



Social Security (Consequential Provisions) Act 1992

1992 CHAPTER 6

An Act to make provision for repeals, consequential amendments, transitional and transitory matters and savings in connection with the consolidation of enactments in the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992 (including provisions to give effect to recommendations of the Law Commission and the Scottish Law Commission). [13th February 1992]

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

1 Meaning of “the consolidating Acts”

In this Act—

“the consolidating Acts” means the Social Security Contributions and Benefits Act 1992 (“the Contributions and Benefits Act”), the Social Security Administration Act 1992 (“the Administration Act”) and, so far as it reproduces the effect of the repealed enactments, this Act; and

“the repealed enactments” means the enactments repealed by this Act.

2 Continuity of the law

- (1) The substitution of the consolidating Acts for the repealed enactments does not affect the continuity of the law.
- (2) Anything done or having effect as if done under or for the purposes of a provision of the repealed enactments has effect, if it could have been done under or for the purposes of the corresponding provision of the consolidating Acts, as if done under or for the purposes of that provision.

- (3) Any reference, whether express or implied, in the consolidating Acts or any other enactment, instrument or document to a provision of the consolidating Acts shall, so far as the context permits, be construed as including, in relation to the times, circumstances and purposes in relation to which the corresponding provision of the repealed enactments has effect, a reference to that corresponding provision.
- (4) Any reference, whether express or implied, in any enactment, instrument or document to a provision of the repealed enactments shall be construed, so far as is required for continuing its effect, as including a reference to the corresponding provision of the consolidating Acts.

3 Repeals

- (1) The enactments mentioned in Schedule 1 to this Act are repealed to the extent specified in the third column of that Schedule.
- (2) Those repeals include, in addition to repeals consequential on the consolidation of provisions in the consolidating Acts, repeals in accordance with Recommendations of the Law Commission and the Scottish Law Commission, of section 30(6)(b) of the Social Security Act 1975, paragraphs 2 to 8 of Schedule 9 to that Act, paragraph 2(1) of Schedule 10 to that Act and section 10 of the Social Security Act 1988.
- (3) The repeals have effect subject to any relevant savings in Schedule 3 to this Act.

4 Consequential amendments

The enactments mentioned in Schedule 2 to this Act shall have effect with the amendments there specified (being amendments consequential on the consolidating Acts).

5 Transitional provisions and savings

- (1) The transitional provisions and savings in Schedule 3 to this Act shall have effect.
- (2) Nothing in that Schedule affects the general operation of section 16 of the Interpretation Act 1978 (general savings implied on repeal) or of the previous provisions of this Act.

6 Transitory modifications

The transitory modifications in Schedule 4 to this Act shall have effect.

7 Short title, commencement and extent

- (1) This Act may be cited as the Social Security (Consequential Provisions) Act 1992.
- (2) This Act shall come into force on 1st July 1992.
- (3) Section 2 above and this section extend to Northern Ireland.
- (4) Subject to subsection (5) below, where any enactment repealed or amended by this Act extends to any part of the United Kingdom, the repeal or amendment extends to that part.

- (5) The repeals—
- (a) of provisions of sections 10, 13 and 14 of the Social Security Act 1980 and Part II of Schedule 3 to that Act;
 - (b) of enactments amending those provisions;
 - (c) of paragraph 2 of Schedule 1 to the Capital Allowances Act 1990; and
 - (d) of section 17(8) and (9) of the Social Security Act 1990,
- do not extend to Northern Ireland.
- (6) Section 6 above and Schedule 4 to this Act extend to Northern Ireland in so far as they give effect to transitory modifications of provisions of the consolidating Acts which so extend.
- (7) Except as provided by this section, this Act does not extend to Northern Ireland.
- (8) Section 4 above extends to the Isle of Man so far as it relates to paragraphs 53 and 54 of Schedule 2 to this Act.

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

SCHEDULES

SCHEDULE 1

Section 3.

