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SCHEDULES

SCHEDULE 1

Section 7

ABOLITION OF EARNINGS RULE ETC.

1–10 F1

Textual Amendments

F1 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Occupational and personal pensions

F2 11

Textual Amendments

F2 Sch. 1 para. 11 repealed (7.2.1994) by [1993 c. 48, s. 188](#), [Sch. 5 Pt.I](#); [S.I. 1994/86, art. 2](#)

SCHEDULES 2,

3. F3

Textual Amendments

F3 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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SCHEDULE 4

Section 22.

RECOVERY OF SUMS EQUIVALENT TO BENEFIT FROM COMPENSATION
PAYMENTS IN RESPECT OF ACCIDENTS ETC: SUPPLEMENTARY PROVISION

PARTS I—III

F4

Textual Amendments

F4 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

PART IV

MISCELLANEOUS

21

F5

Textual Amendments

F5 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Modification of Law Reform (Personal Injuries) Act 1948

22

(1) In section 2 of the ^{M1}Law Reform (Personal Injuries) Act 1948, in subsection (1) (which requires that, in assessing damages, half of certain benefits shall be brought into account against loss of profits or earnings)—

- (a) after the word “contract),” there shall be inserted the words “ where this section applies ”;
- (b) for the words from “against any loss” to “from the injuries” there shall be substituted the words “ against them ”; and
- (c) for the words from “therefrom” onwards there shall be substituted the words “from the injuries in respect of—
 - (a) any of the relevant benefits, within the meaning of section 22 of the Social Security Act 1989, or
 - (b) any corresponding benefits payable in Northern Ireland,

for the five years beginning with the time when the cause of action accrued.”

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(2) After that subsection there shall be inserted—

“(1A) This section applies in any case where the amount of the damages that would have been awarded apart from any reduction under subsection (1) above is less than the sum for the time being prescribed under paragraph 4(1) of Schedule 4 to the Social Security Act 1989 (recoupment of benefit: exception for small payments).”

(3) Subsection (2) of that section (disregard of increase for constant attendance) shall cease to have effect.

Modifications etc. (not altering text)

C1 The text of Sch. 4 para. 22 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 1.7.1992

Marginal Citations

M1 1948 c. 41.

Modification of Bankruptcy (Scotland) Act 1985

23 In section 31 of the ^{M2}Bankruptcy (Scotland) Act 1985 (vesting of debtor’s estate at date of sequestration) in subsection (8) after the words “subsection (9) below” there shall be inserted the words “ and to paragraph 8(2) of Schedule 4 to the Social Security Act 1989. ”

Modifications etc. (not altering text)

C2 The text of Sch. 4 para. 23 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 1.7.1992

Marginal Citations

M2 1985 c. 66.

24 **F6**

Textual Amendments

F6 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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SCHEDULE 5

Section 23.

EMPLOYMENT-RELATED SCHEMES FOR PENSIONS OR OTHER BENEFITS: EQUAL TREATMENT FOR MEN AND WOMEN

PART I

COMPLIANCE BY SCHEMES

Schemes to comply with the principle of equal treatment

- 1 Every employment-related benefit scheme shall comply with the principle of equal treatment.

Commencement Information

- II** Sch. 5 Pt. I para. 1 partly in force; Sch. 5 Pt. I para. 1 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 1 in force for specified purposes at 23.6.1994 by [S.I. 1994/1661](#), art. 2, **Sch. Pt. I**

The principle

- 2 (1) The principle of equal treatment is that persons of the one sex shall not, on the basis of sex, be treated less favourably than persons of the other sex in any respect relating to an employment-related benefit scheme.
- (2) Sub-paragraphs (3) to (6) below have effect, where applicable, for the purpose of determining whether a scheme complies with the principle of equal treatment.
- (3) Where any provision of the scheme imposes on both male and female members a requirement or condition—
- (a) which is such that the proportion of persons of the one sex (“the sex affected”) who can comply with it is considerably smaller than the proportion of persons of the other sex who can do so, and
 - (b) which is not justifiable irrespective of the sex of the members,
- the imposition of that requirement or condition shall be regarded as less favourable treatment of persons of the sex affected.
- (4) No account shall be taken of—
- (a) any difference, on the basis of the sex of members, in the levels of contributions—
 - (i) which members are required to make, to the extent that the difference is justifiable on actuarial grounds, or
 - (ii) which the employer makes, to the extent that the difference is for the purpose of removing or limiting differences, as between men and women, in the amount or value of money purchase benefits;
 - (b) any difference, on the basis of sex, in the amount or value of money purchase benefits, to the extent that the difference is justifiable on actuarial grounds;
 - (c) any special treatment for the benefit of women in connection with pregnancy or childbirth;
 - (d) any permitted age-related differences;

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- (e) any difference of treatment in relation to benefits for a deceased member’s surviving husband, wife or other dependants;
- (f) any difference of treatment in relation to any optional provisions available; or
- (g) any provisions of a scheme to the extent that they have been specially arranged for the benefit of one particular member of the scheme

