



# Social Security Act 1986

## CHAPTER 50

### SOCIAL SECURITY ACT 1986

#### PART I

#### PENSIONS

##### *Personal pension schemes*

- 1 Minimum contributions to personal pension schemes
- 2 Appropriate schemes
- 3 Amount of minimum contributions
- 4 Effect of payment of minimum contributions on rate of certain benefits
- 5 Personal pension protected rights premium

##### *Occupational pension schemes*

- 6 Money purchase contracted-out schemes
- 7 Schemes becoming contracted-out between 1986 and 1993
- 8 Abolition of requirement relating to requisite benefits
- 9 Guaranteed minimum pensions
- 10 Short-service benefit: qualifying service
- 11 Auditors

##### *Provisions applying to personal and occupational pension schemes*

- 12 Voluntary contributions
- 13 Regulations as to form and content of advertisements
- 14 Information
- 15 Terms of contracts of service or schemes restricting choice to be void
- 16 Actuarial tables
- 17 General power to modify statutory provisions

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*State earnings-related pension scheme*

- 18 Additional pensions
- 19 Additional pensions-supplementary

**PART II**

INCOME-RELATED BENEFITS

*General*

- 20 Income-related benefits
- 21 Amount etc.
- 22 Calculation

*Income support*

- 23 Trade disputes
- 24 Recovery of expenditure on benefit from person liable for maintenance
- 25 Affiliation orders
- 26 Failure to maintain-general
- 27 Prevention of duplication of payments

*Housing benefit*

- 28 Arrangements for housing benefit
- 29 Adjudication and overpayments
- 30 Housing benefit finance
- 31 Information

**PART III**

THE SOCIAL FUND

- 32 The social fund and social fund officers
- 33 Awards by social fund officers
- 34 Reviews
- 35 The social fund Commissioner

**PART IV**

BENEFITS UNDER SOCIAL SECURITY ACT 1975

- 36 Widowhood
- 37 Invalid care allowance for women
- 38 Abolition of maternity grant
- 39 Industrial injuries and diseases
- 40 Abolition of child's special allowance except for existing beneficiaries
- 41 Abolition of death grant
- 42 Abolition of reduced rate of short-term benefits
- 43 Unemployment benefit-disqualification
- 44 Unemployment benefit-trade disputes
- 45 Guardian's allowance-adoption

**PART V**

MATERNITY PAY ETC

- 46 Statutory maternity pay-entitlement and liability to pay

- 47 The maternity pay period
- 48 Rates of payment
- 49 Further provisions relating to statutory maternity pay etc.
- 50 Interpretation of Part V

## **PART VI**

### COMMON PROVISIONS

#### *Administration*

- 51 Regulations about claims for and payments of benefit
- 52 Adjudication
- 53 Overpayments
- 54 Breach of regulations
- 55 False representations for obtaining benefit etc.
- 56 Legal proceedings
- 57 Offences by bodies corporate
- 58 Inspection
- 59 Disclosure of information
- 60 Regulations as to notification of deaths

#### *Subordinate legislation*

- 61 Consultations on subordinate legislation
- 62 Subordinate legislation-miscellaneous

#### *General provisions as to operation of social security*

- 63 Annual up-rating of benefits
- 64 Effect of alteration of rates of benefit
- 65 Reciprocal arrangements

## **PART VII**

### MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

#### *Miscellaneous*

- 66 Pensioners' Christmas bonus
- 67 Rates of payments of statutory sick pay and provisions as to recovery
- 68 Liability of Secretary of State to pay statutory sick pay in prescribed circumstances
- 69 Repeal of section 92 of Social Security Act 1975
- 70 Child benefit in respect of children educated otherwise than at educational establishments
- 71 Entitlement to mobility allowance-general
- 72 Entitlement of certain women to mobility allowance
- 73 Application of provisions of Act to supplementary benefit etc.
- 74 National Insurance contributions
- 75 Earnings factors
- 76 Amendments relating to forfeiture of benefits
- 77 Refreshments for school pupils
- 78 Travelling expenses

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*General*

- 79 Crown employment
- 80 Application of Parts I and V to special cases

*Northern Ireland*

- 81 Orders in Council making corresponding provision for Northern Ireland
- 82 Amendments of enactments relating to social security in Northern Ireland

*Supplementary*

- 83 Orders and regulations (general provisions)
- 84 General interpretation
- 85 Financial provision
- 86 Minor and consequential amendments and repeals
- 87 Extent
- 88 Commencement
- 89 Transitional
- 90 Citation

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SCHEDULES

SCHEDULE 1 — Appropriate Personal Pension Schemes

*Interpretation*

- 1 In this Schedule— " member " means a member of...