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1974 c. 14.	National Insurance Act 1974.	Section 6(1) and (3).
1975 c. 14.	Social Security Act 1975.	The whole Act.
1975 c. 16.	Industrial Injuries and Diseases (Old Cases) Act 1975.	The whole Act.
1975 c. 18.	Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraphs 6, 8 and 9, 11, 69 and 70. In Schedule 3, paragraphs 1 to 20.
1975 c. 60.	Social Security Pensions Act 1975.	Part I. Sections 6 to 10. Sections 12 to 16A. Sections 18 to 21. Sections 23 to 25. Section 51A(13). Section 60(1)(a). In section 60A, the words “6(3)” and “, and paragraphs 2(3) and 4A of Schedule 1 to,”. Section 62(1) and (3). In section 64(2), the words from “and as respects” to the end. Section 65(4). In section 66(2), in paragraph (a), the words “Part I and” and in paragraph (b) the words “(except section 22)”. Schedule 1. In Schedule 4, paragraphs 35 to 46, 49, 50, 53 to 64 and 66 and 67.
1975 c. 61.	Child Benefit Act 1975.	The whole Act.
1976 c. 5.	Education (School-leaving Dates) Act 1976.	Section 2(4).
1976 c. 71.	Supplementary Benefits Act 1976.	Sections 22 and 23. In Schedule 7, paragraph 36.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	Sections 1 and 2. Section 3(1). Sections 4 to 6. Sections 8 to 11. Section 13. Sections 17 and 18. Section 20(1) and (2). Section 22(1) to (5). In section 23(2), the words from “and as respects” to the end. In section 24, in subsection (1), the definition of “the Old Cases Act”, and subsections (2) and (4). Schedule 1.
1977 c. 49.	National Health Service Act 1977.	In Schedule 15, paragraphs 63, 64 and 67.
1978 c. 29.	National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 40.
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In Schedule 16, paragraphs 19 and 29.
1979 c. 18.	Social Security Act 1979.	Section 2. Sections 4 and 5. Section 9(1). Section 10. Sections 14 and 15. Section 19. Section 20(3). Schedule 1. Schedule 2. In Schedule 3, paragraphs 4 to 8, 10 and 11, in paragraph 13, the words “6(3) and” and paragraphs 14, 15, 23, 29, 31 and 32.
1980 c. 30.	Social Security Act 1980.	Section 2. In section 3, subsections (1) to (3) and (11). Section 4(3), (5) and (6). Section 5(1). Section 6(2) and (4). In section 9, subsections (1) and (2), in subsection (3), the words from the beginning to “and”, in the second place where it occurs, in subsection (4), the words “The Secretary of State and” and subsections (5) and (7). In section 10, subsections (1) to (5) and in subsection (9) the words “the Secretary of State in conjunction with the Treasury or by”, “or section 61 of the Social Security Act 1986” and “the Secretary of State or”. Section

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		11. Section 13(1) to (3), (5) and (6). Section 14. Sections 17 and 18. Section 19(3). Schedule 1. In Schedule 2, paragraph 21. Schedule 3. In Schedule 4, paragraphs 10 and 14.
1980 c. 39.	Social Security (No. 2) Act 1980.	The whole Act.
1980 c. 43.	Magistrates' Courts Act 1980.	In section 65(1), the paragraph (m) inserted by paragraph 54 of Schedule 10 to the Social Security Act 1986. In Schedule 7, paragraph 135.
1980 c. 48.	Finance Act 1980.	In Schedule 19, in paragraph 5(4), the words "section 133(3) of the Social Security Act 1975".
1981 c. 1.	Social Security (Contributions) Act 1981.	The whole Act.
1981 c. 20.	Judicial Pensions Act 1981.	In Schedule 3, paragraph 10.
1981 c. 33.	Social Security Act 1981.	Sections 5 and 6. Section 8(2). In Schedule 1, paragraphs 3(a), 6 and 7. In Schedule 2, paragraph 2.
1982 c. 2.	Social Security (Contributions) Act 1982.	The whole Act.
1982 c. 23.	Oil and Gas (Enterprise) Act 1982.	In Schedule 3, paragraphs 21 and 44.
1982 c. 24.	Social Security and Housing Benefits Act 1982.	Sections 1 to 7. Section 9. Sections 17 and 18. Sections 22, 23 and 23A. Sections 26 and 27. Section 37. Section 39(1) to (4). Section 44. Section 46(2). Section 48(2). Schedule 1. In Schedule 2, paragraphs 1 to 4. In Schedule 4, paragraphs 7 to 10, 12 and 13, 15 to 18, 30 to 34 and 39.
1982 c. 34.	Forfeiture Act 1982.	In section 4(5), the entry relating to the Child Benefit Act 1975.

