserted—

“(1A) This section applies in any case where the amount of the damages that would have been awarded apart from any reduction under subsection (1) above is less than the sum for the time being prescribed under paragraph 4(1) of Schedule 4 to the Social Security Act 1989 (recoupment of benefit: exception for small payments).”

(3) Subsection (2) of that section (disregard of increase for constant attendance) shall cease to have effect.

Modifications etc. (not altering text)

C7 The text of Sch. 4 para. 22 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 1.7.1992

Marginal Citations

M20 1948 c. 41.

Modification of Bankruptcy (Scotland) Act 1985

23 In section 31 of the ^{M21}Bankruptcy (Scotland) Act 1985 (vesting of debtor’s estate at date of sequestration) in subsection (8) after the words “subsection (9) below” there shall be inserted the words “ and to paragraph 8(2) of Schedule 4 to the Social Security Act 1989. ”

Modifications etc. (not altering text)

C8 The text of Sch. 4 para. 23 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 1.7.1992

Marginal Citations

M21 1985 c. 66.

24 **F29**

Textual Amendments

F29 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

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SCHEDULE 5

Section 23.

EMPLOYMENT-RELATED SCHEMES FOR PENSIONS OR OTHER BENEFITS: EQUAL TREATMENT FOR MEN AND WOMEN

PART I

COMPLIANCE BY SCHEMES

Schemes to comply with the principle of equal treatment

- 1 Every employment-related benefit scheme shall comply with the principle of equal treatment.

Commencement Information

- I2** Sch. 5 Pt. I para. 1 partly in force; Sch. 5 Pt. I para. 1 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 1 in force for specified purposes at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. I

The principle

- 2 (1) The principle of equal treatment is that persons of the one sex shall not, on the basis of sex, be treated less favourably than persons of the other sex in any respect relating to an employment-related benefit scheme.
- (2) Sub-paragraphs (3) to (6) below have effect, where applicable, for the purpose of determining whether a scheme complies with the principle of equal treatment.
- (3) Where any provision of the scheme imposes on both male and female members a requirement or condition—
- (a) which is such that the proportion of persons of the one sex (“the sex affected”) who can comply with it is considerably smaller than the proportion of persons of the other sex who can do so, and
 - (b) which is not justifiable irrespective of the sex of the members,
- the imposition of that requirement or condition shall be regarded as less favourable treatment of persons of the sex affected.
- (4) No account shall be taken of—
- (a) any difference, on the basis of the sex of members, in the levels of contributions—
 - (i) which members are required to make, to the extent that the difference is justifiable on actuarial grounds, or
 - (ii) which the employer makes, to the extent that the difference is for the purpose of removing or limiting differences, as between men and women, in the amount or value of money purchase benefits;
 - (b) any difference, on the basis of sex, in the amount or value of money purchase benefits, to the extent that the difference is justifiable on actuarial grounds;
 - (c) any special treatment for the benefit of women in connection with pregnancy or childbirth;

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- (d) any permitted age-related differences;
- (e) any difference of treatment in relation to benefits for a deceased member's surviving husband, wife or other dependants;
- (f) any difference of treatment in relation to any optional provisions available; or
- (g) any provisions of a scheme to the extent that they have been specially arranged for the benefit of one particular member of the scheme;

but where the scheme includes any unfair maternity provisions, it shall to that extent be regarded as according less favourable treatment to women on the basis of sex.

- (5) Where the scheme treats persons of the one sex differently according to their marital or family status, that treatment is to be compared with the scheme's treatment of persons of the other sex who have the same status.
- (6) The principle of equal treatment applies in relation to members' dependants as it applies in relation to members.
- (7) If any question arises whether a condition or requirement falling within subparagraph (3)(a) above is or is not justifiable irrespective of the sex of the members, it shall be for those who assert that it is so justifiable to prove that fact.
- (8) In this paragraph—
 - “money purchase benefits” has the same meaning given by [F30section 181(1) of the Pension Schemes Act 1993], but with the substitution for references to a personal or occupational pension scheme of references to an employment-related benefit scheme;
 - “optional provisions available” means those provisions of a scheme—
 - (a) which apply only in the case of members who elect for them to do so; and
 - (b) whose purpose is to secure for those members—
 - (i) benefits in addition to those otherwise provided under the scheme; or
 - (ii) a choice with respect to the date on which benefits under the scheme are to commence; or
 - (iii) a choice between any two or more benefits;
 - “permitted age-related difference” means any difference, on the basis of sex, in the age—
 - (a) at which a service-related benefit in respect of old age or retirement commences; or
 - (b) at which, in consequence of the commencement of such a benefit, any other service-related benefit either ceases to be payable or becomes payable at a reduced rate calculated by reference to the amount of the benefit so commencing.
- (9) For the purposes of this paragraph—
 - (a) any reference to a person's family status is a reference to his having an unmarried partner or any dependants; and
 - (b) a person “has an unmarried partner” if that person and some other person to whom he is not married live together as husband and wife.