F7

- (5) Where the scheme treats persons of the one sex differently according to their marital or family status, that treatment is to be compared with the scheme’s treatment of persons of the other sex who have the same status.
- (6) The principle of equal treatment applies in relation to members’ dependants as it applies in relation to members.
- (7) If any question arises whether a condition or requirement falling within subparagraph (3)(a) above is or is not justifiable irrespective of the sex of the members, it shall be for those who assert that it is so justifiable to prove that fact.
- (8) In this paragraph—
 - “money purchase benefits” has the same meaning given by [F8 section 181(1) of the Pension Schemes Act 1993], but with the substitution for references to a personal or occupational pension scheme of references to an employment-related benefit scheme;
 - “optional provisions available” means those provisions of a scheme—
 - (a) which apply only in the case of members who elect for them to do so; and
 - (b) whose purpose is to secure for those members—
 - (i) benefits in addition to those otherwise provided under the scheme; or
 - (ii) a choice with respect to the date on which benefits under the scheme are to commence; or
 - (iii) a choice between any two or more benefits;
 - “permitted age-related difference” means any difference, on the basis of sex, in the age—
 - (a) at which a service-related benefit in respect of old age or retirement commences; or
 - (b) at which, in consequence of the commencement of such a benefit, any other service-related benefit either ceases to be payable or becomes payable at a reduced rate calculated by reference to the amount of the benefit so commencing.
- (9) For the purposes of this paragraph—
 - (a) any reference to a person’s family status is a reference to his having an unmarried partner or any dependants; and
 - (b) a person “has an unmarried partner” if that person and some other person to whom he is not married live together as husband and wife.

Textual Amendments

- F7 Words in Sch. 5 para. 2(4) repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), ss. 211, 216, [Sch. 27 Pt. 1](#) (with ss. 6(4), 205) (as substituted by [S.I. 2010/2279](#), arts. 1(2), 13, [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2\(15\)](#) (e)(f) (with [art. 15](#))

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F8 Words in Sch. 5 para. 2(8) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 7 para. 2(a)**; S.I. 1994/86, **art. 2**

Commencement Information

I2 Sch. 5 para. 2 partly in force; Sch. 5 para. 2 not in force at Royal Assent see s. 33(2); Sch. 5 para. 2(1)(2)(4)(c)(5)(9) in force at 23.6.1994 by S.I. 1994/1661, **art. 2**, **Sch. Pt. I**

Non-compliance: compulsory levelling up

- 3 (1) To the extent that any provision of an employment-related benefit scheme does not comply with the principle of equal treatment, it shall be overridden by this Schedule and the more favourable treatment accorded to persons of the one sex shall also be accorded to persons of the other sex.
- (2) Where more favourable treatment is accorded to any persons by virtue of sub-paragraph (1) above, that sub-paragraph requires them, in accordance with the principle of equal treatment—
 - (a) to pay contributions at a level appropriate to the treatment so accorded; and
 - (b) to bear any other burden which is an incident of that treatment;
 but persons of either sex may instead elect to receive the less favourable treatment and, in accordance with the principle of equal treatment, pay contributions at the level appropriate to that treatment and bear the other burdens incidental to it.
- (3) Where any provision of a scheme is overridden by sub-paragraph (1) above, nothing in this Schedule shall affect any rights accrued or obligations incurred during the period before the date on which that provision is so overridden.
- (4) Sub-paragraph (1) above is without prejudice to the exercise, in compliance with the principle of equal treatment, of any power to amend the scheme.

Commencement Information

I3 Sch. 5 para. 3 partly in force; Sch. 5 para. 3 not in force at Royal Assent see s. 33(2)(3); Sch. 5 para. 3(1)(3)(4) in force for specified purposes at 23.6.1994 by S.I. 1994/1661, **art. 2**, **Sch. Pt. I**; Sch. 5 para. 3 in force for further certain purposes at 24.8.2007 by S.I. 2007/2445, **art. 2(b)**

Modification of schemes by the Occupational Pensions Board

F9
.....

Textual Amendments

F9 Sch. 5 Pt. I para. 4 repealed (6.4.1997) by 1995 c. 26, ss. 151, 177, Sch. 5 para. 13(2), **Sch. 7 Pt. III**; S.I. 1997/664, **art. 2**, **Sch. Pt. II**

Unfair maternity provisions

5 **F10**
.....

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Textual Amendments

- F10** Sch. 5 para. 5 repealed (1.10.2010) by Equality Act 2010 (c. 15), ss. 211, 216, **Sch. 27 Pt. 1** (with ss. 6(4), 205) (as substituted by S.I. 2010/2279, arts. 1(2), 13, **Sch. 2**); S.I. 2010/2317, **art. 2(15)(c)(f)** (with art. 15)

[^{F11}Unfair paternity leave provisions

Textual Amendments

- F11** Sch. 5 paras. 5A, 5B inserted (6.4.2005) by Pensions Act 2004 (c. 35), **ss. 265(1), 322(1)** (with s. 313); S.I. 2005/275, **art. 2(7)**, **Sch. Pt. 7** (subject to art. 2(12))

- 5A (1) Where an employment-related benefit scheme includes any unfair paternity leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.
- (2) In this paragraph “unfair paternity leave provisions”, in relation to an employment-related benefit scheme, means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid paternity leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
 - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid paternity leave, to be determined otherwise than in accordance with the normal employment requirement.
- (3) In the case of any unfair paternity leave provision—
- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
 - (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;
- but, in respect of any period of paid paternity leave, a member shall only be required to pay contributions on the amount of contractual remuneration [^{F12}or statutory paternity pay] actually paid to or for him in respect of that period.
- (4) In this paragraph—
- “period of paid paternity leave”, in the case of a member, means a period—
- (a) ^{F13} throughout which the member is absent from work in circumstances where sub-paragraph (5), (6) [^{F14}, (7)[^{F15}, (7A) or (7B)] ...] applies, and

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- (b) for which the employer (or if he is no longer in his employment, his former employer) pays him any contractual remuneration [^{F16}or statutory paternity pay]; and

“the normal employment requirement” is the requirement that any period of paid paternity leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so.