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1983 c. 41.	Health and Social Services and Social Security Adjudications Act 1983.	Schedule 8, except paragraphs 1(3)(a) and 29.
1984 c. 48.	Health and Social Security Act 1984.	Sections 11 to 14. Sections 16 to 18. Schedule 4. Schedule 5. In Schedule 7, paragraphs 1 to 3 and 6 to 8.
1985 c. 53.	Social Security Act 1985.	Section 7. Section 8(1). Sections 9 to 13. Section 18. Section 20. Section 27. Section 30. In Schedule 3, paragraph 1. In Schedule 4, paragraphs 3 to 7. In Schedule 5, paragraphs 5, 8 and 9, 11 and 13 to 15.
1986 c. 50.	Social Security Act 1986.	Sections 18 to 29. Section 30(1) to (9) and (11). Sections 31 to 36. Section 37(1). Section 38. Sections 40 to 51. Section 52(3) to (10). Section 53. Section 54(2). Section 55. In section 56, in subsection (2) (a), the words “other than an offence relating to housing benefit or community charge benefits”, subsection (2) (b) and the word “and” immediately preceding it, subsection (3)(b) and the word “and” immediately preceding it and subsections (4) to (4B). Section 58. In section 61, in subsection (1), the words “the Committee, the Council or”, in subsection (3), the words “the Committee, the Council or” and “or, in the case of the Council, given their advice,”, in subsection (4), the words “Committee or”, in each place where they occur, in subsection (5), the words “the Committee, the Council or”, subsections (7) to (9) and in subsection (10), the definitions of “the

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>Committee” and “the Council”.Sections 62 to 69.Section 70(1).Sections 73 and 74.Section 79(3) and (4).</p> <p>In section 80(1), the words “and V”.Section 81.In section 83, subsection (2), subsection (3)(b) to (e), and in subsection (5), the words from “30” to “section”, in the second place where it occurs.In section 84, in subsection (1), the definition of “applicable amount”, paragraphs (c) and (d) of the definition of “the benefit Acts”, the definitions of “dwelling”, “housing authority”, “housing benefit scheme”, “Housing Revenue Account dwelling”, “income-related benefit”, “local authority”, “long-term benefit”, “new town corporation”, “primary Class 1 contributions”, “secondary Class 1 contributions”, “qualifying benefit”, “rate rebate”, “rent rebate”, “rent allowance”, “rates”, “rating authority”, “trade dispute”, “war disablement pension” and “war widow’s pension”, and subsection (3).</p> <p>In section 85, subsection (1) (a) to (c) and (f), subsection (3)(c) and (d), subsection (4), in subsection (5), the words “and (7)”, subsection (7), in subsection (8), the words from “and sums” to the end and subsections (9) to (12).Schedule 3, except paragraph 17.Schedule 4.In Schedule 5, paragraphs 2 to 20 and in Part II, paragraphs (b) and (c).Schedules 6 and 7.In Schedule 8, paragraphs 1 to 3 and 5 to</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		7. In Schedule 10, paragraphs 10, 34, 40, 48, 54, 62 to 67, 68(2), 69, 70, 72, 74, 77, 83 to 88, 90 to 92, 95, 97 to 100, 103(a) and (b), 104 to 107 and 108(a).
1987 c. 7.	Social Fund (Maternity and Funeral Expenses) Act 1987.	The whole Act.
1987 c. 18.	Debtors (Scotland) Act 1987.	Section 68.
1987 c. 42.	Family Law Reform Act 1987.	Section 2(1)(g). In Schedule 2, paragraphs 59 and 91 to 93.
1988 c. 1.	Income and Corporation Taxes Act 1988.	In Schedule 29, in paragraph 14, the words “the Social Security Act 1975 and”, and in paragraph 32, the entries relating to the Social Security Act 1975 and the Social Security Act 1986.
1988 c. 7.	Social Security Act 1988.	Sections 1 to 8. Sections 10 and 11. Section 17. In section 18, in subsection (2), the words from “section 1” to “that Act”. Schedule 1. In Schedule 2, paragraph 1(1). Schedule 3. In Schedule 4, paragraphs 3 to 20 and 23 to 30.
1988 c. 19.	Employment Act 1988.	Section 27.
1988 c. 34.	Legal Aid Act 1988.	Section 34(14).
1988 c. 39.	Finance Act 1988.	In Schedule 3, in paragraph 31, the words “the Social Security Act 1975 and”.
1988 c. 41.	Local Government Finance Act 1988.	In Schedule 4, in paragraph 28(2), the words “Part III of the Social Security Act 1975,”. Schedule 10, except paragraphs 1, 9(1) and (5).
1988 c. 50.	Housing Act 1988.	Section 121(4) to (6).
1989 c. 24.	Social Security Act 1989.	Sections 1 to 3. Section 4(1) to (4). Section 5(1) to (4). Section 6(1). Section 7(1) to (5). Sections 9 to 19. Section 21. Section 22(1) to (6) and (8). Section 27. In section 28, in subsection (2),