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Textual Amendments

F30 Words in [Sch. 5 para. 2\(8\)](#) substituted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 7 para. 2\(a\)](#); S.I. 1994/86, [art. 2](#)

Commencement Information

I3 [Sch. 5 para. 2](#) partly in force; [Sch. 5 para. 2](#) not in force at Royal Assent see s. 33(2); [Sch. 5 para. 2\(1\)\(2\)\(4\)\(c\)\(5\)\(9\)](#) in force at 23.6.1994 by S.I. 1994/1661, [art. 2](#), [Sch. Pt. I](#)

Non-compliance: compulsory levelling up

- 3 (1) To the extent that any provision of an employment-related benefit scheme does not comply with the principle of equal treatment, it shall be overridden by this Schedule and the more favourable treatment accorded to persons of the one sex shall also be accorded to persons of the other sex.
- (2) Where more favourable treatment is accorded to any persons by virtue of sub-paragraph (1) above, that sub-paragraph requires them, in accordance with the principle of equal treatment—
- (a) to pay contributions at a level appropriate to the treatment so accorded; and
 - (b) to bear any other burden which is an incident of that treatment;
- but persons of either sex may instead elect to receive the less favourable treatment and, in accordance with the principle of equal treatment, pay contributions at the level appropriate to that treatment and bear the other burdens incidental to it.
- (3) Where any provision of a scheme is overridden by sub-paragraph (1) above, nothing in this Schedule shall affect any rights accrued or obligations incurred during the period before the date on which that provision is so overridden.
- (4) Sub-paragraph (1) above is without prejudice to the exercise, in compliance with the principle of equal treatment, of any power to amend the scheme.

Commencement Information

I4 [Sch. 5 para. 3](#) partly in force; [Sch. 5 para. 3](#) not in force at Royal Assent see s. 33(2)(3); [Sch. 5 para. 3\(1\)\(3\)\(4\)](#) in force for specified purposes at 23.6.1994 by S.I. 1994/1661, [art. 2](#), [Sch. Pt. I](#); [Sch. 5 para. 3](#) in force for further certain purposes at 24.8.2007 by S.I. 2007/2445, [art. 2\(b\)](#)

Modification of schemes by the Occupational Pensions Board

- 4 (1) On an application made to them in respect of an employment-related benefit scheme, other than a public service scheme, by persons competent to make such an application, the Occupational Pensions Board (the “Board”) may make an order modifying, or authorising the modification of, the scheme, for the purpose—
- (a) of making provision implementing the principle of equal treatment otherwise than as provided by sub-paragraph (1) of paragraph 3 above; or
 - (b) of reflecting in the rules of the scheme any changes consequential upon the operation of that sub-paragraph.

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- (2) In relation to any employment-related benefit scheme, the persons competent to make an application to the Board under this paragraph are—
- (a) the trustees or managers of the scheme;
 - (b) any person other than the trustees or managers who has power to alter the rules of the scheme;
 - (c) any person who is an employer of persons in service in an employment to which the scheme applies; and
 - (d) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this paragraph in respect of a scheme of that category.
- (3) The Board shall not entertain an application for an order by them under this paragraph unless they are satisfied that the modification of the scheme in question—
- (a) cannot be achieved otherwise than by means of such an order; or
 - (b) can only be achieved in accordance with a procedure which is liable to be unduly complex or protracted, or involves the obtaining of consents which cannot be obtained, or can only be obtained with undue delay or difficulty.
- (4) Subject to sub-paragraph (3) above, the Board may on an application under this paragraph make (with the consent of the applicants) an order under sub-paragraph (1) above and may exercise their powers under this paragraph from time to time; and the extent of their powers under this paragraph is not limited, in relation to any purposes for which they are exercisable, to the minimum necessary to achieve those purposes.
- (5) An order of the Board under sub-paragraph (1) above authorising the modification of a scheme shall be framed so as to confer the power of modification on such persons as the Board think proper (including persons who were not parties to the application made to the Board) and shall include such directions as the Board think appropriate indicating the modifications which they consider to be desirable.

Unfair maternity provisions

- 5 (1) In this Schedule “unfair maternity provisions”, in relation to an employment-related benefit scheme, means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid maternity absence in the case of any woman who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a woman otherwise than in accordance with the normal employment requirement; or
 - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such woman, to the extent that it falls to be determined by reference to her earnings during a period which included a period of paid maternity absence, to be determined otherwise than in accordance with the normal employment requirement.
- (2) In the case of any unfair maternity provision—
- (a) the more favourable treatment required by paragraph 3(1) above is treatment no less favourable than would be accorded to the women [^{F31}members] in accordance with the normal employment requirement;

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- (b) paragraph 3(2) above does not authorise the making of any such election as is there mentioned; and
- (c) paragraph 4(1)(a) above does not authorise the making of any modification which does not satisfy the requirements of paragraph (a) above;

but, in respect of a period of paid maternity absence, a woman shall only be required to pay contributions on the amount of contractual remuneration or statutory maternity pay actually paid to or for her in respect of that period.