*Requirements: general*

- 2 The Secretary of State may prescribe descriptions of persons by...
- 3 A scheme must comply with such requirements as may be...
- 4 A scheme must comply with such requirements as may be...
- 5 (1) Subject to sub-paragraph (2) below, all minimum contributions which...
- 6 A scheme must satisfy such other requirements as may be...

*Requirements: protected rights*

- 7 (1) Unless the rules make provision such as is mentioned...
- 8 Rules must provide for effect to be given in a...
- 9 (1) Effect may be given to protected rights—
- 10 The Occupational Pensions Board must be satisfied that a scheme...
- 11 Rules must not allow, except in such circumstances as may...

*General*

- 12 Nothing in this Schedule shall be taken to prejudice any...

SCHEDULE 2 — Money Purchase Contracted-Out Schemes

- 1 The Social Security Pensions Act 1975 shall be amended as...
- 2 In subsection (1) of section 26 (contracting-out of full contributions...

- 3 In section 29 (contracted-out rates of benefit) the following subsections...
- 4 In section 30 (contracted-out employment)— (a) in subsection (1)(a), after...
- 5 In section 32 (contracted-out schemes)— (a) in subsection (2), the...
- 6 (1) The words " which is not a money purchase...
- 7 The following section shall be inserted after section 44— Money...
- 8 In section 48 (guaranteed minimum pensions to be inalienable)—
- 9 In section 49 (supervision of schemes which have ceased to...
- 10 At the end of subsection (3) of section 50 (alteration...
- 11 In section 66(1) (interpretation)— (a) the following definition shall be...
- 12 In paragraph 2 of Schedule 3 (priority in bankruptcy etc).—...

### SCHEDULE 3 — Industrial Injuries and Diseases

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

- 1 The Social Security Act 1975 shall have effect as provided...
- 2 The following subsection shall be substituted for section 50(1)—
- 3 (1) In subsection (1) of section 57 (disablement benefit) "...
- 4 Sections 58 and 59 and 64 to 66 (unemployability supplement)...
- 5 (1) The following section shall be inserted after section 59—...
- 6 The following subsections shall be inserted after subsection (2) of...
- 7 Section 62 (increase during hospital treatment) shall cease to have...
- 8 The following provisions (which all relate to industrial death benefit)  
—...
- 9 (1) This paragraph shall have effect in relation to widows...
- 10 In any case where— (a) an employed earner who is...
- 11 Section 69 (widower's death benefit) shall cease to have effect,...
- 12 The Secretary of State may by regulations provide for the...
- 13 In section 77 (regulations as to industrial diseases) the following...
- 14 In section 108 (disablement questions)— (a) in subsection (1) the...
- 15 In Schedule 8 (assessment of extent of disablement)—

#### *Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16)*

- 16 For the purposes of section 159 and of section 7...

#### *Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c. 41)*

- 17 (1) Section 2 of the Pneumoconiosis etc. (Workers' Compensation) Act...

### SCHEDULE 4 — Statutory Maternity Pay etc.

#### PART I — PROVISIONS SUPPLEMENTARY TO PART V

##### *Recovery of amounts paid by way, of statutory maternity pay*

- 1 Regulations shall make provision— (a) entitling, except in prescribed circumstances,...
- 2 Regulations under paragraph 1 above may, in particular provide for...
- 3 The power to make regulations conferred by paragraph 5 of...
- 4 Provision made in regulations under paragraph 5 of Schedule 1,...
- 5 Where, in accordance with any provision of regulations made under...

