



# Social Security Act 1979

## 1979 CHAPTER 18

An Act to amend the law relating to social security.

[22nd March 1979]

### Editorial Information

- X1** 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

### Modifications etc. (not altering text)

- C1** Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#) s. 3

### Commencement Information

- I1** Act partly in force at Royal Assent; Act wholly in force (insofar as not repealed) at 28.11.1979 see [S.I. 1979/1031](#), art. 2(b)

### *Interpretation*

## 1 Interpretation.

In this Act—

- “the principal Act” means the <sup>M1</sup>Social Security Act 1975;  
“the Pensions Act” means the <sup>M2</sup>Social Security Pensions Act 1975;  
“the Act of 1976” means the <sup>M3</sup>Supplementary Benefits Act 1976;  
“the Act of 1977” means the <sup>M4</sup>Social Security (Miscellaneous Provisions) Act 1977.

### Marginal Citations

- M1** 1975 c. 14.  
**M2** 1975 c. 60.  
**M3** 1976 c. 71.  
**M4** 1977 c. 5.

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.  
Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1979. (See end of Document for details)*

*Allowances and pensions*

VALID FROM 01/07/1992  
2 ..... F1

**Textual Amendments**

F1 S. 2 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1

VALID FROM 06/04/1992  
3 ..... F2

**Textual Amendments**

F2 S. 3 repealed (6.4.1992) by Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), s. 10, Sch. 4; S.I. 1991/2617, art. 2(f)

VALID FROM 01/07/1992  
4 ..... F3

**Textual Amendments**

F3 S. 4 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1

VALID FROM 01/07/1992  
5 ..... F4

**Textual Amendments**

F4 S. 5 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

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**6** ..... **F5**

**Textual Amendments**

**F5** Ss. 6, 8, 12 repealed (with effect from 6.4.87) by Social Security Act 1986 (c. 50), Sch. 11

**7** ..... **F6**

**Textual Amendments**

**F6** S. 7 repealed (with effect from 7.4.87) by Social Security Act 1986 (c. 50), Sch. 11

**8** ..... **F7**

**Textual Amendments**

**F7** S. 13 repealed by the Social Security Act 1986 (c. 50), Sch. 11

VALID FROM 01/07/1992

**9**  
(1) ..... **F8**  
(2) ..... **F9**

**Textual Amendments**

**F8** S. 9(1) repealed (E.W.S.)(1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

**F9** S. 9(2) repealed (N.I.)(1.7.1992) by Social Security (Consequential Provisions) Northern Ireland Act 1992 (c. 9), ss. 3, 7(2), Sch. 1

VALID FROM 01/07/1992

**10** ..... **F10**

**Textual Amendments**

**F10** S. 10 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

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## 11 Increase of official pensions.

- (1) In section 59 of the Pensions Act (increase of official pensions), in subsection (5) for the words from “a person” to “by reference” (in the second place where they occur) there is substituted—

- “(a) a person is entitled to a guaranteed minimum pension when an order under this section comes into force ; and  
(b) entitlement to that guaranteed minimum pension arises from an employment from which (either directly or by virtue of the payment of a transfer credit under section 38 of this Act) entitlement to the official pension also arises ;

the amount by reference ”.

- (2) In subsection (7) of section 59, in the definition of “base period”, for the words from “the first” to the end there are substituted the words “ 13th November 1978 (date of relevant order under section 124 of the principal Act, increasing rates of benefit); ”.

- (3) At the end of section 59 there is inserted the following subsection—

- “(8) Where, for the purposes of this section, it is necessary to calculate the number of complete months in any period an incomplete month shall be treated as a complete month if it consists of at least 16 days.”.