(3) In this paragraph—

- (a) “period of paid maternity absence” means any period—
 - (i) throughout which a woman is absent from work due to pregnancy or confinement; and
 - (ii) for which her employer (or, if she is no longer in his employment, her former employer) pays her any contractual remuneration or statutory maternity pay;
- (b) “the normal employment requirement” is the requirement that any period of paid maternity absence shall be treated as if it were a period throughout which the woman in question works normally and receives the remuneration likely to be paid for doing so.

Textual Amendments

F31 Words inserted in Sch. 5 para. 5(2)(a) (*prosp.*) by Social Security Act 1990 (c. 27, SIF113:1), **Sch. 6 para. 29**

Commencement Information

I5 Sch. 5 Pt. I para. 5 partly in force; Sch. 5 Pt. I para. 5 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 5(1)(2)(a)(3) in force at 23.6.1994 by S.I. 1994/1661, art. 2, **Sch. Pt. II**

VALID FROM 06/04/2005

^{F32}Unfair paternity leave provisions

Textual Amendments

F32 Sch. 5 paras. 5A, 5B inserted (6.4.2005) by Pensions Act 2004 (c. 35), **ss. 265(1), 322(1)** (with s. 313); S.I. 2005/275, **art. 2(7)**, Sch. Pt. 7 (subject to art. 2(12))

- 5A (1) Where an employment-related benefit scheme includes any unfair paternity leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.
- (2) In this paragraph “unfair paternity leave provisions”, in relation to an employment-related benefit scheme, means any provision—

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- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid paternity leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
- (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid paternity leave, to be determined otherwise than in accordance with the normal employment requirement.

(3) In the case of any unfair paternity leave provision—

- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
- (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;

but, in respect of any period of paid paternity leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory paternity pay actually paid to or for him in respect of that period.

(4) In this paragraph—

“period of paid paternity leave”, in the case of a member, means a period—

- (a) throughout which the member is absent from work in circumstances where sub-paragraph (5), (6) or (7) applies, and
- (b) for which the employer (or if he is no longer in his employment, his former employer) pays him any contractual remuneration or statutory paternity pay; and

“the normal employment requirement” is the requirement that any period of paid paternity leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so.

(5) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the birth or expected birth of a child, and
- (b) the member satisfies the conditions prescribed under section 171ZA(2)(a) (i) and (ii) of the Social Security Contributions and Benefits Act 1992 in relation to that child.

(6) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the placement or expected placement of a child for adoption under the law of any part of the United Kingdom, and
- (b) the member satisfies the conditions prescribed under section 171ZB(2)(a) (i) and (ii) of that Act in relation to that child.

(7) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and

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- (b) the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of that Act (as applied by virtue of section 171ZK of that Act (adoption cases not involving placement under the law of the United Kingdom)) in relation to that child.

Modifications etc. (not altering text)

- C9** Sch. 5 para. 5A: power to apply (with modifications) conferred (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), **ss. 265(2), 322(1)** (with s. 313); S.I. 2005/275, **art. 2(7)**, Sch. Pt. 7 (subject to **art. 2(12)**)

VALID FROM 06/04/2005

Unfair adoption leave provisions

- 5B (1) Where an employment-related benefit scheme includes any unfair adoption leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.
- (2) In this paragraph “unfair adoption leave provisions”, in relation to an employment-related benefit scheme, means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid adoption leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
 - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid adoption leave, to be determined otherwise than in accordance with the normal employment requirement.
- (3) In the case of any unfair adoption leave provision—
- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
 - (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;
- but, in respect of any period of paid adoption leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory adoption pay actually paid to or for him in respect of that period.
- (4) In this paragraph—
- “period of paid adoption leave”, in the case of a member, means a period—
- (a) throughout which the member is absent from work in circumstances where sub-paragraph (5) or (6) applies, and

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(b) for which the employer (or, if he is no longer in his employment, his former employer) pays him any contractual remuneration or statutory adoption pay; and

“the normal employment requirement” is the requirement that any period of paid adoption leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so.

(5) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the placement, or expected placement, of a child for adoption under the law of any part of the United Kingdom, and
- (b) the member is a person with whom the child is, or is expected to be, placed for such adoption.

(6) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and
- (b) the member is a person by whom the child has been or is expected to be adopted.]

