



Social Security Act 1981

CHAPTER 33

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ELIZABETH II



Social Security Act 1981

1981 CHAPTER 33

An act to amend the law relating to social security, and the calculation of maternity pay; and to provide for the modification of the Pensions Appeal Tribunals Act 1943. [2nd July 1981]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In section 125 of the Social Security Act 1975 (duty Up-rating to increase rate of certain benefits) the following subsection is orders. substituted for subsection (3)— 1975 c. 14.

“(3) If on any such review the Secretary of State concludes that any of the sums in question will not have retained their value on the date mentioned in paragraph (a)(i) below, he shall—

(a) make, or cause to be made, in each House of Parliament a statement specifying—

(i) the date which he proposes as the date on which the up-rating order to be made in pursuance of the review will come into operation;

(ii) the percentage by which those sums would, in his opinion, have to be increased in order to restore their value as at that date ; and

(iii) the increase in those sums (which shall, in respect of each of them, be an increase which represents at least the percentage increase specified in the statement in accordance with sub-paragraph (ii) above) which he proposes to provide for in the up-rating order ; and

(b) in due course prepare and lay before each House of Parliament the draft of an up-rating order increasing those sums to the extent specified in the statement in accordance with paragraph (a)(iii).”.

(2) In section 126A of the Act of 1975 (up-rating of increments in guaranteed minimum pensions) the following subsection is substituted for subsection (2)—

“ (2) If on any such review the Secretary of State concludes that those sums will not have retained their value on the date mentioned in paragraph (a)(i), he shall—

(a) make, or cause to be made, in each House of Parliament a statement specifying—

(i) the date which he proposes as the date on which the order to be made under this section in pursuance of the review will come into operation ;

(ii) the percentage by which the aggregate amount of those sums would, in his opinion, have to be increased in order to restore its value at that date ; and

(iii) the increase in the Category A or Category B pension (which shall, in respect of each of them, be an increase in the sums in question which represents at least the percentage increase specified in the statement in accordance with sub-paragraph (ii) above) which he proposes to provide for in the order ; and

(b) in due course prepare and lay before each House of Parliament the draft of an order increasing the Category A or Category B pension to the extent specified in the statement in accordance with paragraph (a)(iii).”.

(3) In calculating the increases to be specified in the statement made under section 125(3) and 126A(2) in the tax year 1980-81, the Secretary of State shall—

- (a) determine the increases that would, in his opinion, have been provided for by the Social Security Benefits Up-rating Order 1980 if the percentage by reference to which those increases were calculated had been 15.5 per cent. and not 16.5 per cent.; and
- (b) treat the order of 1980 as if it had provided for the increases so determined.

(4) This section shall have effect, in the tax year 1981-82, as if it had been in force at the time when the statement following the review carried out under those sections in the tax year 1980-81 was made in each House of Parliament; and that statement shall be taken to have complied with the requirements of section 125(3) or, as the case may be, 126A(2) as substituted by this section.

(5) Nothing in this section shall be taken to prejudice the operation of—

- (a) section 17(4) of the Child Benefit Act 1975 (provision for reductions to take account of increases in child benefit); or
- (b) section 1 of the Social Security (No. 2) Act 1980 (reduction of compulsory up-rating of certain benefits).

2. In section 35 of the Employment Protection (Consolidation) Act 1978 (calculation of maternity pay by reference to amount of employee's weekly pay) the following subsections are inserted at the end—

“(5) The Secretary of State may by order amend subsection (1) above—

- (a) by substituting for the fraction of nine-tenths referred to there, or the fraction as substituted from time to time under this subsection, such greater fraction as he considers appropriate; or
- (b) by deleting the reference to a fraction.

(6) No order shall be made under subsection (5) above unless a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament.”

3.—(1) Schedule 1 to this Act has effect in relation to the penalties that may be imposed on summary conviction of certain offences. Increases in certain penalties.

(2) Schedule 1 has effect only in relation to offences committed after the commencement of this section.

Payment of supplementary benefit after return to full-time employment following trade dispute.
1976 c. 71.

4. In section 9(2) of the Supplementary Benefits Act 1976 (recovery of certain payments of benefit) for the words from "during the period" to "of that subsection" there are substituted the words "by virtue of subsection (1) above".

Determination of days for which sickness or invalidity benefit is payable.
1975 c. 14.
1980 c. 39.

5. In section 17 of the Social Security Act 1975 (determination of days for which benefit is payable), as amended by section 3(1) of the Social Security (No. 2) Act 1980, there are inserted at the end the following subsections—

"(4) The Secretary of State may by regulations provide for subsection (1)(d)(ii) above to have effect, in such cases as may be specified in the regulations, as if—

- (a) the period of four days mentioned there were such lesser period as may be specified; and
- (b) the word 'consecutive' were omitted.

(5) Regulations under subsection (4) above may be made to have effect from such date, not earlier than 14th September 1980, as may be specified in the regulations."

Reciprocity with other countries.

6.—(1) In section 143 of the Social Security Act 1975 (reciprocity with other countries) the following subsection is inserted after subsection (1)—

"(1A) An Order made by virtue of subsection (1) above may, instead of or in addition to making specific modifications or adaptations, provide generally that this Act shall be modified to such extent as may be required to give effect to the provisions contained in the agreement or, as the case may be, alterations in question."

1975 c. 61.

(2) In section 15 of the Child Benefit Act 1975 (reciprocity with other countries) the following subsection is inserted after subsection (1)—

"(1A) An Order made by virtue of subsection (1) above may, instead of or in addition to making specific modifications, provide generally that this Act shall be modified to such extent as may be required to give effect to the provisions contained in the agreement or, as the case may be, alterations in question."