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		the words “1 to 4” and “9 to 12 and 22” and subsections (3) and (4). In section 29, subsections (2) and (5). In section 30(1), the definitions of “the 1982 Act” and “the Old Cases Act”. Section 32. In Schedule 1, paragraphs 1 to 10. Schedules 2 and 3. In Schedule 4, paragraphs 1 to 21 and 24. Schedule 7, except paragraphs 1, 14, 21 and 27. In Schedule 8, paragraphs 1 to 7, 9, 10(1), 11, 12(2), (5) and (6) and 14 to 18 and 19(a) and (b).
1989 c. 42.	Local Government and Housing Act 1989.	Section 81. In Schedule 11, paragraph 113.
1990 c. 1.	Capital Allowances Act 1990.	In Schedule 1, paragraph 2.
1990 c. 19.	National Health Service and Community Care Act 1990.	In Schedule 9, paragraph 15.
1990 c. 27.	Social Security Act 1990.	Sections 1 to 5. Section 6(1) to (3). Sections 8 to 10. Section 16. Section 17(1) to (9). In section 20, the definitions of “the 1982 Act”, “the 1986 Act”, “the 1989 Act” and “the Old Cases Act”. Section 22(1). In Schedule 1, paragraphs 1 to 4, 5(1) and (2) and 6. Schedule 5. In Schedule 6, paragraphs 1, 3, 4(1) and (2), 5 to 7, 8(1), (3), (5), (7), (8) and (11), 9 to 12, 14 to 26, 27(2), 28, 30 and 31(a) and (b).
1990 c. 37.	Human Fertilisation and Embryology Act 1990.	In Schedule 4, paragraph 2.
1990 c. 41.	Courts and Legal Services Act 1990.	In Schedule 10, paragraphs 36, 37 and 46. In Schedule 11, in the entry beginning “Social Security Commissioner”, the words “appointed under section 97 of the Social Security Act 1975”. In Schedule 18, paragraph 24.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1991 c. 3.	Statutory Sick Pay Act 1991.	Sections 1 and 2. Section 3(1)(a) and (b) and (3) to (5). Section 4(5).
1991 c. 17.	Maintenance Enforcement Act 1991.	Section 9.
1991 c. 21.	Disability Living Allowance and Disability Working Allowance Act 1991.	Section 1. Section 2(1). Section 3. Section 4(1). Sections 5 and 6. Section 7(1). Sections 8 and 9. Sections 11 to 14. Schedule 1. In Schedule 2, paragraphs 2(2), 3 to 5, 8, 10 and 11, 15 to 17 and 19. In Schedule 3, Part I.
1991 c. 42.	Social Security (Contributions) Act 1991.	The whole Act.
1991 c. 48.	Child Support Act 1991.	In Schedule 3, in paragraph 1(1), the words “under Schedule 10 to the Social Security Act 1975” and in paragraph 3(2)(c) the words “under paragraph 1A of Schedule 10 to the Social Security Act 1975”.