Modifications etc. (not altering text)

C10 Sch. 5 para. 5B: power to apply (with modifications) conferred (6.4.2005) by [Pensions Act 2004](#) (c. 35), [ss. 265\(2\), 322\(1\)](#) (with s. 313); [S.I. 2005/275](#), [art. 2\(7\)](#), [Sch. Pt. 7](#) (subject to [art. 2\(12\)](#))

Unfair family leave provisions

- 6 (1) Where an employment-related benefit scheme includes any unfair family leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3) below, this Schedule shall apply accordingly.
- (2) In this Schedule “unfair family leave provisions” means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid family leave in the case of any member who is an employed earner and which treats such a member otherwise than in accordance with the normal leave requirement; or
 - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member to the extent that it falls to be determined by reference to earnings during a period which included a period of paid family leave, to be determined otherwise than in accordance with the normal leave requirement.
- (3) In the case of any unfair family leave provision—

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- (a) the more favourable treatment required by paragraph 3(1) above is treatment no less favourable than would be accorded to the members in accordance with the normal leave requirement;
- (b) paragraph 3(2) above does not authorise the making of any such election as is there mentioned; and
- (c) paragraph 4(1)(a) above does not authorise the making of any modification which does not satisfy the requirements of paragraph (a) above;

but, in respect of a period of paid family leave, a member shall only be required to pay contributions on the amount of contractual remuneration actually paid to or for him in respect of that period.

(4) In this paragraph—

- (a) “period of paid family leave” means any period—
 - (i) throughout which a member is absent from work for family reasons; and
 - (ii) for which the employer pays him any contractual remuneration;
- (b) “the normal leave requirement” is the requirement that any period of paid family leave shall be treated as if it were a period throughout which the member in question works normally but only receives the remuneration in fact paid to him for that period.

Commencement Information

I6 Sch. 5 Pt. I para. 6 partly in force; Sch. 5 Pt. I para. 6 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 6(1)(2)(3)(a)(4) in force at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. II

Meaning of “employment-related benefit scheme” etc.

7 In this Schedule—

- (a) “employment-related benefit scheme” means any scheme or arrangement which is comprised in one or more instruments or agreements and which has, or is capable of having, effect in relation to one or more descriptions or categories of employments so as to provide service-related benefits to or in respect of employed or self-employed earners—
 - (i) who have qualifying service in an employment of any such description or category, or
 - (ii) who have made arrangements with the trustees or managers of the scheme to enable them to become members of the scheme,
 but does not include a limited scheme;
- (b) “limited scheme” means—
 - (i) any personal scheme for employed earners to which the employer does not contribute;
 - (ii) any scheme which has only one member, other than a personal scheme for an employed earner to which his employer contributes;
 - (iii) any contract of insurance which is made for the benefit of employed earners only and to which the employer is not a party;
- (c) “personal scheme” means any scheme or arrangement which falls within paragraph (a) above by virtue of sub-paragraph (ii) of that paragraph (or which would so fall apart from paragraph (b) above);

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- (d) “public service scheme” has [^{F33}the same meaning as “public service pension scheme” in section 1 of the Pension Schemes Act 1993];
- (e) “service-related benefits” means benefits, in the form of pensions or otherwise, payable in money or money’s worth in respect of—
- (i) termination of service;
 - (ii) retirement, old age or death;
 - (iii) interruptions of service by reason of sickness or invalidity;
 - (iv) accidents, injuries or diseases connected with employment;
 - (v) unemployment; or
 - (vi) expenses incurred in connection with children or other dependants;
- and includes, in the case of a member who is an employed earner, any other benefit so payable to or in respect of the member in consequence of his employment.

Textual Amendments

F33 Words in Sch. 5 para. 7(d) substituted (7.2.1994) by 1993 c. 48, s. 190, Sch. 7 para. 2(b); S.I. 1994/86, art. 2

Commencement Information

I7 Sch. 5 Pt. I para. 7 partly in force; Sch. 5 Pt. I para. 7 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 7(a)-(c)(e) in force for specified purposes at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. I

PROSPECTIVE

Extension of ban on compulsory membership

- 8 [^{F34}Section 160(1) of the Pension Schemes Act 1993] (which renders void any provision making membership of a pension scheme compulsory for an employed earner) shall apply in relation to a self-employed earner as it applies in relation to an employed earner, but with the substitution for references to a personal pension scheme of references to an employment-related benefit scheme which would be such a pension scheme if self-employed earners were regarded as employed earners.

Textual Amendments

F34 Words in Sch. 5 para. 8 substituted (7.2.1994) by 1993 c. 48, s. 190, Sch. 7 para. 2(c); S.I. 1994/86, art. 2

Jurisdiction

- 9 (1) The court, on the application of any person interested, shall have jurisdiction to determine any question arising as to—
- (a) whether any provision of an employment-related benefit scheme does or does not comply with the principle of equal treatment; or

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- (b) whether, and with what effect, any such provision is overridden by paragraph 3 above.
- (2) In sub-paragraph (1) above “the court” means—
 - (a) in England and Wales, the High Court or a county court; and
 - (b) in Scotland, the Court of Session or the sheriff court.
- (3) An application under sub-paragraph (1) above may be commenced in a county court notwithstanding—
 - (a) any financial limit otherwise imposed on the jurisdiction of such a court; or
 - (b) that the only relief claimed is a declaration or an injunction.

