



# Social Security Act 1985

## 1985 CHAPTER 53

### <sup>F1</sup>PART I

#### OCCUPATIONAL PENSIONS

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#### Textual Amendments

**F1** Pt. I (ss. 1-6) repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I** (with s. 6(8)); S.I. 1994/86, **art. 2**

### PART II

#### SOCIAL SECURITY

**7** ..... <sup>F5</sup>

#### Textual Amendments

**F5** S. 7 repealed by **Social Security (Consequential Provisions) Act 1992 (c. 6)**

### **8** Dock workers.

(1) ..... <sup>F6</sup>

(2) In regulation 133 of the <sup>M5</sup>Social Security (Contributions) Regulations 1979 (reduction of primary Class 1 contributions of dock workers) for “0.35” there shall be substituted “0.25”.

(3) Subsection (2) above shall be deemed to have come into force on 6th April 1984.

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**Textual Amendments**

**F6** S. 8(1) repealed by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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

**C3** The text of ss. 1, 6, 8(2)(3), 14, 21, 23–25, Sch. 1, Sch. 2 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M5** [S.I. 1979/591](#).

9–13. .... <sup>F7</sup>

**Textual Amendments**

**F7** Ss. 9–13 repealed by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**14 Special hardship allowance.**

In section 60 of the <sup>M6</sup>Social Security Act 1975 (increase of disablement benefit for special hardship)—

- (a) the following subsection shall be inserted after subsection (1)—
  - “(1A) The Secretary of State may by regulations provide that in prescribed circumstances employed earner’s employment in which a claimant was engaged when the relevant accident took place but which was not his regular occupation is to be treated as if it had been his regular occupation.”;
- (b) in subsection (2)(a), for the words “of his” there shall be substituted the words “, except to the extent that it falls to be treated as including such an occupation by virtue of regulations under subsection (1A) above,”;
- (c) in subsection (6)—
  - (i) after the word “above”, in the first place where it occurs, there shall be inserted the words “and to subsection (6A) below,”; and
  - (ii) for the words “his regular occupation within the meaning of subsection (1) above” there shall be substituted the words “the relevant occupation”;
- (d) the following subsections shall be inserted after that subsection—
  - “(6A) A person who is entitled to an increase of pension under this section by virtue of regulations under subsection (1A) above shall not be paid such an increase for any period during which he would not normally be engaged in full-time employed earner’s employment.
  - (6B) In subsection (6) above “the relevant occupation” means—
    - (a) in relation to a person who is entitled to an increase of pension under this section by virtue of regulations under

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- subsection (1A) above, the occupation in which he was engaged when the relevant accident took place; and
- (b) in relation to any other person who is entitled to an increase of pension under this section, his regular occupation within the meaning of subsection (1) above.”.

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

**C4** The text of ss. 1, 6, 8(2)(3), 14, 21, 23–25, Sch. 1, Sch. 2 and Sch. 6 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.

**Marginal Citations**

**M6** 1975 c. 14.

**15**— ..... **F8**  
**17.**

**Textual Amendments**

**F8** Ss. 15–17 repealed by [Social Security Act 1986 \(c. 50\)](#), **Sch. 11**

**PART III**

**STATUTORY SICK PAY**

**18** ..... **F9**

**Textual Amendments**

**F9** S. 18 repealed by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**19** ..... **F10**

**Textual Amendments**

**F10** S. 19 repealed by [Statutory Sick Pay Act 1991 \(c. 3\)](#), s. **3(2)(6)**, Sch.

**20** ..... **F11**

**Textual Amendments**

**F11** S. 20 repealed by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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## 21 Miscellaneous amendments relating to statutory sick pay.

The enactments specified in Schedule 4 shall have effect subject to the amendments there specified.

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

- C5** The text of ss. 1, 6, 8(2)(3), 14, 21, 23–25, Sch. 1, Sch. 2 and Sch. 6 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.