SCHEDULE 2

Section 4.

CONSEQUENTIAL AMENDMENTS

National Assistance Act 1948

- 1 In section 64(1) of the National Assistance Act 1948, for the definition of “trade dispute”, there shall be substituted—
- ““trade dispute” has the same meaning as in section 27 of the Social Security Contributions and Benefits Act 1992”.

Law Reform (Personal Injuries) Act 1948

- 2 In section 2 of the Law Reform (Personal Injuries) Act 1948 (measure of damages)
-
- (a) in subsection (1)(a), for the words “section 22 of the Social Security Act 1989” there shall be substituted the words “section 81 of the Social Security Administration Act 1992”; and
- (b) in subsection (1A), for the words “paragraph 4(1) of Schedule 4 to the Social Security Act 1989” there shall be substituted the words “section 85(1) of the Social Security Administration Act 1992”.

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Maintenance Orders Act 1950

- 3 (1) In the following provisions of the Maintenance Orders Act 1950 (jurisdiction of and enforcement by courts)—
- (a) section 4(1)(d);
 - (b) section 9(1)(d);
 - (c) section 12(1)(d);
 - (d) section 16(2)(a)(viii);
 - (e) section 16(2)(b)(ix); and
 - (f) section 16(2)(c)(viii),
- for the words “section 24 of the Social Security Act 1986”, in each place where they occur, there shall be substituted the words “section 106 of the Social Security Administration Act 1992”.
- (2) In sections 4(2) and 9(2) of that Act for “24”, in each place where it occurs, there shall be substituted “106”.

Agriculture Act 1967

- 4 In subsection (3)(e) of section 67 of the Agriculture Act 1967 (sick pay for agricultural workers) for the words “payable under Part II of the Social Security Act 1975” there shall be substituted the words “payable under Parts II to V of the Social Security Contributions and Benefits Act 1992”.

Public Expenditure and Receipts Act 1968

- 5 In paragraph 1(b) of Schedule 3 to the Public Expenditure and Receipts Act 1968 for the words “The Social Security Act 1975 (c. 14), section 160(2)” there shall be substituted the words “The Social Security Administration Act 1992 (c. 5) section 124(3)”.

Administration of Justice Act 1970 Attachment of Earnings Act 1971

- 6 In paragraph 3A of Schedule 4 to the Administration of Justice Act 1970 and paragraph 3A of Schedule 2 to the Attachment of Earnings Act 1971 for the words “Social Security Act 1975” there shall be substituted the words “Social Security Contributions and Benefits Act 1992”.
- 7 In paragraph 6 of Schedule 8 to the Administration of Justice Act 1970 and paragraph 7 of Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders) the word “or” where first occurring shall be omitted and after “1986” there shall be inserted the words “or section 106 of the Social Security Administration Act 1992”.

Tribunals and Inquiries Act 1971

- 8 In section 7(3) of the Tribunals and Inquiries Act 1971 (chairmen etc.) for “(c) or (d)” there shall be substituted “(b), (c) or (e)”.
- 9 The following paragraph shall be substituted for paragraph 30A of Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals)—

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“Social Security

- 30A (a) Social security appeal tribunals constituted under section 41 of the Social Security Administration Act 1992;
- (b) disability appeal tribunals constituted under section 43 of that Act;
- (c) medical appeal tribunals constituted under section 50 of that Act;
- (d) a Commissioner appointed under section 52 of that Act and any tribunal presided over by a Commissioner so appointed;
- (e) a tribunal constituted under regulations made under section 58 of that Act.”.

Employment and Training Act 1973

- 10 In subsection (3) of section 11 of the Employment and Training Act 1973 (financial provisions) for the words “Part II of the Social Security Act 1975” there shall be substituted the words “Parts II to V of the Social Security Contributions and Benefits Act 1992”.
- 11 In section 12(2) of that Act (duty of local education authorities to furnish Secretary of State with information in connection with determination of questions relating to contributions or benefit) for the words from “under” to the end of paragraph (b) there shall be substituted the words “under the Social Security Contributions and Benefits Act 1992”.