Commencement Information
18 Sch. 5 Pt. I para. 9 partly in force; Sch. 5 Pt. I para. 9 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 9 in force for specified purposes at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. I

Interpretation

- 10 Expressions other than “benefit” which are used in this Part of this Schedule and in the principal Act have the same meaning in this Part of this Schedule as they have in that Act.

Commencement Information
19 Sch. 5 Pt. I para. 10 partly in force; Sch. 5 Pt. I para. 10 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 10 in force for specified purposes at 23.6.1994 by S.I. 1994/1661, art. 2, Sch. Pt. I

Supplemental

^{F35}11

Textual Amendments
F35 Sch. 5 para. 11 repealed (7.2.1994) by 1993 c. 48, s. 118, Sch. 5 Pt.I; S.I. 1994/86, art. 2

PROSPECTIVE

Future repeal of actuarial provisions

- 12 The Secretary of State may by order repeal paragraph 2(4)(a)(i) above; and if and to the extent that he has not done so before 30th July 1999 it shall cease to have effect on that date.

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PART II

AMENDMENT OF ENACTMENTS RELATING TO EMPLOYMENT

Equal Pay Act 1970 (c.41)

F36 13

Textual Amendments

F36 Sch. 5 para. 13 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

Sex Discrimination Act 1975 (c.65)

- 14 (1) In section 4(1) of the Sex Discrimination Act 1975 (victimisation of complainants etc)—
- (a) in paragraphs (a), (b) and (c) after the words “Equal Pay Act 1970” there shall be inserted the words “or Part I of Schedule 5 to the Social Security Act 1989”; and
 - (b) at the end of paragraph (d) there shall be added the words “or proceedings under Part I of Schedule 5 to the Social Security Act 1989”.
- (2) In section 6 of that Act, in subsection (4) (disapplication of certain provisions in relation to death or retirement) for the words from “except” to “retirement, they” there shall be substituted the words “except as provided in subsections (4A) and (4B) below.
- (4A) Subsection (4) does not prevent the application of subsections (1)(b) and (2) to provision in relation to retirement in so far as those subsections”.
- (3) After subsection (4A) of that section there shall be inserted—
- “(4B) Subsection (4) does not prevent the application of subsections (1)(b) and (2) to provision in relation to death or retirement in so far as those subsections render it unlawful for a person to discriminate against a woman—
- (a) in such of the terms on which he offers her employment as make provision in relation to the way in which he will afford her access to any benefits, facilities or services under an occupational pension scheme; or
 - (b) in the way he affords her access to any such benefits, facilities or services; or
 - (c) by refusing or deliberately omitting to afford her access to any such benefits, facilities or services; or
 - (d) by subjecting her to any detriment in connection with any such scheme;
- but an act of discrimination is rendered unlawful by virtue of this subsection only to the extent that the act relates to a matter in respect of which an occupational pension scheme has to comply with the principle of equal treatment in accordance with Part I of Schedule 5 to the Social Security Act 1989.

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(4C) In the application of subsection to discrimination against married persons of either sex, Part I of Schedule 5 to the Social Security Act 1989 shall be taken to apply to less favourable treatment of married persons on the basis of their marital status as it applies in relation to less favourable treatment of persons on the basis of sex, and references to persons of either sex shall be construed accordingly.”

(4) At the end of that section there shall be added—

“(8) In this section “occupational pension scheme” means an occupational pension scheme, within the meaning of the Social Security Pensions Act 1975, which is also an employment-related benefit scheme, within the meaning of Schedule 5 to the Social Security Act 1989.”

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

F37 15

Textual Amendments
F37 Sch. 5 para. 15 repealed (10.6.1994) by 1993 c. 19, s. 51, Sch.10; S.I. 1994/1365, art. 2, Sch. (with transitional provisions in art. 3)

SCHEDULE 6

Section 24.

OCCUPATIONAL AND PERSONAL PENSIONS

Social Security Act 1973 (c.38)

F38 1

Textual Amendments
F38 Sch. 6 para. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F39 2

Textual Amendments
F39 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F40 3

Textual Amendments
F40 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

F41 4

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Textual Amendments

F41 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

Social Security Pensions Act 1975 (c. 60)

F42₅

Textual Amendments

F42 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

6,7. **F43**

Textual Amendments

F43 Sch. 6 paras. 6 and 7 which had textually amended (21.7.1989) ss.41A and 41B respectively of the *Social Security Pensions Act 1975 (c. 60)*, were repealed retrospectively w.e.f. 21.7.1989 by *Social Security Act 1990 (c. 27, SIF 113:1)*, **Sch. 4 para. 8(1)** and Sch. 7

F44₈

Textual Amendments

F44 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F45₉

Textual Amendments

F45 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F46₁₀

Textual Amendments

F46 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F47₁₁

Textual Amendments

F47 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F48₁₂

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Textual Amendments
F48 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F49}13