(5) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the birth or expected birth of a child, and
- (b) the member satisfies the conditions prescribed under section 171ZA(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992 in relation to that child.

(6) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the placement or expected placement of a child for adoption under the law of any part of the United Kingdom, and
- (b) the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of that Act in relation to that child.

(7) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and
- (b) the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of that Act (as applied by virtue of [^{F17}section 171ZK(1)] of that Act (adoption cases not involving placement under the law of the United Kingdom)) in relation to that child.

[This sub-paragraph applies if—

- ^{F18}(7A) (a) the member's absence from work is due to the placement or expected placement of a child under section 22C of the Children Act 1989 [^{F19}or section 81 of the Social Services and Well-being (Wales) Act 2014], and

[^{F20}(b) in relation to that child, the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992, as modified—

(i) in relation to a local authority in England, by section 171ZB(8) of that Act (cases involving the placing of a child by a local authority in England with a local authority foster parent who has been approved as a prospective adopter);

(ii) in relation to a local authority in Wales, by section 171ZB(10) of that Act (cases involving the placing of a child by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter)]

(7B) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth or expected birth of a child, and

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- (b) in relation to that child, the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZK(2) of that Act (cases involving applicants for parental orders under section 54 of the Human Fertilisation and Embryology Act 2008).]

^{F21}(8)

Textual Amendments

- F12** Words in Sch. 5 para. 5A(3)(b) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 2\(2\)](#); S.I. 2014/1640, art. 7(a) (with art. 16)
- F13** Words in Sch. 5 para. 5A(4) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 2\(3\)\(b\)](#); S.I. 2014/1640, art. 7(a) (with art. 16)
- F14** Words in Sch. 5 para. 5A(4)(a) substituted (6.4.2010) by [Work and Families Act 2006 \(c. 18\), ss. 11\(1\), 19\(1\), Sch. 1 para. 1\(3\)\(a\)](#); S.I. 2010/495, art. 4(d)
- F15** Words in Sch. 5 para. 5A(4) inserted (1.12.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 2\(3\)\(a\)](#); S.I. 2014/1640, art. 5(2)(a)
- F16** Words in Sch. 5 para. 5A(4) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 2\(3\)\(c\)](#); S.I. 2014/1640, art. 7(a) (with art. 16)
- F17** Words in Sch. 5 para. 5A(7) substituted (30.6.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 2\(4\)](#); S.I. 2014/1640, art. 3(2)(b)
- F18** Sch. 5 para. 5A(7A), (7B) inserted (1.12.2014 for specified purposes) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 2\(5\)](#); S.I. 2014/1640, art. 5(2)(a)
- F19** Words in Sch. 5 para. 5A(7A)(a) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 54\(a\)](#)
- F20** Sch. 5 para. 5A(7A)(b) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 54\(b\)](#)
- F21** Sch. 5 para. 5A(8) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 2\(6\)](#); S.I. 2014/1640, art. 7(a) (with arts. 1618)

Modifications etc. (not altering text)

- C3** Sch. 5 para. 5A: power to apply (with modifications) conferred (6.4.2005) by [Pensions Act 2004 \(c. 35\), ss. 265\(2\), 322\(1\)](#) (with s. 313); S.I. 2005/275, art. 2(7), Sch. Pt. 7 (subject to art. 2(12))

Unfair adoption leave provisions

- 5B (1) Where an employment-related benefit scheme includes any unfair adoption leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
- (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.
- (2) In this paragraph “unfair adoption leave provisions”, in relation to an employment-related benefit scheme, means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid adoption leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or

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(b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid adoption leave, to be determined otherwise than in accordance with the normal employment requirement.

(3) In the case of any unfair adoption leave provision—

- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
- (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;

but, in respect of any period of paid adoption leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory adoption pay actually paid to or for him in respect of that period.

(4) In this paragraph—

“period of paid adoption leave”, in the case of a member, means a period—

- (a) throughout which the member is absent from work in circumstances where sub-paragraph (5)^[F22], (6), (7) or (8) applies, and
- (b) for which the employer (or, if he is no longer in his employment, his former employer) pays him any contractual remuneration or statutory adoption pay; and

“the normal employment requirement” is the requirement that any period of paid adoption leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so.

(5) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the placement, or expected placement, of a child for adoption under the law of any part of the United Kingdom, and
- (b) the member is a person with whom the child is, or is expected to be, placed for such adoption.

(6) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and
- (b) the member is a person by whom the child has been or is expected to be adopted.]

^[F23](7) This sub-paragraph applies if—

- (a) the member's absence from work is due to the placement or expected placement of a child under section 22C of the Children Act 1989 ^[F24] or section 81 of the Social Services and Well-being (Wales) Act 2014], and

^[F25](b) in relation to that child, the member satisfies the condition in section 171ZL(2)(a) of the Social Security Contributions and Benefits Act 1992, as modified—

- (i) in relation to a local authority in England, by section 171ZL(9) of that Act (cases involving the placing of a child by a local authority in

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England with a local authority foster parent who has been approved as a prospective adopter);

- (ii) in relation to a local authority in Wales, by section 171ZL(11) of that Act (cases involving the placing of a child by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter).]

(8) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth or expected birth of a child, and
- (b) in relation to that child, the member satisfies the condition in section 171ZL(2)(a) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZT(2) of that Act (cases involving applicants for parental orders under section 54 [^{F26}or 54A] of the Human Fertilisation and Embryology Act 2008).]