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*Provision of information by women and their employers and / or former employers*

- 6 A woman shall provide the person who is liable to...
- 7 Where a woman asks an employer or former employer of...
- 8 Regulations— (a) may require employers to maintain such records in...

*Provision of information by Secretary of State*

- 9 Where the Secretary of State considers that it is reasonable...

*Statutory maternity pay to count as remuneration for purposes of Social Security Act 1975*

- 10 For the purposes of section 3 of the Social Security...

*Relationship with benefits and other payments etc.*

- 11 Any day which falls within the maternity pay period shall...
- 12 (1) Subject to sub-paragraphs (2) and (3) below, any entitlement...  
PART II — AMENDMENTS OF SOCIAL SECURITY ACT 1975
- 13 For sections 22 and 23 there shall be substituted— State...
- 14 The following paragraph shall be substituted for paragraph 3 of...  
PART III — ABOLITION OF MATERNITY PAY AND WINDING-UP OF  
MATERNITY PAY FUND
- 15 The provisions of Part III of the Employment Protection  
(Consolidation)...
- 16 A woman who is entitled to maternity pay on the...
- 17 (1) The assets and liabilities of the Maternity Pay Fund...

SCHEDULE 5 — Adjudication

PART I — AMENDMENT OF ENACTMENTS

*Social Security Act 1973 (c. 38)*

- 1 In section 67(2) of the Social Security Act 1973 (review...

*Social Security Act 1975 (c. 14)*

- 2 Section 95 of the Social Security Act 1975 (other questions...
- 3 The following subsection shall be substituted for subsection (1) of...
- 4 The following subsections shall be substituted for subsection (2) of...
- 5 The following subsection shall be substituted for subsection (2) of...
- 6 In section 100 of that Act (appeal to social security...
- 7 (1) At the end of subsection (1) of section 101...
- 8 The following subsection shall be substituted for subsection (2) of...
- 9 The following section shall be substituted for section 103 of...
- 10 In section 104 of that Act (review of decisions of...
- 11 (1) In section 106(1) of that Act (review of decision...
- 12 In section 107(6) of that Act (declaration that accident is...
- 13 In section 109(3) of that Act (medical appeals and references)...
- 14 In section 110 of that Act (review of medical decisions)—...
- 15 In section 112 of that Act (appeal etc. on question...
- 16 In section 114 of that Act (regulations as to determination...
- 17 The following subsection shall be inserted after section 166(5) of...
- 18 In paragraph 2(2) of Schedule 12 to that Act (appointment...
- 19 In Schedule 13 to that Act (provision which may be...
- 20 In Schedule 20 to that Act (glossary of expressions), for...

PART II — QUESTIONS FOR DETERMINATION BY THE SECRETARY OF STATE

SCHEDULE 6 — Christmas Bonus for Pensioners

*Interpretation*

- 1 (1) In this Schedule "qualifying benefit" means—

*Entitlement*

- 2 (1) Any person who in any year—  
3 (1) For the purposes of paragraph 2 above the Channel...

*Administration of payments*

- 4 (1) A determination by the competent authority that a person...

SCHEDULE 7 — Supplementary Benefit etc.

*Interpretation*

- 1 In this Schedule— "the former National Insurance Acts" means...

*Prevention of duplication of payments*

- 2 Section 27 above shall have effect in relation to supplementary...

*Claims and Payments*

- 3 (1) Section 51 above shall have effect in relation to...

*Adjudication*

- 4 (1) Section 52(3) above shall have effect for the purposes...

*Overpayments*

- 5 (1) Section 53 above shall have effect in relation to...

*Legal proceedings*

- 6 Section 56 above shall have effect as if the benefit...

*Inspection*

- 7 Section 58 above shall have effect as if the benefit...

*Up-rating*

- 8 Section 63 above shall have effect as if the sums...

SCHEDULE 8 — Earnings Factors

*Social Security Act 1975 (c. 14)*

- 1 The Social Security Act 1975 shall be amended as follows....  
2 (1) In subsection (2) of section 13 (contribution conditions and...  
3 (1) The following paragraph shall be substituted for sub-paragraph (2)  
(b)...

