

## SCHEDULES

### SCHEDULE 4

Section 16.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Exemption from Income Tax*

1 The following paragraph shall be inserted after paragraph (a) of section 617(2) of the Income and Corporation Taxes Act 1988 (which specifies certain social security benefits which are not to be treated as income for the purposes of the Income Tax Acts)—

“(aa) payments by way of an allowance under section 70 of the Social Security Act 1975 and section 70 of the Social Security (Northern Ireland) Act 1975;”.

##### *Employment and Training*

2 The following subsection shall be substituted for section 12(2) of the Employment and Training Act 1973—

“(2) It shall be the duty of each local education authority and the Commission to furnish the Secretary of State with such information in its possession as the Secretary of State may require as being information required in connection with the determination of questions relating to contributions or benefit under—

(a) the benefit Acts as defined in section 84(1) of the Social Security Act 1986;

(b) the Social Security Act 1988;

and any information falling to be furnished in pursuance of this subsection shall be furnished in such a form and at such times as the Secretary of State may direct.”

##### *Social Security Act 1975*

3 The Social Security Act 1975 shall be amended as follows.

4 The following subsection shall be inserted after subsection (2) of section 17 (determination of days for which benefit is payable)—

“(2A) Where it has been determined that a person is to be deemed in accordance with regulations to be available for employment in employed earner’s employment in respect of any day, the question of his actual availability for such employment in respect of that day may be subsequently determined on a review of the determination as to his deemed availability.”

5 In section 22 (maternity allowance)—

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- (a) at the end of subsection (4) there shall be added the words “unless the woman is disqualified for receiving a maternity allowance in respect of that day by virtue of regulations under subsection (3)(a) above”; and
  - (b) the following subsection shall be inserted after that subsection—
    - “(4A) A woman who has become entitled to a maternity allowance shall cease to be entitled to it if she dies before the beginning of the maternity allowance period; and if she dies after the beginning, but before the end, of that period, the allowance shall not be payable for any week subsequent to that in which she dies.”
- 6 In section 44 (short-term benefit increase for adult dependants)—
- (a) in subsection (1)(b), for the words “is not engaged in any one or more employments from which her weekly earnings” there shall be substituted the words “does not have weekly earnings which”; and
  - (b) in subsection (3)(a), for the words “is not engaged in any one or more employments from which his weekly earnings exceed the amount so specified” there shall be substituted the words “does not have weekly earnings which exceed the amount so specified”.
- 7 In section 45 (pension increase (wife))—
- (a) in subsection (2)(b), for the words “is not engaged in any one or more employments from which her weekly earnings” there shall be substituted the words “does not have weekly earnings which”; and
  - (b) in subsection (2A), the words “is engaged in any one or more employments from which she” shall cease to have effect.
- 8 In section 45A (pension increase (husband))—
- (a) in subsection (2)(b), for the words “is not engaged in any one or more employments from which his weekly earnings” there shall be substituted the words “does not have weekly earnings which”; and
  - (b) in subsection (3), the words “is engaged in any one or more employments from which he” shall cease to have effect.
- 9 In subsection (4) of section 46 (pension increase (female with care of children)) the words “from employment by the pensioner” shall cease to have effect.
- 10 In subsection (1)(a) of section 47 (invalidity pension (dependant relative)) for the words “is not engaged in any one or more employments from which he has earnings” there shall be substituted the words “does not have earnings”.
- 11 The following subsection shall be inserted after subsection (1) of section 50 (descriptions of industrial injuries benefits)—
- “(1A) The benefits are—
    - (a) disablement benefit (including disablement pensions) payable in accordance with sections 57 to 63 below;
    - (b) reduced earnings allowance payable in accordance with section 59A below and section 2 of the Social Security Act 1988;
    - (c) retirement allowance payable in accordance with section 59B below;
    - (d) industrial death benefit, payable in accordance with sections 67 to 75 below.”
- 12 In section 59A (reduced earnings allowance)—

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- (a) in subsection (8), after the words “disablement pension”, in the second place where they occur, there shall be inserted the words “(not including increases in disablement pension under any provision of this Act)”; and
- (b) the following subsection shall be inserted after subsection (10) of section 59A (reduced earnings allowance)—

“(10A) In this section and section 59B below “maximum rate of a disablement pension” means the rate specified in the first entry in column (2) of Schedule 4, Part V, paragraph 3 and does not include increases in disablement pension under any provision of this Act.”

- 13 In section 66 (adult dependants) there shall cease to have effect—
- (a) in subsection (3), the words “from any one or more employments”; and
  - (b) in subsection (4) the words “is engaged in any one or more employments from which he or she”.
- 14 At the end of subsection (1)(c) of section 104 (review of decisions) there shall be added “or
- (d) the decision falls to be reviewed under section 17(2A) above,”.