Textual Amendments

- F22** Words in Sch. 5 para. 5B(4) substituted (1.12.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 3\(2\)](#); S.I. 2014/1640, art. 5(2)(b)
- F23** Sch. 5 para. 5B(7), (8) inserted (1.12.2014 for specified purposes) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 3\(3\)](#); S.I. 2014/1640, art. 5(2)(b)
- F24** Words in Sch. 5 para. 5B(7)(a) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 54\(c\)](#)
- F25** Sch. 5 para. 5B(7)(b) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 54\(d\)](#)
- F26** Words in Sch. 5 para. 5B(8)(b) inserted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\), art. 1\(1\), Sch. 1 para. 2](#)

Modifications etc. (not altering text)

- C4** Sch. 5 para. 5B: power to apply (with modifications) conferred (6.4.2005) by [Pensions Act 2004 \(c. 35\), ss. 265\(2\), 322\(1\)](#) (with s. 313); S.I. 2005/275, art. 2(7), Sch. Pt. 7 (subject to art. 2(12))

^{F27}Unfair shared parental leave provisions

Textual Amendments

- F27** and cross-heading inserted (1.12.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 4](#); S.I. 2014/1640, art. 5(2)(c)

- 5C (1) Where an employment-related benefit scheme includes any unfair shared parental leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
- (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.
- (2) In this paragraph “unfair shared parental leave provisions”, in relation to an employment-related benefit scheme, means any provision—

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- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid shared parental leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
- (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid shared parental leave, to be determined otherwise than in accordance with the normal employment requirement.

(3) In the case of any unfair shared parental leave provision—

- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
- (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;

but, in respect of any period of paid shared parental leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory shared parental pay actually paid to or for the member in respect of that period.

(4) In this paragraph—

“the normal employment requirement” is the requirement that any period of paid shared parental leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so;

“period of paid adoption leave” has the same meaning as in paragraph 5B;

“period of paid paternity leave” has the same meaning as in paragraph 5A;

“period of paid shared parental leave”, in the case of a member, means a period—

- (a) throughout which the member is absent from work in circumstances where sub-paragraph (5), (6), (7), (8), (9) or (10) applies, and
- (b) for which the employer (or if the member is no longer in that person's employment, his former employer) pays the member any contractual remuneration or statutory shared parental pay.

(5) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth of a child,
- (b) the member is the mother of the child, and
- (c) the absence from work is not absence on maternity leave (within the meaning of the Equality Act 2010).

(6) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth of a child,
- (b) the member is a person who satisfies the conditions prescribed under section 171ZU(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992 in relation to the child, and
- (c) the member's absence from work is not absence during a period of paid paternity leave.

(7) This sub-paragraph applies if—

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- (a) the member's absence from work is due to the placement of a child for adoption under the law of any part of the United Kingdom,
 - (b) the member is—
 - (i) a person with whom a child is placed for adoption under the law of any part of the United Kingdom, or
 - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992 in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.
- (8) This sub-paragraph applies if—
- [^{F28}(a) the member's absence from work is due to the placement of a child under—
 - (i) section 22C of the Children Act 1989 by a local authority in England, or
 - (ii) section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,
 with a local authority foster parent who has been approved as a prospective adopter,]
 - (b) the member is—
 - (i) the local authority foster parent with whom the child in question is placed under section 22C of the Children Act 1989 [^{F29}or section 81 of the Social Services and Well-being (Wales) Act 2014], or
 - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992, as modified by section 171ZV(18) of that Act (cases involving the placing of a child by a local authority in England [^{F30}or Wales] with a local authority foster parent who has been approved as a prospective adopter), in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.
- (9) This sub-paragraph applies if—
- (a) the member's absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve placement of the child for adoption under the law of any part of the United Kingdom,
 - (b) the member is—
 - (i) the person who has adopted or expects to adopt the child in question, or
 - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZZ5(1) of that Act (adoption cases not involving placement under the law of the United Kingdom), in relation to the child, and
 - (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or

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(ii) a period of paid adoption leave.

(10) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth of a child,
- (b) the member is a person who has applied, or intends to apply, for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in relation to the child, and
- (c) the member's absence from work is not absence during—
 - (i) a period of paid paternity leave, or
 - (ii) a period of paid adoption leave.]

Textual Amendments

- F28** Sch. 5 para. 5C(8)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **54(e)**
- F29** Words in Sch. 5 para. 5C(8)(b)(i) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **54(f)**
- F30** Words in Sch. 5 para. 5C(8)(b)(ii) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **54(g)**

^{F31}Unfair parental bereavement leave provisions

Textual Amendments

- F31** Sch. 5 para. 5D and cross-heading inserted (18.1.2020) by [Parental Bereavement \(Leave and Pay\) Act 2018 \(c. 24\)](#), s. 2(2), **Sch. para. 7**; S.I. 2020/45, reg. 2

- 5D (1) Where an employment-related benefit scheme includes any unfair parental bereavement leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme is to be regarded to that extent as not complying with the principle of equal treatment; and
 - (b) subject to sub-paragraph (3), this Schedule is to apply accordingly.
- (2) In this paragraph “unfair parental bereavement leave provisions”, in relation to an employment-related benefit scheme, means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid parental bereavement leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
 - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid parental bereavement leave, to be determined otherwise than in accordance with the normal employment requirement.
- (3) In the case of any unfair parental bereavement leave provision—

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- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
- (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;

but, in respect of any period of paid parental bereavement leave, a member is only required to pay contributions on the amount of contractual remuneration or statutory parental bereavement pay actually paid to or for the member in respect of that period.