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

- 4 The Social Security Pensions Act 1975 shall be amended as...  
 5 In subsection (4) of section 3 (married women and widows)...  
 6 In subsection (1) of section 5 of that Act (voluntary...  
 7 (1) In section 6 (rate of Category A retirement pension)—...  
 8 (1) In subsection (2) of section 35 (earner's guaranteed minimum)...  
 9 Section 43(1A) and section 47(2A) shall not apply to any...  
 10 In subsection (3)(b) of section 45 (premium where guaranteed  
 minimum...

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

- 11 In subsection (1)(b) of section 21 of the Social Security...

SCHEDULE 9 — Northern Ireland

PART I — APPEAL ON QUESTION OF LAW FROM MEDICAL APPEAL  
 TRIBUNAL TO COMMISSIONER

- 1 After section 112 of the Social Security (Northern Ireland) Act...

PART II — TRANSFER OF FUNCTIONS RELATING TO COMMISSIONERS

- 2 (1) In this Part— " the Commissioners" means the Chief...  
 3 (1) The following functions of the Department are hereby transferred...  
 4 (1) The functions of the Department of Finance and Personnel,...  
 5 The functions of the Secretary of State under paragraph 7(5)...  
 6 (1) Subject to any Order made after the passing of...  
 7 Regulations made by the Lord Chancellor by virtue of this...  
 8 (1) Enactments and instruments passed or made before the coming...

PART III — CONSEQUENTIAL AMENDMENTS

*Judicial Pensions Act (Northern Ireland) 1951 (c. 20) (N.I.)*

- 9 In section 16 of the Judicial Pensions Act (Northern Ireland)...

*Social Security (Northern Ireland) Act 1975 (c. 15)*

- 10 (1) In paragraphs 4, 6 and 7 of Schedule 10...

*Social Security Act 1980 (c. 30)*

- 11 In section 14 of the Social Security Act 1980 (appeal...  
 12 In paragraph 21 of Schedule 3 to that Act (regulations...

*Forfeiture (Northern Ireland) Order 1982 (S.I. 1982/1082 (N.I. 14))*

- 13 In Article 6(2) of the Forfeiture (Northern Ireland) Order 1982...

SCHEDULE 10 — Minor and Consequential Amendments

PART I — PENSIONS

*Social Security Act 1973 (c. 38)*

- 1 The Social Security Act 1973 shall be amended as follows...  
 2 In section 58(2) (linked qualifying service)— (a) the following  
 paragraph...  
 3 In section 64 (modification of occupational pension scheme by order...  
 4 In section 66— (a) in subsection (1)(a), for the words...



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- 5 In section 67(1)(a) (review of determinations by Board) after the...
- 6 In section 69 (rule against perpetuities)— (a) in subsection (1),...
- 7 Sections 70 (legal restrictions of doubtful application), 71 (friendly societies)...
- 8 In section 99(1) the following definitions shall be inserted at...
- 9 In paragraph 4 of Schedule 16 (preservation of benefits under...

*Social Security Act 1975 (c. 14)*

- 10 In paragraph 6(1)(h) of Schedule 1 to the Social Security...

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

- 11 The Social Security Pensions Act 1975 shall be amended as...
- 12 In section 26 (contracting-out)— (a) in subsection (1), for the...
- 13 In section 27(4) (contracted-out rates of Class 1 contributions) for...
- 14 In section 29 (contracted-out rates of benefit)—
- 15 In section 30(1)(a) (contracted-out employment) for the words " the...
- 16 In section 32 (contracted-out schemes)— (a) in subsection (2)—
- 17 In section 33 (requirements for contracting-out) the following subsection shall...
- 18 The following subsection shall be substituted for section 38(1) (transfer...
- 19 Sections 41(4) and 49(3) and (7) (powers of Occupational Pensions...
- 20 In section 41A(4) of that Act (protection of earner's pensions)...
- 21 In section 42(1X6) (premium on termination of contracted-out employment) for...
- 22 In section 43(2A) (linked qualifying service)— (a) the following paragraph...
- 23 (1) In subsection (1) of section 44 (premium on termination...
- 24 The following subsection shall be inserted after section 49(2) of...
- 25 In section 50 (alteration of rules of contracted-out schemes)—
- 26 (1) Section 52C (cases where scheme's liability is discharged) shall...
- 27 (1) Subsection (1) of section 52D (Supplementary provisions) shall have...
- 28 The following definition shall be inserted after the definition of...
- 29 At the end of paragraph 5(1) of Part I of...
- 30 In Part II of Schedule 1A (transfer values)—