Textual Amendments
F49 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F50}14

Textual Amendments
F50 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

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

^{F51}15

Textual Amendments
F51 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

Social Security Act 1986 (c. 50)

^{F52}16

Textual Amendments
F52 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F53}17

Textual Amendments
F53 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F54}18

Textual Amendments
F54 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F55}19

Status: Point in time view as at 23/06/1994. This version of this Act contains provisions that are not valid for this point in time.
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Textual Amendments

F55 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F56 20

Textual Amendments

F56 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

The Occupational Pension Schemes (Contracting-out) Regulations 1984 (S.I.1984/380)

- 21 (1) In regulation 22 of the Occupational Pension Schemes (Contracting-out) Regulations 1984 (additional requirement alternative to limited revaluation premium) in paragraphs (3A) and (7A) (which were inserted by regulation 2 of the^{M22}Contracting-out (Miscellaneous Amendments) Regulations 1988 and which provide for the rate of increase to be 7½ per cent. in certain cases) for the words “and in relation to another scheme,” there shall be substituted the words “ (and whether in relation to the same or another scheme) ”.
- (2) The amendment by sub-paragraph (1) above of a provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision.
- (3) This paragraph shall be deemed to have come into force on 6th April 1988.

Marginal Citations

M22 S.I. 1988/475.

SCHEDULE 7

Section 26.

PRE-CONSOLIDATION AMENDMENTS

Social Security Act 1973 (c. 38)

F57 1

Textual Amendments

F57 Sch. 7 para. 1 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

2-13 **F58**

Textual Amendments

F58 Ss. 1-3; 4(1)-(4); 5(1)-(4); 6(1); 7(1)-(5); 9-19; 21; 22(1)-(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; **Sch. 1, paras. 1-10**; **Schs. 2 and 3**; **Sch. 4, paras. 1-21**,

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24(added by Social Security Act 1990 (c. 27, SIF 113:1), **Sch. 1 para. 6**); **Sch. 7** except paras 1, 14, 21 and 27; **Sch. 8**, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

14 **F59**

Textual Amendments

F59 **Sch. 7** para. 14 repealed by DLA and DWA Act 1991 (c. 21), **Sch. 4**

15–20 **F60**

Textual Amendments

F60 **Ss. 1–3**; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); **ss. 28(3)** and (4); 29(2) and (5); words in s.30(1); s.32; **Sch. 1**, paras. 1–10; **Schs. 2** and 3; **Sch. 4**, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), **Sch. 1 para. 6**); **Sch. 7** except paras 1, 14, 21 and 27; **Sch. 8**, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

F6121

Textual Amendments

F61 **Sch. 7** para. 21 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

22–26 **F62**

Textual Amendments

F62 **Ss. 1–3**; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); **ss. 28(3)** and (4); 29(2) and (5); words in s.30(1); s.32; **Sch. 1**, paras. 1–10; **Schs. 2** and 3; **Sch. 4**, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), **Sch. 1 para. 6**); **Sch. 7** except paras 1, 14, 21 and 27; **Sch. 8**, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

27 In section 61 of that Act (consultations about subordinate legislation) for subsection (3) there shall be substituted the following—

“(3) Where the Secretary of State has referred proposals to the Committee, the Council or the Board, he may make the proposed regulations before they have made their report, or, in the case of the Council, given their advice, only if after the reference it appears to him that by reason of the urgency of the matter it is expedient to do so.”

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Modifications etc. (not altering text)

C11 The text of Sch. 7 para. 27 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 1.7.1992

28 **F63**

Textual Amendments

F63 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

SCHEDULE 8

Section 31(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

1–7 **F64**

Textual Amendments

F64 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

8 (1) **F65**

(2) **F66**

Textual Amendments

F65 Sch. 8 para. 8(1) repealed (1.2.1991) by Employment Act 1990 (c. 38, SIF 43:5), Sch. 3
F66 Sch. 8 para. 8(2) repealed (13.3.1990) by Social Security Act 1990 (c. 27, SIF 113:1), Sch.7

9 **F67**

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Textual Amendments

F67 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Transitional and consequential provision in regulations

- 10 (1) **F68**
- (2) In section 89 of the 1986 Act (transitional regulations in connection with coming into force of provisions of that Act) after subsection (1) there shall be inserted—
- “(1A) Without prejudice to any other powers conferred on him, the Secretary of State—
- (a) may, for the purpose of making provision with respect to persons falling within subsection (1B) below, modify or revoke any regulations made under this section if he considers it necessary or expedient to do so in consequence of, or otherwise in connection with, provisions of Acts, schemes, arrangements or other instruments coming into force after the passing of this Act; and
- (b) may, for the purpose of consolidation, revoke and re-enact, with any modifications which he considers necessary or desirable, any regulations under this section.
- (1B) The persons referred to in subsection (1A)(a) above are any persons—
- (a) to whom regulations under subsection (1) above apply; or
- (b) to whom regulations made under Part II of this Act relating to income support applied at any time before the passing of the Social Security Act 1989.”