Social Security (Northern Ireland) Act 1975

- 12 The following subsection shall be inserted after subsection (4) of section 155 of the Social Security (Northern Ireland) Act 1975 (orders and regulations (general provisions))—
- “(4A) If the Treasury so direct, regulations under section 123(2) or (3) above shall be made only in conjunction with them.”.
- 13 The following section shall be inserted after that section—

“155A Regulations under section 123(2) or (3) (Parliamentary control)

Section 176 of the Social Security Contributions and Benefits Act 1992 as it applies to regulations made by the Secretary of State under section 116(2) or (3) of that Act applies also to regulations made by him under section 123(2) or (3) above.”.

- 14 In section 158 of that Act—
- (a) at the beginning of subsection (2) there shall be inserted the words “Subject to subsection (2A) below,”; and
- (b) the following subsection shall be inserted after that subsection—
- “(2A) Section 123(2) above extends to Great Britain as well as Northern Ireland.”.

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Social Security (Consequential Provisions) Act 1975

- 15 In section 2(3)(a) of the Social Security (Consequential Provisions) Act 1975 (transitional provisions and savings) for the words “sections 166 and 167(3) of the Social Security Act 1975” there shall be substituted the words “sections 189 and 190(3) of the Social Security Administration Act 1992”.

House of Commons Disqualification Act 1975

- 16 In Part I (judicial offices disqualifying for membership) of Schedule 1 to the House of Commons Disqualification Act 1975, in the first entry beginning “Chief or other Social Security Commissioner”, for the words “(excluding a person appointed in pursuance of section 13(5) of the Social Security Act 1980)” there shall be substituted the words “(not including a deputy Commissioner)”.
- 17 In Part III (other disqualifying offices)—
- (a) in the entry beginning “Adjudicating medical practitioner” for the words “Part III of the Social Security Act 1975” there shall be substituted the words “Part II of the Social Security Administration Act 1992”; and
 - (b) in the entry beginning “Member of a Medical Appeal Tribunal appointed” for the words “paragraph 2(2) of Schedule 12 to the Social Security Act 1975” there shall be substituted the words “section 50 of the Social Security Administration Act 1992”.

Northern Ireland Assembly Disqualification Act 1975

- 18 In Part I (judicial offices disqualifying for membership) of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 for the entry beginning “Chief or other Social Security Commissioner” there shall be substituted the following entry—
- “Chief or other Social Security Commissioner (not including a deputy Commissioner)”.

Social Security Pensions Act 1975

- 19 The Social Security Pensions Act 1975 shall be amended as follows.
- 20 (1) In subsection (1)(a) of section 26 (contracting-out of full contributions and benefits) for the words “the principal Act” there shall be substituted the words “the Contributions and Benefits Act”.
- (2) The following subsection shall be inserted after that subsection—
- “(1A) This Part of this Act shall also have effect, where an occupational pension scheme so provides or falls to be treated as so providing, for the purpose of making provision in relation—
- (a) to invalidity allowance under section 34 of the Contributions and Benefits Act;
 - (b) to increases of Category A retirement pensions for invalidity under section 47 of that Act; and
 - (c) to increases of unemployability supplement under paragraph 3 of Schedule 7 to that Act.”.

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- 21 In subsection (5) of section 27 (contracted-out rates of Class I contributions) for the words “section 3 above” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.
- 22 In subsection (1) of section 28 (review and alteration of contracted-out rates of Class 1 contributions)—
- (a) in paragraph (a), after the words “Government Actuary” there shall be inserted the words “or the Deputy Government Actuary”, and
 - (b) in paragraph (b), for the words “Government Actuary’s report,” there shall be substituted the words “report of the Government Actuary or Deputy Government Actuary,”.
- 23 (1) In subsection (1)(a) of section 29 (contracted-out rates of benefit) for the words “section 16 above” there shall be substituted the words “section 41 of the Contributions and Benefits Act”.
- (2) In subsections (2) and (2A) of that section for “16(2B), 28(7A) and 59(1A) of the principal Act” there shall be substituted “29A, 29B and 29C below”.
- (3) In subsection (3) after the word “section”, in the first place where it occurs, there shall be inserted the words “and in sections 29A, 29B and 29C below”.
- 24 The following sections shall be inserted after that section—