## PART IV

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Miscellaneous*

## 22 .....<sup>F12</sup>

**Textual Amendments**

- F12** S. 22 repealed by [Social Security Act 1986 \(c. 50\)](#), [Sch. 11](#)

## 23 Vaccine damage payments.

In section 1 of the <sup>M7</sup>Vaccine Damage Payments Act 1979—

- (a) in subsection (1), for “£10,000” there shall be substituted “the relevant statutory sum”;
- (b) the following subsection shall be inserted after that subsection—
  - “(1A) In subsection (1) above “statutory sum” means £10,000 or such other sum as is specified by the Secretary of State for the purposes of this Act by order made by statutory instrument with the consent of the Treasury; and the relevant statutory sum for the purposes of that subsection is the statutory sum at the time when a claim for payment is first made.”; and
- (c) the following subsection shall be inserted after subsection (4)—
  - “(4A) No order shall be made by virtue of subsection (1A) above unless a draft of the order has been laid before Parliament and been approved by a resolution of each House.”.

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

- C6** The text of ss. 1, 6, 8(2)(3), 14, 21, 23–25, Sch. 1, Sch. 2 and Sch. 6 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.

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**Marginal Citations**

**M7** 1979 c. 17.

**24 Power to extend Pneumoconiosis etc. (Workers’ Compensation) Act 1979.**

In the <sup>M8</sup>Pneumoconiosis etc. (Workers’ Compensation) Act 1979—

- (a) in section 1—
  - (i) at the end of subsection (3) there shall be added the words “and any other disease which is specified by the Secretary of State for the purposes of this Act by order made by statutory instrument.”; and
  - (ii) the following subsection shall be added after subsection (4)—

“(5) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.”; and
- (b) in section 4(4)—
  - (i) the words “other than a disease specified in an order under section 1 above,” shall be inserted after “applies,” in paragraphs (a) and (b); and
  - (ii) the following paragraphs shall be added after paragraph (b)—
    - “(c) in the case of a person disabled by a disease specified in an order under section 1 above, means the date on which disablement benefit first became payable to him in respect of the disease or the date of the coming into force of the order, whichever is the later;
    - (d) in the case of the dependant of a person who, immediately before he died, was disabled by a disease specified in an order under section 1 above, means the date of the deceased’s death or the date of the coming into force of the order, whichever is the later.”.

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

**C7** The text of ss. 1, 6, 8(2)(3), 14, 21, 23–25, Sch. 1, Sch. 2 and Sch. 6 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.

**Marginal Citations**

**M8** 1979 c. 41.

**<sup>F13</sup>25 Pensions and gratuities for members of certain Boards.**

**Textual Amendments**

**F13** S. 25 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with [ss. 352, 354](#)); [S.I. 2006/3272](#), [Sch. 3B](#) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.) (with [Sch. 4](#) (as amended by [S.I. 2007/1157](#), arts. 7-12 and [S.I. 2007/2169](#), arts. 7-11))

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

**C8** The text of ss. 1, 6, 8(2)(3), 14, 21, 23–25, Sch. 1, Sch. 2 and Sch. 6 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.

*Supplementary*

**F14** **26** .....

**Textual Amendments**

**F14** S. 26 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I** (with s. 6(8)); S.I. 1994/86, **art. 2**

**27** ..... **F15**

**Textual Amendments**

**F15** S. 27 repealed by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**28 Financial provision.**

(1) Any expenses of a Minister of the Crown incurred in consequence of the provisions of this Act, including any increase attributable to those provisions in sums payable under any other Act, shall be defrayed out of money provided by Parliament.

**F16**(2) .....

**Textual Amendments**

**F16** S. 28(2) repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I** (with s. 6(8)); S.I. 1994/86, **art. 2**

**29 Minor and consequential amendments and repeals.**

(1) The enactments mentioned in Schedule 5 to this Act shall have effect with the amendments there specified.

(2) The enactments mentioned in Schedule 6 to this Act are repealed to the extent specified in the third column of that Schedule.

**30** ..... **F17**

**Textual Amendments**

**F17** S. 30 repealed by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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### 31 Extent.