Textual Amendments

F68 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Modifications etc. (not altering text)

C12 The text of Sch. 8 para. 10(2) 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 1.7.1992

Restriction on first up-rating of additional pension

- 11 **F69**

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Textual Amendments

F69 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Consultations about subordinate legislation

- 12 (1) In section 61(2) of the Pensions Act—
- ^{F70}(a)
 - ^{F70}(b)
 - (c) for the word “(other” there shall be substituted the words “or
(c) Schedule 5 to the Social Security Act 1989,
(other ”.
- (2) ^{F71}
- (3) In section 61 of the 1986 Act (consultations about subordinate legislation) for subsections (5) and (6) there shall be substituted—
- “(5) Except to the extent that this subsection is excluded by any enactment passed after this Act, nothing in any enactment shall require the reference to the Committee, the Council or the Board of any regulations contained in either—
- (a) a statutory instrument made before the end of the period of 6 months beginning with the coming into force of the enactment under which those regulations are made, or
 - (b) a statutory instrument—
 - (i) which states that it contains only regulations made by virtue of, or consequential upon, a specified enactment, and
 - (ii) which is made before the end of the period of 6 months beginning with the coming into force of that specified enactment.”
- (4) In subsection (10) of that section (definitions) after the definition of “the Council” there shall be added—
- ““regulations” means regulations under this Act or under any other enactment, whenever passed.”
- (5) ^{F71}
- (6) ^{F71}

Textual Amendments

F70 Sch. 8 para. 12(1)(a)(b) repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2

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F71 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Modifications etc. (not altering text)

C13 The text of Sch. 8 para. 12(1) 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 1.7.1992

C14 The text of Sch. 8 para. 12(3)–(4) 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 1.7.1992

Regulations relating to home responsibilities

13 (1) Paragraph (a) of section 62(1) of the Pensions Act (affirmative, instead of negative, procedure for regulations under paragraph 5(6) of Schedule 3 to the principal Act relating to contributors who were precluded from regular employment by responsibilities at home) shall cease to have effect.

(2) The following regulations, namely—

(a) the ^{M23}Social Security Pensions (Home Responsibilities and Graduated Retirement Benefit) Amendment Regulations 1981, and

(b) the ^{M24}Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Amendment Regulations 1988,

shall have effect, and be taken always to have had effect, as if sub-paragraph (1) above had come into force immediately after the passing of the Pensions Act.

Marginal Citations

M23 S.I. 1981/330.

M24 S.I. 1988/623.

14–18 **F72**

Textual Amendments

F72 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Joint citations

19 In the following enactments, for the words “the Social Security Acts 1975 to 1986” in each place where they occur there shall be substituted the words “the Social Security Acts 1975 to 1989”—

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- (a) F73
- (b) F73
- (c) section 4(5) of the ^{M25}Forfeiture Act 1982;
- (d) section 5(1)(a) of the ^{M26}Social Security Act 1985;
- (e) paragraph (b) of the definition of “the benefit Acts” in section 84(1) of the 1986 Act.

Textual Amendments

F73 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by Social Security Act 1990 (c. 27, SIF 113:1), Sch. 1 para. 6); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6)

Modifications etc. (not altering text)

C15 The text of Sch. 8 para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not (except as specified) reflect any amendments or repeals which may have been made prior to 1.7.1992

Marginal Citations

M25 1982 c. 34.
M26 1985 c. 53.

SCHEDULE 9

Section 31(2).

REPEALS

Modifications etc. (not altering text)

C16 The text of Sch. 9, Table 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 1.7.1992

11 & 12 Geo.5 c. 49.	War Pensions Act 1921.	Sections 1 and 2.
11 & 12 Geo.6 c. 41.	Law Reform (Personal Injuries) Act 1948.	Section 2(2).
1970 c. 36.	Merchant Shipping Act 1970.	In section 17(10), the words from “but any application” onwards.
1973 c. 38.	Social Security Act 1973.	Section 51(7). F74 ...
1975 c. 14.	Social Security Act 1975.	In section 1, in subsection (1) the words from “together

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with” onwards, and subsections (5) and (5A).

In section 4(6F), the words “primary or”.

In section 7A(3), the words “Class 2” wherever occurring.

In section 14(6), the words following paragraph (c).

In section 15(6)(a), the words “but have not retired from regular employment”.

In section 20(1A) the words “longer or”.

Section 27(3), (4) and (5).

In section 28(1)(a), the words “and has retired from regular employment”.

Section 29(5)(a).

In section 30, subsection (1), in subsection (3), in paragraph (a), the words “retired from regular employment or has otherwise” and the words “retired or” and subsection (6)(a).

In section 36(7), the word “and” at the end of paragraph (c).