“29A Contracting-out and invalidity allowance

- (1) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled to an invalidity pension under section 33 of the Contributions and Benefits Act; and
 - (c) the weekly rate of his invalidity pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,
- for that period section 34 of that Act shall have effect as if the following subsection were substituted for subsection (5)—
- “(5) In this section “the relevant amount” means an amount equal to the aggregate of—
- (a) an amount equal to the additional pension; and
 - (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,
- reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of section 29 of the Pensions Act.”.
- (2) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled to an invalidity pension under section 33 of the Contributions and Benefits Act; and
 - (c) the weekly rate of his invalidity pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,

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for that period the relevant amount shall be deducted from the appropriate weekly rate of invalidity allowance and he shall be entitled to invalidity allowance only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.

- (3) In subsection (2) above “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of section 29 above.
- (4) Where subsection (2) above applies, section 34(7) of the Contributions and Benefits Act shall have effect as if for the words “subsection (4) above” there were substituted the words “section 29A(2) of the Pensions Act”.

29B Contracting-out and increases of Category A retirement pension for invalidity

- (1) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled to a Category A retirement pension under section 44 of the Contributions and Benefits Act; and
 - (c) the weekly rate of his pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period section 47 of that Act shall have effect as if the following subsection were substituted for subsection (3)—

- “(3) In subsection (2) above “the relevant amount” means an amount equal to the aggregate of—
- (a) an amount equal to the additional pension; and
 - (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,
- reduced by the amount of any reduction in the weekly rate of the Category A retirement pension made by virtue of section 29 of the Pensions Act.”.

- (2) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled to a Category A retirement pension under section 44 of the Contributions and Benefits Act; and
 - (c) the weekly rate of his Category A retirement pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under section 47(1) of that Act and the pensioner shall be entitled to an increase under that subsection only if there is a balance remaining after that deduction and, if there is such a balance, of an amount equal to it.

- (3) In subsection (2) above “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension

or pensions reduced by the amount of any reduction in the weekly rate of the Category A retirement pension made by virtue of section 29 above.

29C Contracting-out and increases of unemployability supplement

- (1) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled—
 - (i) to an invalidity pension under section 33 of the Contributions and Benefits Act;
 - (ii) to a Category A retirement pension under section 44; or
 - (iii) to a Category B retirement pension under section 49; and
 - (c) the weekly rate of the pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period paragraph 3 of Schedule 7 to that Act shall have effect as if the following sub-paragraph were substituted for sub-paragraph (3)—

“(3) In this paragraph “the relevant amount” means an amount equal to the aggregate of—

- (a) an amount equal to the additional pension; and
- (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,

reduced by the amount of any reduction in the weekly rate of the pension made by virtue of section 29 of the Pensions Act.”.

- (2) Where for any period—
- (a) a person is entitled to one or more guaranteed minimum pensions; and
 - (b) he is also entitled to any of the pensions under the Contributions and Benefits Act mentioned in subsection (1)(b) above; and
 - (c) the weekly rate of the pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under that paragraph and the beneficiary shall be entitled to an increase only if there is a balance after that deduction and, if there is such a balance, only to an amount equal to it.

(3) In subsection (2) above “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions.”.

25 In subsection (1B) of section 30 (contracted-out employment) for the words “section 4(2) and (6) of the principal Act” there shall be substituted the words “sections 6(1) and 8(3) of the Contributions and Benefits Act”.

26 In subsection (1A) of section 33 (requisite benefit for earner) for the words “section 3 of this Act” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.

27 (1) In subsection (2ZA) of section 35 (earner’s guaranteed minimum) for the words “section 3 of this Act” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.