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

- 31 (1) In the following provisions of the Employment Protection (Consolidation)...
- PART II — INCOME-RELATED BENEFITS

*National Assistance Act 1948 (c.29)*

- 32 (1) In subsection (3) of section 22 of the National...
- 33 The words ".whether before or after the commencement of the...

*Maintenance Orders Act 1950 (c.37)*

- 34 In subsection (1) of section 3 of the Maintenance Orders...
- 35 In section 4 of that Act (jurisdiction of English courts...
- 36 In section 9 of that Act— (a) the following paragraph...

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- 37 In section 11(1) of that Act (jurisdiction of Northern Ireland...  
38 In section 12 of that Act (jurisdiction of Northern Ireland...  
39 In section 16(2) of that Act (enforcement of maintenance orders)—...

*Ecclesiastical Jurisdiction Measure 1963 (No. 1)*

- 40 In subsection (7) of section 55 of the Ecclesiastical Jurisdiction...

*Social Work (Scotland) Act 1968 (c.49)*

- 41 (1) In section 78(2A) of the Social Work (Scotland) Act...

*Administration of Justice Act 1970 (c. 31)*

- 42 In Schedule 8 to the Administration of Justice Act 1970...

*Attachment of Earnings Act 1971 (c. 32)*

- 43 In Schedule 1 to the Attachment of Earnings Act 1971...

*Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)*

- 44 (1) In section 24(1)(a) of the Housing (Financial Provisions)  
(Scotland)...

*Employment and Training Act 1973 (c. 50)*

- 45 In section 12(2)(b) of the Employment and Training Act 1973...

*Legal Aid Act 1974 (c. 4)*

- 46 In each of the following provisions of the Legal Aid...  
47 In paragraph 3(c) of Part I of Schedule 1 to...

*Social Security Act 1975 (c. 14)*

- 48 The following provisions of the Social Security Act 1975—

*Local Government (Scotland) Act 1975 (c. 30) Rating (Disabled Persons) Act 1978 (c. 40)*

- 49 The words " the housing benefit scheme (whether or not..."

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

- 50 In section 132 of the Employment Protection (Consolidation) Act  
1978...

*Child Care Act 1980 (c. 5)*

- 51 The following subsection shall be substituted for subsection (1A) of...

*Local Government, Planning and Land Act 1980 (c. 65)*

- 52 (1) In section 54 of the Local Government, Planning and...  
53 In section 154 of that Act (grant of rent rebates...

*Magistrates' Courts Act 1980 (c. 43)*

- 54 The following paragraph shall be added after subsection 1(1) of...

*Civil Jurisdiction and Judgments Act 1982 (c. 27)*

55 In paragraph 5 of Schedule 5 to the Civil Jurisdiction...

*Legal Aid Act 1982 (c. 44)*

56 In section 7(8) of the Legal Aid Act 1982 (legal...

*Transport Act 1982 (c. 49)*

57 In section 70(2)(b) of the Transport Act 1982 (payments in...

*Housing Act 1985 (c.68)*

58 In subsection (2)(b) of section 425 of the Housing Act...

59 In Item 4 in Part I of Schedule 14 to...

60 In paragraph 3 of Part IV of that Schedule (rate...

*Legal Aid (Scotland) Act 1986 (c.47)*

61 In section 8(b) (availability of legal advice and assistance) and...  
PART III — BENEFITS UNDER SOCIAL SECURITY ACT 1975

*Social Security Act 1975 (c. 14)*

62 The Social Security Act 1975 shall have effect subject to...

63 In section 12(1) (descriptions of contributory benefits) the following  
sub-paragraph...

64 In section 13 (contribution conditions) in subsection (1), in the...

65 The following entry shall be inserted in section 167(1)(a) of...

66 In Schedule 3 (contribution conditions)— (a) in paragraph 4(1) for...

*Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16)*

67 The words following " pension rate " shall be omitted...

68 (1) In section 4(8)(a) of that Act (parliamentary procedure for...