- (4) After section 59 there is inserted the following section—

### “59A Modification of effect of section 59(5).

- (1) This section applies where the amount by reference to which an increase in an official pension is to be calculated would, but for the provisions of this section, be reduced under section 59(5) of this Act by an amount equal to the rate of a guaranteed minimum pension.
- (2) The Minister for the Civil Service may direct that in such cases or classes of case as may be specified in the direction—
- (a) the reduction shall be made ; or  
(b) the reduction shall be of an amount less than the rate of the guaranteed minimum pension ;
- and in any case to which such a direction applies the increase shall, in respect of such period or periods as may be specified in the direction, be calculated in accordance with the direction, notwithstanding section 59(5).
- (3) A direction under this section may provide that where it has applied in any case and ceases to apply in that case, the rate of the official pension for any period following the date on which the direction ceases to apply shall, in such circumstances as may be specified in the direction, be calculated as if the direction had never applied.
- (4) A direction under this section may provide that the rate of an official pension shall, in such circumstances as may be specified in the direction, be calculated as if the direction had been in force at all times during such period as may be so specified.
- (5) A direction made under subsection (2) above may be varied or revoked by a subsequent direction..”

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

- C2** The text of s. 11(1)–(4), 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**12** ..... **F11**

**Textual Amendments**

- F11** Ss. 6, 8, 12 repealed (with effect from 6.4.87) by [Social Security Act 1986 \(c. 50\)](#), [Sch. 11](#)

*Miscellaneous*

**13** ..... **F12**

**Textual Amendments**

- F12** S. 13 repealed by the [Social Security Act 1986 \(c. 50\)](#), [Sch. 11](#)

VALID FROM 01/07/1992

**14, 15.** ..... **F13**

**Textual Amendments**

- F13** Ss. 14, 15 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch. 1](#)

[<sup>F14</sup>**16** **Criminal proceedings.**

For the purposes of the <sup>M5</sup>Criminal Evidence Act 1965 as it applies in relation to proceedings for any offence which is connected with—

- (a) the obtaining or receipt of any benefit under the <sup>M6</sup>Family Income Supplements Act 1970, the <sup>M7</sup>Industrial Injuries and Diseases (Old Cases) Act 1975, the <sup>M8</sup>Child Benefit Act 1975, the principal Act or the Act of 1976; or
- (b) the failure to pay any Class 1 or Class 2 contribution (within the meaning of Part I of the principal Act),

“business” shall include the activities of the Secretary of State.]

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#### Textual Amendments

**F14** S. 16 repealed (E.W.) (with effect from 1.1.86) by [Police and Criminal Evidence Act 1984 \(c. 60\)](#), [Sch. 7, Pt. V](#).

#### Marginal Citations

**M5** 1965 c. 20.

**M6** 1970 c. 55.

**M7** 1975 c. 16.

**M8** 1975 c. 61.

**17** ..... <sup>F15</sup>

#### Textual Amendments

**F15** S. 17 repealed by [Social Security Act 1980 \(c. 30\)](#), [Sch. 5 Pt. II](#)

### **18 Treatment of insignificant amounts.**

The following section is inserted in the Pensions Act after section 60:—

#### **“60A Treatment of insignificant amounts.**

Where an amount is required to be calculated in accordance with the provisions of sections 6(3), 35(4) and (6) and 36(3) of, and paragraphs 2(3) and 4A of Schedule 1 to, this Act and, apart from this section, the amount so calculated is less than  $\frac{1}{2}p$ , then, notwithstanding any other provision of this Act, that amount shall be taken to be zero, and other amounts so calculated shall be rounded to the nearest whole penny, taking  $\frac{1}{2}p$  as nearest to the next whole penny above”.

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

**C3** The text of s. 11(1)–(4), 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

VALID FROM 01/07/1992

### **19 Enactment of same provisions for Northern Ireland.**

..... <sup>F16</sup>

#### Textual Amendments

**F16** S. 19 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch. 1](#)

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VALID FROM 01/07/1992

## 20 Financial provisions.

(1) There shall be paid out of money provided by Parliament any increase attributable to any of the provisions of this Act in sums so payable under any other Act.

