



Social Security Act 1989

CHAPTER 24

SOCIAL SECURITY ACT 1989

Contributions

- 1 Amendments relating to primary Class 1 contributions
- 2 Repayment of contributions where earnings become repayable
- 3 Abolition of Treasury supplement to contributions
- 4 Earnings factors

Liability to maintain children

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

Benefits under the principal Act

- 6 Benefits for women widowed before 11th April 1988
- 7 Abolition of earnings rule etc
- 8 Mobility allowance: increase of age limit to 80 years
- 9 Extension to personal pensions of occupational pension provisions relating to the abatement of unemployment benefit and the meaning of “earnings”
- 10 Unemployment benefit: requirement to seek employment actively
- 11 Requalification for unemployment benefit
- 12 Disqualification for unemployment benefit

Income-related benefits

- 13 Income support and unemployment
- 14 Housing benefit to take the form of payments or reductions
- 15 Housing benefit subsidy

Status: This is the original version (as it was originally enacted).

- 16 Expenses of Secretary of State in making transitional payments relating to income support and housing benefit

Up-rating

- 17 Rectification of mistakes in up-rating orders
18 Effect of alteration in the component rates of income support

Information and adjudication

- 19 Unauthorised disclosure of information relating to particular persons
20 Disclosure of information by Inland Revenue for social security purposes
21 Miscellaneous amendments relating to adjudication

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

Occupational and personal pensions etc

- 23 Equal treatment for men and women
24 Miscellaneous amendments relating to pensions

War pensions committees

- 25 Establishment and functions of war pensions committees

General and supplementary provisions

- 26 Pre-consolidation amendments
27 Application to the Crown
28 Financial provisions
29 Regulations and orders: general provisions
30 Interpretation
31 Minor and consequential amendments, repeals and transitional provisions
32 Corresponding provision for Northern Ireland
33 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — Abolition of Earnings Rule Etc.

Category A and Category B retirement pensions

- 1 In section 27 of the principal Act, subsections (3), (4)...
2 (1) In section 30 of that Act, in subsection (3)...

Deferred entitlement to retirement pension

- 3 (1) In Schedule 1 to the Pensions Act (deferred retirement)...

Unemployment and sickness benefit

4 (1) In section 14 of the principal Act, in subsection...

Invalidity pension

5 (1) In section 15 of that Act (invalidity pension) in...

Category C retirement pension

6 In section 39(1)(b) of that Act (Category C pension for...

Increases for dependants

7 Section 48(2) and (3) of that Act (application of earnings...

Industrial injuries benefit

8 (1) In section 50A of that Act (sickness benefit in...

Category B retirement pension for widower

9 (1) In section 8 of the Pensions Act, in subsection...

Invalidity pensions for widows and widowers

10 (1) In section 15 of that Act, in subsection (5)...

Occupational and personal pensions

11 In section 29 of that Act (contracted-out rates of benefit)...

SCHEDULE 2 — Persons Employed in Social Security Administration or
Adjudication

Part I — THE SPECIFIED PERSONS

Government departments

The Inland Revenue

Adjudication officers

Adjudicating bodies

The Occupational Pensions Board

The Social Fund

Former statutory bodies and officers

Part II — CONSTRUCTION OF REFERENCES TO GOVERNMENT
DEPARTMENTS ETC

1 (1) The reference in Part I of this Schedule to...

2 The reference in Part I of this Schedule to the...

3 The reference in Part I of this Schedule to the...

4 The reference in Part I of this Schedule to the...

Status: This is the original version (as it was originally enacted).

SCHEDULE 3 — Adjudication

Questions arising for determination by the Secretary of State

- 1 (1) In section 93 of the principal Act (questions for...

Procedure on determination of claims or questions

- 2 At the end of section 99 of that Act (decision...
3 (1) After section 115 of that Act there shall be...
4 In Schedule 13 to that Act, in paragraph 1 (procedure...

Appeals and appellate bodies

- 5 In section 100 of that Act (appeals to social security...
6 In section 101 of that Act (appeals from social security...
7 In section 104 of that Act (review of decisions) after...
8 In section 106 of that Act, for subsection (2) (regulations...
9 (1) In section 112 of that Act (appeals from medical...
10 In Schedule 13 to that Act (provision which may be...

Review of decisions

- 11 (1) In section 104 of that Act (review of decisions)...

Disablement benefit etc.

- 12 (1) In section 108 of that Act (disablement questions) at...
13 (1) In Schedule 8 to that Act (assessment of extent...

Recovery of overpayments

- 14 (1) In section 53 of the 1986 Act (overpayments) after...

Miscellaneous

- 15 In section 103 of the principal Act (reference of special...
16 In section 167 of that Act (Parliamentary control of regulations...
17 In Schedule 10 to that Act (supplementary provision as to...
18 In paragraph 2(5) of Schedule 12 to that Act (chairmen...
19 In Schedule 20 to that Act (glossary of expressions) the...