(4) In this paragraph—

“the normal employment requirement” is the requirement that any period of paid parental bereavement leave is to be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so;

“period of paid parental bereavement leave”, in the case of a member, means any period—

- (a) throughout which a member who is a bereaved parent (within the meaning given by section 171ZZ6(3) of the Social Security Contributions and Benefits Act 1992) is absent from work due to the death of a child, otherwise than by virtue of a period of leave mentioned in sub-paragraph (5); and
- (b) for which the employer (or if the member is no longer in that person's employment, his former employer) pays the member any contractual remuneration or statutory parental bereavement pay.

(5) The periods of leave referred to in paragraph (a) of the definition of “period of paid parental bereavement leave” are—

- (a) a period of paid paternity leave (within the meaning of paragraph 5A),
- (b) a period of maternity leave (within the meaning of the Equality Act 2010),
- (c) a period of paid adoption leave (within the meaning of paragraph 5B), or
- (d) a period of shared parental leave (within the meaning of paragraph 5C).]

Unfair family leave provisions

6 (1) Where an employment-related benefit scheme includes any unfair family leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—

- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
- (b) subject to sub-paragraph (3) below, this Schedule shall apply accordingly.

(2) In this Schedule “unfair family leave provisions” means any provision—

- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid family leave in the case of any member who is an employed earner and which treats such a member otherwise than in accordance with the normal leave requirement; or
- (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member to the extent that it falls to be determined by reference to earnings during a period which included a period of paid family leave, to be determined otherwise than in accordance with the normal leave requirement.

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- (3) In the case of any unfair family leave provision—
- (a) the more favourable treatment required by paragraph 3(1) above is treatment no less favourable than would be accorded to the members in accordance with the normal leave requirement;
 - (b) paragraph 3(2) above does not authorise the making of any such election as is there mentioned; and
 - (c) paragraph 4(1)(a) above does not authorise the making of any modification which does not satisfy the requirements of paragraph (a) above;
- but, in respect of a period of paid family leave, a member shall only be required to pay contributions on the amount of contractual remuneration actually paid to or for him in respect of that period.
- (4) In this paragraph—
- (a) “period of paid family leave” means any period—
 - (i) throughout which a member is absent from work for family reasons; and
 - (ii) for which the employer pays him any contractual remuneration;
 - (b) “the normal leave requirement” is the requirement that any period of paid family leave shall be treated as if it were a period throughout which the member in question works normally but only receives the remuneration in fact paid to him for that period.

Commencement Information

I4 Sch. 5 Pt. I para. 6 partly in force; Sch. 5 Pt. I para. 6 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 6(1)(2)(3)(a)(4) in force at 23.6.1994 by [S.I. 1994/1661](#), art. 2, **Sch. Pt. II**

Meaning of “employment-related benefit scheme” etc.

- 7 In this Schedule—
- (a) “employment-related benefit scheme” means any scheme or arrangement which is comprised in one or more instruments or agreements and which has, or is capable of having, effect in relation to one or more descriptions or categories of employments so as to provide service-related benefits to or in respect of employed or self-employed earners—
 - (i) who have qualifying service in an employment of any such description or category, or
 - (ii) who have made arrangements with the trustees or managers of the scheme to enable them to become members of the scheme,
 but does not include a limited scheme;
 - (b) “limited scheme” means—
 - (i) any personal scheme for employed earners to which the employer does not contribute;
 - (ii) any scheme which has only one member, other than a personal scheme for an employed earner to which his employer contributes;
 - (iii) any contract of insurance which is made for the benefit of employed earners only and to which the employer is not a party;

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- (c) “personal scheme” means any scheme or arrangement which falls within paragraph (a) above by virtue of sub-paragraph (ii) of that paragraph (or which would so fall apart from paragraph (b) above);
- (d) “public service scheme” has [^{F32}the same meaning as “public service pension scheme” in section 1 of the Pension Schemes Act 1993];
- (e) “service-related benefits” means benefits, in the form of pensions or otherwise, payable in money or money’s worth in respect of—
- (i) termination of service;
 - (ii) retirement, old age or death;
 - (iii) interruptions of service by reason of sickness or invalidity;
 - (iv) accidents, injuries or diseases connected with employment;
 - (v) unemployment; or
 - (vi) expenses incurred in connection with children or other dependants;
- and includes, in the case of a member who is an employed earner, any other benefit so payable to or in respect of the member in consequence of his employment.

Textual Amendments

F32 Words in Sch. 5 para. 7(d) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 7 para. 2(b)**; S.I. 1994/86, **art. 2**

Commencement Information

I5 Sch. 5 Pt. I para. 7 partly in force; Sch. 5 Pt. I para. 7 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 7(a)-(c)(e) in force for specified purposes at 23.6.1994 by S.I. 1994/1661, **art. 2**, **Sch. Pt. I**

PROSPECTIVE

Extension of ban on compulsory membership

- 8 [^{F33}Section 160(1) of the Pension Schemes Act 1993] (which renders void any provision making membership of a pension scheme compulsory for an employed earner) shall apply in relation to a self-employed earner as it applies in relation to an employed earner, but with the substitution for references to a personal pension scheme of references to an employment-related benefit scheme which would be such a pension scheme if self-employed earners were regarded as employed earners.