- (1) ..... <sup>F18</sup>
- (2) Section 29 above extends to Northern Ireland so far as it relates—
  - (a) to paragraphs 1, 2, 35, 37 and 39 of Schedule 5 to this Act; and
  - (b) to the repeal in Schedule 6 to this Act of paragraph 6 of Schedule 7 to the <sup>M9</sup>Health and Social Security Act 1984.
- (3) Section 30 above, this section, and sections 32 and 33 below extend to Northern Ireland.
- (4) Section 23 above extends to Northern Ireland and the Isle of Man.
- (5) Except as provided by subsections (1) to (4) above, this Act extends to England and Wales and Scotland only.

#### Textual Amendments

**F18** S. 31(1) repealed by [Social Security Act 1990 \(c. 27\)](#), [Sch. 7](#)

#### Marginal Citations

**M9** 1984 c. 48.

### 32 Commencement.

- (1) Subject to the following provisions of this section, the provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be appointed in pursuance of this section for different provisions or different purposes of the same provision.
- (2) The following provisions of this Act—
  - section 4, so far as it relates to Part I of Schedule 3;
  - section 6(5) and (6);
  - section 8;
  - sections 10 and 11;
  - section 13(6) and (7);
  - ..... <sup>F19</sup>;
  - section 19;
  - ..... <sup>F19</sup>;
  - sections 23 to 28;
  - section 29(1) so far as it relates to paragraphs 22, 34, 36 and 37 of Schedule 5;
  - section 29(2), so far as it relates to the repeals in—
    - section 41D of the <sup>M10</sup>Social Security Pensions Act 1975;
    - section 22(7) of the <sup>M11</sup>Social Security (Miscellaneous Provisions) Act 1977;
    - the <sup>M12</sup>Social Security Act 1981; and
  - the Health and Social Security Act 1984;
  - sections 30 and 31;
  - this section; and
  - section 33,

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shall come into force on the day this Act is passed.

- (3) The following provisions of this Act—  
    section 17;  
    section 29(1), so far as it relates to paragraphs 7, 8 and 14 of Schedule 5;  
    section 29(2), so far as it relates to the repeals in sections 79, 82 and 90 of the<sup>M13</sup>Social Security Act 1975,  
shall come into force at the end of the period of 6 weeks beginning with the day on  
which this Act is passed.
- (4) .....<sup>F20</sup>
- (5) Sections 18 and 20 above shall come into force on 6th April 1986.
- (6) The Secretary of State may by regulations made by statutory instrument make  
such transitional and consequential provision (including provision modifying any  
enactment contained in this or any other Act) or saving as he considers necessary or  
expedient in connection with the coming into force of any provision of this Act or the  
operation of any enactment which is repealed or amended by a provision of this Act  
during any period when the repeal or amendment is not wholly in force.
- (7) Regulations under this section shall be subject to annulment in pursuance of a  
resolution of either House of Parliament.
- (8) [<sup>F21</sup>Section 175(3) and (4) of the Social Security Contributions and Benefits Act  
1992](which among other things make provision about the extent of powers to make  
regulations) shall apply to the power to make regulations conferred by this section as  
they apply to any power to make regulations conferred by that Act.

#### Textual Amendments

- F19** Words repealed by [Social Security Act 1986 \(c. 50\)](#), **Sch. 11**
- F20** [S. 32\(4\)](#) repealed, and deemed never to have been enacted, by [Social Security Act 1990 \(c. 27\)](#), **s. 5(3)**  
and [Sch. 7](#) (retrospectively superseded by [s. 165B\(3\) and \(4\) of Social Security Act 1975](#))
- F21** Words substituted by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), **Sch. 2**, para. 68

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

- C9** Power conferred by [s. 32\(1\)](#) fully exercised by [S.I. 1985/1125](#) and [S.I. 1985/1364](#)

#### Marginal Citations

- M10** [1975 c. 60](#).
- M11** [1977 c. 5](#).
- M12** [1981 c. 33](#)
- M13** [1975 c. 14](#).

### 33 Citation.

- (1) This Act may be cited as the Social Security Act 1985.
- (2) This Act may be cited together with—  
    (a) the Social Security Acts 1975 to 1984; and  
    (b) section 25 of the <sup>M14</sup>Health and Social Services and Social Security  
Adjudications Act 1983 and Schedule 8 to that Act,



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as the Social Security Acts 1975 to 1985.

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**Marginal Citations**

**M14** [1983 c. 41](#).

**Changes to legislation:**

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