SCHEDULE 4 — Recovery of Sums Equivalent to Benefit from Compensation Payments in respect of Accidents etc: Supplementary Provision

Part I — INTERPRETATION

- 1 (1) In this Schedule— “the recoupment provisions” means the provisions...

Part II — PAYMENTS, DEDUCTIONS AND CERTIFICATES

Time for making payment to Secretary of State

- 2 The compensator’s liability to make the relevant payment arises immediately...

The certificate of total benefit

- 3 (1) It shall be for the compensator to apply to...

Exemption from deduction in cases involving small payments

- 4 (1) Regulations may make provision exempting persons from liability to...

Multiple compensation payments

- 5 – (1) This paragraph applies where— (a) a compensation payment...

Collaboration between compensators

- 6 (1) This paragraph applies where compensation payments in respect of...

Structured settlements

- 7 (1) This paragraph applies where— (a) in final settlement of...

Insolvency

- 8 (1) Where the intended recipient is subject to a bankruptcy...

Protection of legal aid charges

- 9 (1) In any case where— (a) the compensation payment is...

Overpaid benefits

- 10 In any case where— (a) during the relevant period, there...

Death

- 11 In the case of any compensation payment the whole or...

Payments into court

- 12 (1) Nothing in the recoupment provisions requires a court to...

Part III — ADMINISTRATION AND ADJUDICATION

Provision of information

- 13 (1) Any person who is, or is alleged to be,...

Applications for certificates of total benefit

- 14 (1) If at any time before he makes the compensation...

Liability of compensator unenforceable if certificate not issued within time limit

- 15 (1) The liability of the compensator to make the relevant...

Review of certificates of total benefit

- 16 (1) The Secretary of State may review any certificate of...

Appeals

- 17 (1) An appeal shall lie in accordance with this paragraph...

Status: This is the original version (as it was originally enacted).

Recovery in consequence of an appeal

- 18 (1) Where it appears, in consequence of an appeal under...

Recovery of relevant payment in cases of default

- 19 (1) This paragraph applies in any case where the compensator...

Inspection

- 20 (1) Section 58 of the 1986 Act (inspection) shall be...
Part IV — MISCELLANEOUS

Foreign compensators: duties of intended recipient

- 21 (1) Where, immediately before the making of the compensation payment,...

Modification of Law Reform (Personal Injuries) Act 1948

- 22 (1) In section 2 of the Law Reform (Personal Injuries)...

Modification of Bankruptcy (Scotland) Act 1985

- 23 In section 31 of the Bankruptcy (Scotland) Act 1985 (vesting)...

SCHEDULE 5 — 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...

The principle

- 2 (1) The principle of equal treatment is that persons of...

Non-compliance: compulsory levelling up

- 3 (1) To the extent that any provision of an employment-related...

Modification of schemes by the Occupational Pensions Board

- 4 (1) On an application made to them in respect of...

Unfair maternity provisions

- 5 (1) In this Schedule “unfair maternity provisions”, in relation to...

Unfair family leave provisions

- 6 (1) Where an employment-related benefit scheme includes any unfair family...

Meaning of “employment-related benefit scheme” etc.

- 7 In this Schedule— (a) “employment-related benefit scheme” means any scheme...

Extension of ban on compulsory membership

- 8 Section 15(1) of the 1986 Act (which renders void any...

Jurisdiction

- 9 (1) The court, on the application of any person interested,...

Interpretation

- 10 Expressions other than “benefit” which are used in this Part...

Supplemental

- 11 In consequence of the foregoing provisions of this Schedule—

Future repeal of actuarial provisions

- 12 The Secretary of State may by order repeal paragraph 2(4)(a)(i)...

Part II — AMENDMENT OF ENACTMENTS RELATING TO EMPLOYMENT

Equal Pay Act 1970 (c. 41)

- 13 In section 6 of the Equal Pay Act 1970 (equality...

Sex Discrimination Act 1975 (c. 65)

- 14 (1) In section 4(1) of the Sex Discrimination Act 1975...

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

- 15 In section 45 of the Employment Protection (Consolidation) Act 1978...

SCHEDULE 6 — Occupational and Personal Pensions

Social Security Act 1973 (c. 38)

- 1 Section 51(7) of the 1973 Act (which provides for regulations...
2 (1) At the beginning of subsection (2) of section 58...
3 In section 64 of that Act (modification of occupational pension...
4 In Schedule 16 to that Act (preservation of benefit under...

Social Security Pensions Act 1975 (c. 60)

- 5 In section 35 of the Pensions Act (earner’s guaranteed minimum)...
6 (1) In section 41A of that Act (protection of earners’...
7 (1) In section 41B of that Act (protection of widows’...
8 (1) In section 41C of that Act (which, among other...
9 (1) In section 43 of that Act (which relates to...
10 (1) In section 44 of that Act (premium on termination...
11 In section 44A(1) of that Act (circumstances in which transfer...
12 In section 45(3) of that Act (election as to method...
13 (1) In section 52A of that Act (Secretary of State...

Status: This is the original version (as it was originally enacted).