Textual Amendments

F33 Words in Sch. 5 para. 8 substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 7 para. 2(c)**; S.I. 1994/86, **art. 2**

Jurisdiction

- 9 (1) The court, on the application of any person interested, shall have jurisdiction to determine any question arising as to—

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- (a) whether any provision of an employment-related benefit scheme does or does not comply with the principle of equal treatment; or
 - (b) whether, and with what effect, any such provision is overridden by paragraph 3 above.
- (2) In sub-paragraph (1) above “the court” means—
- (a) in England and Wales, the High Court or [^{F34}the county court]; and
 - (b) in Scotland, the Court of Session or the sheriff court.
- (3) An application under sub-paragraph (1) above may be commenced in [^{F34}the county court] notwithstanding—
- (a) any financial limit otherwise imposed on the jurisdiction of [^{F35}that] court; or
 - (b) that the only relief claimed is a declaration or an injunction.

Textual Amendments

- F34** Words in Sch. 5 para. 9 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F35** Word in Sch. 5 para. 9(3)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 128](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Commencement Information

- I6** Sch. 5 Pt. I para. 9 partly in force; Sch. 5 Pt. I para. 9 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 9 in force for specified purposes at 23.6.1994 by [S.I. 1994/1661](#), art. 2, [Sch. Pt. I](#)

Interpretation

- 10 Expressions other than “benefit” which are used in this Part of this Schedule and in the principal Act have the same meaning in this Part of this Schedule as they have in that Act.

Commencement Information

- I7** Sch. 5 Pt. I para. 10 partly in force; Sch. 5 Pt. I para. 10 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 10 in force for specified purposes at 23.6.1994 by [S.I. 1994/1661](#), art. 2, [Sch. Pt. I](#)

Supplemental

^{F36}11

Textual Amendments

- F36** Sch. 5 para. 11 repealed (7.2.1994) by [1993 c. 48](#), s. 118, [Sch. 5 Pt. I](#); [S.I. 1994/86](#), art. 2

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PROSPECTIVE

Future repeal of actuarial provisions

- 12 The Secretary of State may by order repeal paragraph 2(4)(a)(i) above; and if and to the extent that he has not done so before 30th July 1999 it shall cease to have effect on that date.

PART II

AMENDMENT OF ENACTMENTS RELATING TO EMPLOYMENT

Equal Pay Act 1970 (c.41)

- F37 13

Textual Amendments

F37 Sch. 5 para. 13 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

Sex Discrimination Act 1975 (c.65)

- F38 14

Textual Amendments

F38 Sch. 5 Pt. II para. 14 repealed (6.4.1997) by 1995 c. 26, s. 177, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2, **Sch. Pt. II**

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

- F39 15

Textual Amendments

F39 Sch. 5 para. 15 repealed (10.6.1994) by 1993 c. 19, s. 51, **Sch. 10**; S.I. 1994/1365, art. 2, **Sch.** (with transitional provisions in **art. 3**)

SCHEDULE 6

Section 24.

OCCUPATIONAL AND PERSONAL PENSIONS

Social Security Act 1973 (c.38)

- F40 1

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F40 Sch. 6 para. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F41₂

Textual Amendments

F41 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F42₃

Textual Amendments

F42 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F43₄

Textual Amendments

F43 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

Social Security Pensions Act 1975 (c. 60)

F44₅

Textual Amendments

F44 Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

6,7. **F45**

Textual Amendments

F45 Sch. 6 paras. 6 and 7 which had textually amended (21.7.1989) ss.41A and 41B respectively of the **Social Security Pensions Act 1975 (c. 60)**, were repealed retrospectively w.e.f. 21.7.1989 by **Social Security Act 1990 (c. 27, SIF 113:1)**, **Sch. 4 para. 8(1)** and Sch. 7

F46₈

Textual Amendments

F46 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F47₉

Changes to legislation: *Social Security Act 1989 is up to date with all changes known to be in force on or before 20 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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Textual Amendments

F47 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F48₁₀

.....
Textual Amendments

F48 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F49₁₁

.....
Textual Amendments

F49 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F50₁₂

.....
Textual Amendments

F50 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F51₁₃

.....
Textual Amendments

F51 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F52₁₄

.....
Textual Amendments

F52 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

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

F53₁₅

.....
Textual Amendments

F53 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

Social Security Act 1986 (c. 50)

F54₁₆

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Textual Amendments

F54 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F55}17

Textual Amendments

F55 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F56}18

Textual Amendments

F56 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F57}19

Textual Amendments

F57 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F58}20

Textual Amendments

F58 Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

The Occupational Pension Schemes (Contracting-out) Regulations 1984 (S.I.1984/380)

- 21 (1) In regulation 22 of the Occupational Pension Schemes (Contracting-out) Regulations 1984 (additional requirement alternative to limited revaluation premium) in paragraphs (3A) and (7A) (which were inserted by regulation 2 of the ^{M3}Contracting-out (Miscellaneous Amendments) Regulations 1988 and which provide for the rate of increase to be 7½ per cent. in certain cases) for the words “and in relation to another scheme,” there shall be substituted the words “ (and whether in relation to the same or another scheme) ”.
- (2) The amendment by sub-paragraph (1) above of a provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision.
- (3) This paragraph shall be deemed to have come into force on 6th April 1988.

Marginal Citations

M3 S.I. 1988/475.

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 7

Section 26.