(2) ..... F17

(3) ..... F18

### Textual Amendments

**F17** S. 20(2) repealed by Statute Law (Repeals) Act 1981 (c. 19), Sch. 1 Pt. IV

**F18** S. 20(3) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

## 21 Short title, etc.

(1) This Act may be cited as the Social Security Act 1979, and this Act, the principal Act, the Pensions Act and the Act of 1977 may be cited together as the Social Security Acts 1975 to 1979.

(2) Section 3(3) of this Act shall not come into force in relation to women who on the passing of this Act have attained the age of 60 but not the age of 65 until such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be so appointed in relation to women of different ages.

An order under this subsection shall be laid before Parliament after being made.

(3) .....

(4) The Acts and instruments mentioned in Schedule 3 to this Act shall have effect subject to the minor and consequential amendments specified in that Schedule.

(5) Sections 9(2) and 19 of, and paragraphs 3 and 12 of Schedule 3 to, this Act, and this section so far as it applies for the purposes of those provisions, extend to Northern Ireland but the other provisions of this Act do not.

### Modifications etc. (not altering text)

**C4** Power of appointment conferred by s. 21(2) fully exercised: S.I.s 1979/369, 1979/1031

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## SCHEDULES

VALID FROM 01/07/1992

### SCHEDULES 1—

2.....  
F19

#### Textual Amendments

**F19** Schs. 1, 2 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

### SCHEDULE 3

Section 21(4).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

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

**C5** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### *The Family Income Supplements Act 1970 (c. 55)*

- 1 In section 7(2) of the Family Income Supplements Act 1970 (appeals to Appeal Tribunals), for the words “be final” there are substituted the words “ subject to section 15A of the Supplementary Benefits Act 1976 (appeal from Appeal Tribunals) be final. ”

Nothing in this subsection shall make a finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of a further decision.

- 2 In section 10(2)(h) of that Act (review of determination by the Supplementary Benefits Commission and Appeal Tribunals), at the end there are inserted the words “ or by a National Insurance Commissioner or Tribunal of Commissioners by virtue of rules under section 15A of the Supplementary Benefits Act 1976 ”.



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*The Social Security Act 1973 (c. 38)*

- 3 In section 68(1) of the Social Security Act 1973 (reference of proposed regulations to the Occupational Pensions Board) for the words from “(other than” to “passing of this Act)” there are substituted the words “(other than regulations made for the purpose only of consolidating other regulations revoked thereby)”.

*The Social Security Act 1975 (c. 14)*

VALID FROM 01/07/1992

4—8. . . . . F20

**Textual Amendments**

**F20** Sch. 3 paras. 4–8 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch. 1](#)

- 9 In section 119 of the principal Act—
- (a) in subsection (3)(b), there are inserted at the end the words “ or out of a requirement to repay any amount by virtue of subsection (2A) above ”;
  - (b) in subsection (4)—
    - (i) in paragraph (c) for the words “subsections (1) and (2)” there are substituted the words “ subsections (1) to (2A) ” ;
    - (ii) in paragraph (cc) (inserted by Schedule 4 to the Pensions Act) the words “by way of a mobility allowance” are hereby repealed ; and
    - (iii) in paragraph (d) after the words “subsection (1)” there are inserted the words “ or (2A) ”.

VALID FROM 01/07/1992

10, 11. . . . . F21

**Textual Amendments**

**F21** Sch. 3 paras. 10, 11 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch. 1](#)

*The House of Commons Disqualification Act 1975 (c. 60)*

- 12 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (offices the holders of which are disqualified) at the end of the entry beginning “chairman of an Appeal Tribunal”there are inserted the words “ or senior chairman in relation to such a tribunal ”.

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*The Social Security Pensions Act 1975 (c. 60)*

VALID FROM 01/07/1992

- 13 In sections . . . <sup>F22</sup>35(4) of the Pensions Act the words from “and rounding” to the end are hereby repealed.