In section 39(1)(b), the words “and has retired from regular employment”.

In section 41(1), the words “section 30(1) of this Act and to”.

Section 48(2) and (3).

In section 100(3), the words from “without leave” onwards.

Section 101(6) and (7).

In section 112, subsection (4) and, in subsection (5), the words “or reference” and

1975 c. 14. (contd.)

Social Security Act 1975
(contd.)

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		the words from “and the medical” onwards.
		Section 122(5).
		Section 134(3).
		In section 167(1)(b), the words “section 1(5A)”.
		In Schedule 10, paragraphs 1(7) and 2(2).
		In Schedule 11, paragraph 4.
		In Schedule 13, paragraphs 8 and 9.
		In Schedule 20, the definition of “local office” and, in the definition of “week”, the words “midnight between Saturday and” and “30(1)”.
1975 c. 60.	Social Security Pensions Act 1975.	In section 8(1), the words “who has retired from regular employment”.
		Section 11.
		Section 27(6).
		In section 41A(1C), the word “and” at the end of paragraph (b).
		In section 41B(1A), the word “and” at the end of paragraph (b).
		Section 41C(3)(a)(ii).
		In section 45(3), the words from “unless the person” to “shall not apply”.
		F74
		. . .
		Section 62(1)(a).
		In Schedule 4, paragraph 39(a).
1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	In section 21(1), the words “unless the prescribed person otherwise elects in the prescribed manner”.
		In section 22(2) the words “25(3), 26(3)”.

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1979 c. 18.	Social Security Act 1979.	In Schedule 1, paragraph 17.
1980 c. 30.	Social Security Act 1980.	Section 10(2)(b). Section 14(7).
1981 c. 1.	Social Security (Contributions) Act 1981.	Section 2(2). Section 4(5)(a).
1982 c. 2.	Social Security (Contributions) Act 1982.	Section 2. Section 4(4). In Schedule 1, paragraph 1(4).
1982 c. 24.	Social Security and Housing Benefits Act 1982.	Section 44(3) and (4). In Schedule 1, in paragraph 7, the words “participate in, or”. In Schedule 4, paragraph 11.
1985 c. 53.	Social Security Act 1985.	In Schedule 5, paragraph 32.
1986 c. 50.	Social Security Act 1986.	In section 26(3), the word “and” at the end of paragraph (b). In section 30(2), the words following paragraph (b), other than those added by the Local Government and Housing Act 1989. In section 50(1), in the definition of “week”, the words “midnight between Saturday and”. Section 63(1)(a)(ii). In Schedule 1, in paragraph 7(4) and (5) the words “such as are mentioned in sub- paragraph (2) above”. In Schedule 3, paragraph 15(b). In Schedule 6, in paragraph 3, in sub-paragraph (3) (b), the words “30(1)”, sub-paragraph (3)(c), sub- paragraph (4)(b) and the word “or” immediately preceding it.

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		In Schedule 9, paragraph 11(b).
		In Schedule 10, paragraph 96.
1988 c. 7.	Social Security Act 1988.	Section 2(9).
1988 c. 43.	Housing (Scotland) Act 1988.	Section 70(4).
1988 c. 50.	Housing Act 1988.	Section 121(5).

Textual Amendments

F74 Words in [Sch. 9](#) repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.1](#); S.I. 1994/86, [art. 2](#)

The repeal in section 1(1) ^{X1} of the principal Act and the repeal ^{X2} of sections 1(5) and (5A) and 134(3) of that Act, section 27 of the Pensions Act, section 2 of the Social Security (Contributions) Act 1981 and section 2 of the Social Security (Contributions) Act 1982 have effect in relation to payments by way of supplement, or adjustment of supplement, under section 1(5) of the principal Act in respect of any contributions whether paid before, on or after 31st March 1989.

Editorial Information

- X1** This refers to the repeal, under the Table of repeals in [Sch. 9](#) above, of the words from “together with” onwards in section 1(1) of the [Social Security Act 1975 \(c. 14\)](#)
- X2** This refers to the repeal, under the Table of repeals in [Sch. 9](#) above, of sections 1(5) and (5A) and 134(3) of the [Social Security Act 1975 \(c. 14\)](#), [section 27\(6\)](#) of the [Social Security \(Pensions\) Act 1975 \(c. 60\)](#), [section 2\(2\)](#) of the [Social Security Contributions Act 1981 \(c. 1\)](#) and section 2 of the [Social Security \(Contributions\) Act 1982 \(c. 2\)](#). (all relating to Treasury Supplement)

The repeal in section 20(1A) ^{X3} of the principal Act does not affect the continuing operation of the Unemployment Benefit (Disqualification Period) Order 1988.

Editorial Information

- X3** This refers to the repeal, under the Table of repeals in [Sch. 9](#) above, of the words “longer or” in section 20(1A) of the [Social Security Act 1975 \(c. 14\)](#)

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