PRE-CONSOLIDATION AMENDMENTS

Social Security Act 1973 (c. 38)

F59¹

Textual Amendments

F59 Sch. 7 para. 1 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

2–13 F60

Textual Amendments

F60 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

14 F61

Textual Amendments

F61 Sch. 7 para. 14 repealed by [DLA and DWA Act 1991 \(c. 21\)](#), **Sch. 4**

15–20 F62

Textual Amendments

F62 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

F63²¹

Textual Amendments

F63 Sch. 7 para. 21 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

22–26 F64

Textual Amendments

F64 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21,

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

F65 27

Textual Amendments

F65 Sch. 7 para. 27 repealed (8.11.1995) by [1995 c. 44, s. 1](#), [Sch. 1 Pt. VI](#)

28 F66

Textual Amendments

F66 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

SCHEDULE 8

Section 31(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

1–7 F67

Textual Amendments

F67 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

8 (1) F68

(2) F69

Textual Amendments

F68 Sch. 8 para. 8(1) repealed (1.2.1991) by [Employment Act 1990 \(c. 38, SIF 43:5\)](#), [Sch. 3](#)
F69 Sch. 8 para. 8(2) repealed (13.3.1990) by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 7](#)

9 F70

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Textual Amendments

F70 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Transitional and consequential provision in regulations

- 10 (1) ^{F71}
- (2) In section 89 of the 1986 Act (transitional regulations in connection with coming into force of provisions of that Act) after subsection (1) there shall be inserted—
- “(1A) Without prejudice to any other powers conferred on him, the Secretary of State—
- (a) may, for the purpose of making provision with respect to persons falling within subsection (1B) below, modify or revoke any regulations made under this section if he considers it necessary or expedient to do so in consequence of, or otherwise in connection with, provisions of Acts, schemes, arrangements or other instruments coming into force after the passing of this Act; and
- (b) may, for the purpose of consolidation, revoke and re-enact, with any modifications which he considers necessary or desirable, any regulations under this section.
- (1B) The persons referred to in subsection (1A)(a) above are any persons—
- (a) to whom regulations under subsection (1) above apply; or
- (b) to whom regulations made under Part II of this Act relating to income support applied at any time before the passing of the Social Security Act 1989.”

Textual Amendments

F71 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Modifications etc. (not altering text)

C5 The text of Sch. 8 para. 10(2) 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 1.7.1992

Restriction on first up-rating of additional pension

- 11 ^{F72}

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Textual Amendments

F72 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Consultations about subordinate legislation

- 12 (1) In section 61(2) of the Pensions Act—
- ^{F73}(a)
- ^{F73}(b)
- (c) for the word “(other” there shall be substituted the words “or
(c) Schedule 5 to the Social Security Act 1989,
(other ”.
- (2) ^{F74}
- ^{F75}(3)
- ^{F75}(4)
- (5) ^{F74}
- (6) ^{F74}

Textual Amendments

F73 Sch. 8 para. 12(1)(a)(b) repealed (7.2.1994) by [1993 c. 48, s. 188, Sch. 5 Pt. I; S.I. 1994/86, art. 2](#)

F74 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

F75 Sch. 8 para. 12(3)(4) repealed (8.11.1995) by [1995 c. 44, s. 1, Sch. 1 Pt. VI](#)

Modifications etc. (not altering text)

C6 The text of Sch. 8 para. 12(1) 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 1.7.1992

Regulations relating to home responsibilities

- 13 (1) Paragraph (a) of section 62(1) of the Pensions Act (affirmative, instead of negative, procedure for regulations under paragraph 5(6) of Schedule 3 to the principal Act relating to contributors who were precluded from regular employment by responsibilities at home) shall cease to have effect.
- (2) The following regulations, namely—

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- (a) the ^{M4}Social Security Pensions (Home Responsibilities and Graduated Retirement Benefit) Amendment Regulations 1981, and
 - (b) the ^{M5}Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Amendment Regulations 1988,
- shall have effect, and be taken always to have had effect, as if sub-paragraph (1) above had come into force immediately after the passing of the Pensions Act.

Marginal Citations

- M4** S.I. 1981/330.
- M5** S.I. 1988/623.

14–18 **F76**

Textual Amendments

- F76** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Joint citations

- 19 In the following enactments, for the words “the Social Security Acts 1975 to 1986” in each place where they occur there shall be substituted the words “the Social Security Acts 1975 to 1989”—
- (a) **F77**
 - (b) **F77**
 - (c) section 4(5) of the ^{M6}Forfeiture Act 1982;
 - (d) section 5(1)(a) of the ^{M7}Social Security Act 1985;
 - (e) paragraph (b) of the definition of “the benefit Acts” in section 84(1) of the 1986 Act.

Textual Amendments

- F77** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Modifications etc. (not altering text)

- C7** The text of Sch. 8 para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not (except as specified) reflect any amendments or repeals which may have been made prior to 1.7.1992

Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 20 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Marginal Citations

M6 1982 c. 34.

M7 1985 c. 53.

SCHEDULE 9

Section 31(2).

REPEALS

Modifications etc. (not altering text)

C8 The text of Sch. 9, Table 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 1.7.1992

11 & 12 Geo.5 c. 49.	War Pensions Act 1921.	Sections 1 and 2.
11 & 12 Geo.6 c. 41.	Law Reform (Personal Injuries) Act 1948.	Section 2(2).
1970 c. 36.	Merchant Shipping Act 1970.	In section 17(10), the words from “but any application” onwards.
1973 c. 38.	Social Security Act 1973.	Section 51(7). F78 ...
1975 c. 14.	Social Security Act 1975.	In section 1, in subsection (1) the words from “together with” onwards, and subsections (5) and (5A). In section 4(6F), the words “primary or”. In section 7A(3), the words “Class 2” wherever occurring. In section 14(6), the words following paragraph (c). In section 15(6)(a), the words “but have not retired from regular employment”. In section 20(1A) the words “longer or”. Section 27(3), (4) and (5). In section 28(1)(a), the words “and has retired from regular employment”.