**Textual Amendments**

**F22** Words in Sch. 3 para. 13 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch. 1](#)

VALID FROM 01/07/1992

- 14, 15. . . . . <sup>F23</sup>

**Textual Amendments**

**F23** Sch. 3 paras. 14,15 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch. 1](#)

- 16 In section 23(1)(c) of the Pensions Act (up-rating of certain increases under Schedule 1) after the words “such pensions” there are inserted the words “ or to increases in guaranteed minimum pensions ”.
- 17 In section 34(6) of the Pensions Act (increase of earnings) for the words “any order or orders coming into force under section 21 above” there are substituted the words “ the last order under section 21 above to come into force ”.
- 18 In section 35 of the Pensions Act (earner’s guaranteed minimum)—
- (a) in subsection (5) (increase of earnings factors) for the words “any order or orders that have come into force under section 21 above” there are substituted the words “the last order under section 21 above to have come into force” ;
  - (b) in subsection (7) (early retirement) for the words “any order or orders that come into force under the said section 21” there are substituted the words “the last order under the said section 21 to come into force”.
- 19 In section 37(3) of the Pensions Act (earner’s salary as factor of widow’s pension) for the words “any order or orders coming into force under section 21 above” there are substituted the words “ the last order under section 21 above to have come into force ”.
- 20 In section 59(7) of the Pensions Act, after the words “this section” (in the two places where they occur after the definition of “lump sum”) there are inserted in each case the words “ and section 59A of this Act ”.
- 21 In section 61(2) of the Pensions Act (reference of proposed regulations to the Occupational Pensions Board) for the words from “to be made” to “passing of this

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Act” there are substituted the words “ made for the purpose only of consolidating other regulations revoked thereby ”.

- 22 In sections 66(2) and 68(3)(a) of the Pensions Act, for the words “section 59” there are, in each case, substituted the words “ sections 59 and 59A ”.

VALID FROM 01/07/1992

23 ..... F24

**Textual Amendments**

**F24** Sch. 3 paras. 23, 29, 31, 32 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

*The Supplementary Benefits Act 1976 (c.71)*

- 24 In section 2(1) of the Act of 1976 (determination of benefit, subject to provisions of section 15 as to appeals) for the words “section 15” there are substituted the words “ sections 15 and 15A ”.

- 25 In section 14(2)(d) of the Act of 1976 (review of determinations), at the end there are inserted the words “ or by a National Insurance Commissioner or Tribunal of Commissioners by virtue of rules under section 15A of this Act ”.

- 26 In section 15 of the Act of 1976 (appeals to Appeal tribunals), in subsection (3) the words from “and any” to the end are omitted and at the end there is inserted the following subsection:—

“(4) Subject to section 15A of this Act, any determination of an Appeal Tribunal shall be final ; but nothing in this section shall make any finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of any further decision..”.

- 27 In section 33 of the Act of 1976 (rules and regulations) the following subsection is inserted after subsection (1)—

“(1A) Rules and regulations under this Act may make different provision for different classes of case and otherwise for different circumstances..”.

- 28 In paragraph 8 of Schedule 2 to the Act of 1976 (increase of amount of award on appeal), in sub-paragraph (a) after the words “section 15” there are inserted the words “ or 15A ”.

VALID FROM 01/07/1992

29 ..... F25

**Textual Amendments**

**F25** Sch. 3 para. 29 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch. 1

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

- 30 In section 132 of the Employment Protection (Consolidation) Act 1978—
- (a) in subsection (3)(e) for the words “and (3)” there are substituted the words “to (4)” ; and
  - (b) in subsection (4)(a) for the words “and (2)” there are substituted the words “(2) and (2A)”.

VALID FROM 01/07/1992

31, 32. . . . . F26

**Textual Amendments**

**F26** Sch. 3 paras. 31, 32 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch.1](#)

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**Changes to legislation:**

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