(3) In section 32 of the Supplementary Benefit Act 1976 (reciprocity with other countries) the following subsection is inserted after subsection (1)—

"(1A) An Order made by virtue of subsection (1) above may, instead of or in addition to making specific modifications, provide generally that this Act shall be modified to

such extent as may be required to give effect to the provisions contained in the agreement in question.”.

(4) Any enactment mentioned in subsections (1) to (3) above and any enactment from which section 143 is derived (whether directly or indirectly) shall, in relation to any Order made or having effect as if made thereunder before the commencement of this section, be treated as if at the time when the Order was made that enactment contained the relevant power provided by this section.

7. Her Majesty may by Order in Council make such modifications of the Pensions Appeal Tribunals Act 1943 as she considers appropriate for the purpose of providing for appeals under any provision of that Act in respect of claims under any instrument relating to members of the former Indian and Burmese armed forces. Amendment of Pensions Appeal Tribunals Act 1943. 1943 c. 39.

8.—(1) This Act may be cited as the Social Security Act 1981, and this Act and the Social Security Acts 1975 to 1980 may be cited together as the Social Security Acts 1975 to 1981. Short title etc.

(2) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act— 1974 c. 28.

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but

(b) shall be subject to annulment in pursuance of a resolution of either House.

(3) Section 1 of this Act and subsections (1) to (3) and (6) of this section come into force on the passing of this Act and the other provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument.

(4) The enactments mentioned in Schedule 2 to this Act shall have effect subject to the minor and consequential amendments specified in that Schedule.

(5) The following spent enactments, that is to say section 14(6) of the Social Security (Miscellaneous Provisions) Act 1977 and in section 22(16) of that Act the words from “and in section 11” to the end, are hereby repealed. 1977 c. 5.

(6) This Act, except subsection (2) above and section 7 and paragraph 1 of Schedule 2, does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 3.

INCREASES IN PENALTIES

Family Income Supplements Act 1970 (c. 55)

- 1977 c. 5. 1. In section 11 of the Family Income Supplements Act 1970 (penalty for false statements) for the words "£400", as substituted by section 22(16) of the Social Security (Miscellaneous Provisions) Act 1977, there are substituted the words "£1,000".

Social Security Act 1975 (c. 14)

2. In section 145 of the Social Security Act 1975—
- (a) in subsection (3) (obstructing inspector or failing to provide information) for the words "£50" there are substituted the words "£200"; and
 - (b) in subsection (4) (additional penalty for each day offence is continued) for the words "£10" there are substituted the words "£20".
3. In section 146 of the Act of 1975—
- (a) in subsection (3) (miscellaneous offences) for the words "£400" there are substituted the words "£1,000"; and
 - (b) in subsection (5) (breaches of regulations) for the words "£50" and "£10" there are substituted, respectively, the words "£200" and "£20".

Child Benefit Act 1975 (c. 61)

4. In section 11 of the Child Benefit Act 1975—
- (a) in subsection (1) (false statements, etc.) for the words "£400" there are substituted the words "£1,000"; and
 - (b) in subsection (2) (breaches of regulations) for the words "£50" there are substituted the words "£200".

Supplementary Benefits Act 1976 (c.71)

5. In section 21 of the Supplementary Benefits Act 1976 (false statements), as substituted by section 14(5) of the Social Security (Miscellaneous Provisions) Act 1977, for the words "£400" there are substituted the words "£1,000".
6. In section 22 of the Act of 1976 (impersonation of officers), as amended by section 14(6) of the Act of 1977, for the words "£400" there are substituted the words "£500".
7. In section 23(3) of the Act of 1976 (illegal possession of documents), as so amended, for the words "£400" there are substituted the words "£500".

8. In section 24(1) of the Act of 1976 (failure to notify cessation of employment or re-employment etc.), as so amended, for the words "£100" there are substituted the words "£200".

SCH. 1

9. In section 25(1) of the Act of 1976 (failure to maintain), as so amended, for the words "£400" there are substituted the words "£500".

SCHEDULE 2

Section 8.

MINOR AND CONSEQUENTIAL AMENDMENTS

Social Security Act 1973 (c. 38)

1. In section 66 of the Social Security Act 1973 (establishment of the Occupational Pensions Board and their functions and procedure), for subsection (6) there are substituted the following subsections—

"(6) The Secretary of State may from time to time direct the Board to make a report to him on the exercise of their functions; and it shall be the duty of the Board to comply with any such direction as soon as is practicable.

(6A) The Secretary of State shall lay before each House of Parliament a copy of any report made to him in response to a direction under subsection (6) above."

Social Security Act 1975 (c. 14)

2. For subsection (2) of section 141 of the Social Security Act 1975 there is substituted the following subsection—

"(2) Where the Secretary of State proposes to make regulations relating only to industrial injuries benefit or its administration, other than regulations specified in Part II of Schedule 16, he shall refer the proposals, in the form of draft regulations or otherwise, to the Council for consideration and advice unless—

(a) it appears to him that by reason of the urgency of the matter it is inexpedient to do so; or

(b) the Council has agreed that the proposals should not be referred to it."

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

3. In section 21(1)(a) of the Social Security (Miscellaneous Provisions) Act 1977, as inserted by section 3(4) of the Social Security 1980 c. 30. Act 1980, for the word "above" there are substituted the words "of the Pensions Act".

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