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1975 c. 14. (contd.)	Social Security Act 1975 (contd.)	<p>Section 29(5)(a).</p> <p>In section 30, subsection (1), in subsection (3), in paragraph (a), the words “retired from regular employment or has otherwise” and the words “retired or” and subsection (6)(a).</p> <p>In section 36(7), the word “and” at the end of paragraph (c).</p> <p>In section 39(1)(b), the words “and has retired from regular employment”.</p> <p>In section 41(1), the words “section 30(1) of this Act and to”.</p> <p>Section 48(2) and (3).</p> <p>In section 100(3), the words from “without leave” onwards.</p> <p>Section 101(6) and (7).</p> <p>In section 112, subsection (4) and, in subsection (5), the words “or reference” and the words from “and the medical” onwards.</p> <p>Section 122(5).</p> <p>Section 134(3).</p> <p>In section 167(1)(b), the words “section 1(5A)”.</p> <p>In Schedule 10, paragraphs 1(7) and 2(2).</p> <p>In Schedule 11, paragraph 4.</p> <p>In Schedule 13, paragraphs 8 and 9.</p> <p>In Schedule 20, the definition of “local office” and, in the definition of “week”, the words “midnight between Saturday and” and “30(1)”.</p>
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1975 c. 60.	Social Security Pensions Act 1975.	<p>In section 8(1), the words “who has retired from regular employment”.</p> <p>Section 11.</p> <p>Section 27(6).</p> <p>In section 41A(1C), the word “and” at the end of paragraph (b).</p> <p>In section 41B(1A), the word “and” at the end of paragraph (b).</p> <p>Section 41C(3)(a)(ii).</p> <p>In section 45(3), the words from “unless the person” to “shall not apply”.</p> <p>F78</p> <p>...</p> <p>Section 62(1)(a).</p> <p>In Schedule 4, paragraph 39(a).</p>
1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	<p>In section 21(1), the words “unless the prescribed person otherwise elects in the prescribed manner”.</p> <p>In section 22(2) the words “25(3), 26(3)”.</p>
1979 c. 18.	Social Security Act 1979.	In Schedule 1, paragraph 17.
1980 c. 30.	Social Security Act 1980.	<p>Section 10(2)(b).</p> <p>Section 14(7).</p>
1981 c. 1.	Social Security (Contributions) Act 1981.	Section 2(2).
1982 c. 2.	Social Security (Contributions) Act 1982.	<p>Section 4(5)(a).</p> <p>Section 2.</p> <p>Section 4(4).</p> <p>In Schedule 1, paragraph 1(4).</p>
1982 c. 24.	Social Security and Housing Benefits Act 1982.	<p>Section 44(3) and (4).</p> <p>In Schedule 1, in paragraph 7, the words “participate in, or”.</p>

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		In Schedule 4, paragraph 11.
1985 c. 53.	Social Security Act 1985.	In Schedule 5, paragraph 32.
1986 c. 50.	Social Security Act 1986.	In section 26(3), the word “and” at the end of paragraph (b). In section 30(2), the words following paragraph (b), other than those added by the Local Government and Housing Act 1989. In section 50(1), in the definition of “week”, the words “midnight between Saturday and”. Section 63(1)(a)(ii). In Schedule 1, in paragraph 7(4) and (5) the words “such as are mentioned in sub-paragraph (2) above”. In Schedule 3, paragraph 15(b). In Schedule 6, in paragraph 3, in sub-paragraph (3) (b), the words “30(1)”, sub-paragraph (3)(c), sub-paragraph (4)(b) and the word “or” immediately preceding it. In Schedule 9, paragraph 11(b). In Schedule 10, paragraph 96.
1988 c. 7.	Social Security Act 1988.	Section 2(9).
1988 c. 43.	Housing (Scotland) Act 1988.	Section 70(4).
1988 c. 50.	Housing Act 1988.	Section 121(5).

Textual Amendments

F78 Words in Sch. 9 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

The repeal in section 1(1) ^{X1} of the principal Act and the repeal ^{X2} of sections 1(5) and (5A) and 134(3) of that Act, section 27 of the Pensions Act, section 2 of the Social Security (Contributions) Act 1981 and section 2 of the Social Security (Contributions) Act 1982 have effect in relation to payments by way of supplement, or adjustment of supplement, under section 1(5) of the principal Act in respect of any contributions whether paid before, on or after 31st March 1989.

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Editorial Information

- X1** This refers to the repeal, under the Table of repeals in Sch. 9 above, of the words from “together with” onwards in section 1(1) of the [Social Security Act 1975 \(c. 14\)](#)
- X2** This refers to the repeal, under the Table of repeals in Sch. 9 above, of sections 1(5) and (5A) and 134(3) of the [Social Security Act 1975 \(c. 14\)](#), [section 27\(6\)](#) of the [Social Security \(Pensions\) Act 1975 \(c. 60\)](#), [section 2\(2\)](#) of the [Social Security Contributions Act 1981 \(c. 1\)](#) and section 2 of the [Social Security \(Contributions\) Act 1982 \(c. 2\)](#). (all relating to Treasury Supplement)

The repeal in section 20(1A) ^{X3} of the principal Act does not affect the continuing operation of the Unemployment Benefit (Disqualification Period) Order 1988.

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Editorial Information

- X3** This refers to the repeal, under the Table of repeals in Sch. 9 above, of the words “longer or” in section 20(1A) of the [Social Security Act 1975 \(c. 14\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 25 and cross-heading omitted by [2023 c. 48 s. 2\(1\)\(a\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 5 para. 5E and cross-heading inserted by [2023 c. 20 Sch. para. 7](#)