*Social Security Act 1986—statutory maternity pay*

- 15 The provisions of the Social Security Act 1986 specified in paragraphs 16 to 19 below (all of which relate to statutory maternity pay) shall be amended as provided in those paragraphs.
- 16 (1) In paragraph (e) of section 46(8), for the words “subsection (2)(a) or (b) above or both” there shall be substituted the words “any of the provisions specified in subsection (9) below”.
- (2) The following subsection shall be inserted after that subsection—
- “(9) The provisions mentioned in subsection (8)(e) above are—
- (a) subsection (2)(a) and (b) above; and
  - (b) section 48(2), (4) and (5) below.”
- 17 At the end of section 48(2) there shall be added the words “or the weekly rate prescribed under subsection (3) below, whichever is the higher”.
- 18 In section 50(1), in the definition of “employer”, the words “and a contract of service of hers” and the words “under the contract” shall cease to have effect.
- 19 (1) In paragraph 11 of Schedule 4, for the word “Any” there shall be substituted the words “Except as may be prescribed, a”.
- (2) The following paragraph shall be inserted after that paragraph—
- “11A (1) Regulations may provide that in prescribed circumstances a day which falls within the maternity pay period shall be treated as a day of incapacity for work for the purpose of determining entitlement to an invalidity pension.
- (2) Regulations may provide that an amount equal to a woman’s statutory maternity pay for a period shall be deducted from invalidity benefit in respect of the same period and a woman shall be entitled to invalidity benefit only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.”

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

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*Social Security Act 1986—housing benefit*

20 The following subsection shall be added at the end of section 30 (housing benefit finance)—

“(11) The Secretary of State may by order make provision for the modification or termination of rights to subsidy under Part II of the Social Security and Housing Benefits Act 1982 in respect of benefit paid in excess of entitlement.”

*Other amendments of Social Security Act 1986*

21 The Social Security Act 1986 shall also be amended as follows.

22 In subsection (3) of section 17 (statutory provisions which may be modified as respects pension schemes)—

(a) the following paragraph shall be inserted after paragraph (d)—

“(dd) the Water Act 1973;” and

(b) the following paragraph shall be added at the end—

“(h) any Act which relates to the employment of persons by a harbour authority (“harbour authority” having the meaning assigned to it by section 57 (1) of the Harbours Act 1964).”.

23 (1) In subsection (1) of section 21 (amount etc. of income-related benefit) for the word “Where” there shall be substituted the words “Subject to subsection (1A) below, where”.

(2) The following subsections shall be inserted after that subsection—

“(1A) Where a person is entitled to income support for a period to which this subsection applies, the amount payable for that period shall be calculated in such manner as may be prescribed.

(1B) Subsection (1A) above applies—

(a) to a period of less than a week which is the whole period for which income support is payable; and

(b) to any other period of less than a week for which it is payable.”

24 (1) The following subsection shall be inserted after subsection (5) of section 23 (trade disputes)—

“(5A) In respect of any period less than a week, subsection (5) above shall have effect subject to such modifications as may be prescribed.”.

(2) In subsection (6) of that section, for the words “subsection (5) above” there shall be substituted the words “this section”.

25 The following section shall be inserted after section 23—

**“23A Effect of return to work**

If a person returns to work with the same employer after a period during which section 23 above applies to him, and whether or not his return is before the end of any stoppage of work in relation to which he is or would be disqualified for receiving unemployment benefit—

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- (a) that section shall cease to apply to him at the commencement of the day on which he returns to work; and
  - (b) until the end of the period of 15 days beginning with that day, section 20(3) above shall have effect in relation to him as if the following paragraph were substituted for paragraph (c)—
    - “(c) in the case of a member of a married or unmarried couple, the other member is not engaged in remunerative work; and”;
  - (c) any sum paid by way of income support for that period of 15 days to him or, where he is a member of a married or unmarried couple, to the other member of that couple, shall be recoverable in the prescribed manner from the person to whom it was paid or from any prescribed person or, where the person to whom it was paid is a member of a married or unmarried couple, from the other member of the couple.”
- 26 The following subsection shall be inserted after section 29(7)—
  - “(8) Without prejudice to any other method of recovery, amounts recoverable under any enactment having effect in Northern Ireland and corresponding to this section shall be recoverable by deduction from benefits prescribed under subsection (7) above.”
- 27 The following subsection shall be inserted after section 33(8)—
  - “(8A) Without prejudice to any other method of recovery, awards recoverable under Part IV of the Social Security (Northern Ireland) Order 1986 shall be recoverable by deduction from benefits prescribed under subsection (6) above, and subsections (7) and (8) above shall have effect in relation to such awards as they have effect in relation to awards under this Part of this Act.”
- 28 The following subsection shall be inserted after section 53(7)—
  - “(7A) Without prejudice to any other method of recovery, amounts recoverable under any enactment or instrument having effect in Northern Ireland and corresponding to an enactment or instrument mentioned in subsection (7) above shall be recoverable by deduction from benefits prescribed under subsection (7) above.”
- 29 Paragraphs 26 to 28 above shall be deemed to have come into force on 6th April 1987.
- 30 (1) In paragraph (c) of subsection (10) of section 53 before “income” there shall be inserted “subject to subsection (10A) below,”.
- (2) The following subsection shall be inserted after that subsection—
  - “(10A) This section only applies to income support recoverable under section 20(4E) above to the extent specified in section 20(4F) and (4G) above.”