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

69 In section 13(3) of the Social Security Pensions Act 1975...

70 In section 15 of that Act (invalidity pension for widows)—...

PART IV — STATUTORY MATERNITY PAY, STATUTORY SICK PAY ETC

*Income and Corporation Taxes Act 1970 (c. 10)*

71 At the end of section 219A of the Income and...

*Social Security Act 1975 (c. 14)*

72 The words " (other than maternity allowance)" shall be inserted—...

73 In section 122(4) of that Act for the words "either...

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

74 In section 18(2)(c) of the Social Security (Miscellaneous Provisions)  
Act...

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

- 75 In section 33 of the Employment Protection (Consolidation) Act 1978...  
 76 In subsection (4) of section 123 of that Act (payment...

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

- 77 The following subsection shall be substituted for section 3(9) of...  
 78 The following paragraph shall be inserted before paragraph (a) of...

*Insolvency Act 1985 (c. 65)*

- 79 In paragraph 3(2)(d) of Part II of Schedule 4 to...

*Bankruptcy (Scotland) Act 1985 (c. 66)*

- 80 Paragraph 9(2)(d) of Schedule 3 to the Bankruptcy (Scotland) Act...

*Wages Act 1986 (c.48)*

- 81 In subsection (1)(f) of section 7 of the Wages Act...

## PART V — COMMON PROVISIONS

*Social Security Act 1973 (c. 38)*

- 82 In section 68(1) of the Social Security Act 1973 (submission...

*Social Security Act 1975 (c. 14)*

- 83 In subsection (6)(aa) of section 14 of the Social Security...  
 84 In subsection (1) of section 28 of that Act (Category...  
 85 The following subsection shall be substituted for subsection (3) of...  
 86 In section 141(2) (reference of proposals to make regulations to...  
 87 The following section shall be substituted for section 165A of...  
 88 The words ", reduced earnings allowance " shall be inserted...  
 89 In section 167(3) of that Act (parliamentary procedure) for the...  
 90 In paragraph 8 of Schedule 16 (exemption in respect of...

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

- 91 In section 23 of the Social Security Pensions Act 1975...  
 92 In section 24(1)(a) of that Act (graduated retirement benefit) for...  
 93 In subsection (1) of section 59 of that Act (official...  
 94 In section 61(2) of that Act (consultation about regulations)—  
 95 In Schedule 1 to that Act (deferred retirement)—

*Child Benefit Act 1975 (c. 61)*

- 96 At the end of subsection (1) of section 6 of...  
 97 In paragraph 1 of Schedule 3 to that Act (increases...

*Social Security Act 1980 (c. 30)*

- 98 In section 10 of the Social Security Act 1980 (consultation...  
 99 In paragraph 12(2) of Schedule 3 to that Act (regulations...

*Social Security Act 1985 (c. 53)*

- 100 In section 9(9) of the Social Security Act 1985 (abatement...  
PART VI — MISCELLANEOUS

*Income and Corporation Taxes Act 1970 (c. 10)*

- 101 In section 219 of the Income and Corporation Taxes Act...

*Attachment of Earnings Act 1971 (c. 32)*

- 102 In section 24(2)(c) of the Attachment of Earnings Act 1971...

*National Insurance Act 1974 (c. 14) Social Security  
Act 1980 (c. 30) Social Security Act 1985 (c. 53)*

- 103 The words " the Social Security Acts 1975 to 1986...

*Social Security Act 1975 (c. 14)*

- 104 In section 4(6) of the Social Security Act 1975 (incidence...

*Supplementary Benefits Act 1976 (c. 71)*

- 105 In section 8 of the Supplementary Benefits Act 1976 (persons...

*Social Security Act 1980 (c. 30)*

- 106 The following sub-paragraph shall be inserted after paragraph 13(1) of...  
107 The reference to section 9 of the Social Security and...

*Forfeiture Act 1982 (c. 34)*

- 108 In section 4 of the Forfeiture Act 1982—

SCHEDULE 11 — Repeals