- 14 In section 52C(1) of that Act (discharge of scheme's liability...

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

- 15 In section 21 of the Social Security (Miscellaneous Provisions) Act...

Social Security Act 1986 (c. 50)

- 16 In section 9(4) of the 1986 Act (which specifies provisions...
17 The following section shall be inserted after section 17 of...
18 In section 87(1) of that Act (provisions which extend to...
19 (1) In Schedule 1 to that Act (appropriate personal pension...
20 (1) For paragraph 8 of that Schedule there shall be...

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

- 21 (1) In regulation 22 of the Occupational Pension Schemes (Contracting-out)...

SCHEDULE 7 — Pre-consolidation Amendments

Social Security Act 1973 (c. 38)

- 1 In section 58(2) of the 1973 Act (linked qualifying service)...

Social Security Act 1975 (c. 14)

- 2 (1) In section 4 of the principal Act, for subsection...
3 In section 7A(3) of that Act (late paid Class 2...
4 In section 8(2C) of that Act (late paid Class 3...
5 In section 9 of that Act (Class 4 contributions recoverable...
6 In section 12(1) of that Act (contributory benefits) for paragraph...
7 In section 13(5) of that Act (earnings factors) as it...
8 In section 24 of that Act (widow's payment), as substituted...
9 In section 30(6)(b) of that Act (amendment of provisions relating...
10 In section 37(6) of that Act (invalid care allowance) for...
11 In section 48(3)(a) of that Act (sequence in which certain...
12 In section 57(4) of that Act (90 day waiting period...
13 In section 59A(1) of that Act, at the end of...
14 In section 106(1)(a) of that Act (review of decisions of...
15 In section 134(2) of that Act (destination of contributions etc)...
16 In Schedule 3 to that Act (contribution conditions for entitlement...
17 In sub-paragraph (5) of paragraph 2 of Schedule 12 to...
18 In Schedule 20 to that Act (glossary of expressions) in...

Social Security Pensions Act 1975 (c. 60)

- 19 In section 6 of the Pensions Act (rate of Category...
20 (1) In section 15 of the Pensions Act (invalidity pension...
21 In section 43(2A) of that Act (linked qualifying service)—

Child Benefit Act 1975 (c. 61)

- 22 In section 6(1) of the Child Benefit Act 1975 (necessity...

Social Security and Housing Benefits Act 1982 (c. 24)

- 23 In section 27 of the 1982 Act (statutory sick pay:...
- 24 In section 44 of that Act (territorial waters) subsection (3)...

Social Security Act 1986 (c. 50)

- 25 In section 47(7)(b)(i) of the 1986 Act (the maternity pay...
- 26 In section 50(1) of that Act (definitions relating to statutory...
- 27 In section 61 of that Act (consultations about subordinate legislation)...
- 28 In paragraph 3(3) of Schedule 6 to that Act (Christmas...

SCHEDULE 8 — Minor and Consequential Amendments

Earnings to include payments for restrictive undertakings

- 1 In section 3 of the principal Act (meaning of “earnings”)...

Incapacity for work: work as councillor to be disregarded

- 2 (1) In determining for the purposes of—

Disallowance of days of unemployment by reference to termination payments

- 3 In section 17 of the principal Act (determination of days...

Certain benefits not payable for periods of entitlement before deemed date of entitlement

- 4 (1) In section 25 of that Act (widowed mother’s allowance)...

Entitlement to, and right to payment of, attendance allowance

- 5 (1) Section 35 of that Act (attendance allowance) shall be...

Severe disablement allowance: daily rates, and deduction of statutory maternity pay

- 6 In section 36 of that Act (severe disablement allowance) after...

Dependency increases: fluctuating earnings

- 7 (1) In section 47 of that Act (invalidity pension: dependent...

Employment protection allocation

- 8 (1) In section 122 of that Act (power to alter...

Community charge benefit: miscellaneous amendments

- 9 (1) In section 165A(1) of the principal Act (claim necessary...

Transitional and consequential provision in regulations

- 10 (1) Section 166(3) of the principal Act and section 4(2)...

Restriction on first up-rating of additional pension

- 11 In section 23 of the Pensions Act (annual increase of...

Status: This is the original version (as it was originally enacted).

Consultations about subordinate legislation

12 (1) In section 61(2) of the Pensions Act—

Regulations relating to home responsibilities

13 (1) Paragraph (a) of section 62(1) of the Pensions Act...

Statutory sick pay: trade disputes

14 In paragraph 7 of Schedule 1 to the 1982 Act...

Family credit: up-rating

15 (1) In section 20 of the 1986 Act (income-related benefits)...

Income support: return to work after trade dispute

16 In section 23A of the 1986 Act (effect of person's...

Personal representatives to give information about estate

17 The following section shall be inserted after section 27 of...

*Statutory maternity pay: employers to provide
information relating to claims for certain other benefits*

18 In Schedule 4 to the 1986 Act (supplementary provisions relating...

Joint citations

19 In the following enactments, for the words “the Social Security...

SCHEDULE 9 — Repeals