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- (2) In subsections (5) and (7) of that section for the words “section 21 above” there shall be substituted the words “section 148 of the Administration Act”.
- 28 In subsection (6) of section 36 (requisite benefit for widow) for the words “section 27(6) of the principal Act” there shall be substituted the words “section 43(1) of the Contributions and Benefits Act”.
- 29 In subsection (7) of section 37A (annual increases of guaranteed minimum pensions) for the words from “sections” to “above” there shall be substituted the words “sections 29(1), 29A(1) and (2), 29B(1) and (2) and 29C(1) and (2) above”.
- 30 In subsection (4A) of section 41C (supplementary provisions) and in subsection (3) (a) of section 45 (premium where guaranteed minimum pension excluded from full revaluation) for the words “section 21 above” there shall be substituted the words “section 148 of the Administration Act”.
- 31 In subsection (6)(a) of section 44 (premium on termination of contracted-out scheme) for the words “section 21 above” there shall be substituted the words “section 148 of the Administration Act”.
- 32 In subsection (10) of section 51A (refusal and cancellation of contracting-out certificates) for the words “section 4(3) of the principal Act” there shall be substituted the words “section 6(3) of the Contributions and Benefits Act”.
- 33 In subsection (1) of section 52D (guaranteed minimum pensions under contracted-out schemes - supplementary) for the words “sections 16(2B), 28(7A) and 59(1A) of the principal Act and section 29(1) above” there shall be substituted the words “sections 29(1), 29A, 29B and 29C above”.
- 34 In subsection (1) of section 59 (official pensions) for the words from “section 23” to “1986” there shall be substituted the words “section 151 of the Administration Act a direction is given that the sums mentioned in section 150(1)(c) of that Act”.
- 35 In section 60 (determination of questions)—
- (a) in subsection (1), for the words “section 93(1) of the principal Act” there shall be substituted the words “section 17(1) of the Administration Act”; and
 - (b) in subsection (3), for the words “section 93(1) nor section 98(1) of the principal Act” there shall be substituted the words “section 17(1) nor section 20(1) of the Administration Act”.
- 36 The following sections shall be inserted after section 60ZA—

“60ZB Offences relating to state scheme premiums

If a person fails to pay, at or within the time prescribed for the purpose, any state scheme premium which is payable by him, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

60ZC Questions arising in proceedings

- (1) Where in any proceedings—
- (a) for an offence under this Act; or
 - (b) involving any question as to payment of a state scheme premium,

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any such question arises as is mentioned in section 60(1) above, the decision of the Secretary of State shall be conclusive for the purposes of the proceedings.

- (2) If—
- (a) a decision of any such question is necessary for the determination of proceedings; and
 - (b) the decision of the Secretary of State has not been obtained or a question has been raised with a view to a review of the decision obtained,

the question shall be referred to the Secretary of State for determination or review in accordance (subject to any necessary modifications) with sections 17 to 19 of the Administration Act.

- (3) Subsection (1) above does not apply if—
- (a) an appeal under section 18 of that Act is pending; or
 - (b) the time for appealing has not expired; or
 - (c) a question has been raised with a view to a review of the Secretary of State's decision under section 19,

and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

60ZD Recovery of unpaid state scheme premiums on prosecution

Where—

- (a) a person has been convicted of an offence under section 60ZB above of failing to pay a state scheme premium at or within the time prescribed for the purpose; and
- (b) the premium remains unpaid at the date of the conviction,

he shall be liable to pay to the Secretary of State a sum equal to the amount which he failed to pay.

60ZE Proof of previous offences

- (1) Subject to subsection (2) below, where a person is convicted of an offence mentioned in section 60ZD above, evidence may be given of any previous failure by him to pay state scheme premiums within the time prescribed for the purpose; and in that section “the conviction” and “the offence” mean respectively the conviction referred to in this subsection and the offence of which the person is convicted.
- (2) Such evidence may be given only if notice of intention to give it is served with the summons or warrant or, in Scotland, the complaint on which the person appeared before the court which convicted him.

60ZF Unpaid premiums - supplementary

- (1) Where in England and Wales a person charged with an offence to which section 60ZD above applies is convicted of that offence in his absence under section 12(2) of the Magistrates' Courts Act 1980, then if—

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- (a) it is proved to the satisfaction of the court, on oath or in the manner prescribed by rules under section 144 of that Act, that notice under section 60ZE(2) above has been duly served specifying the other state scheme premiums in respect of which the prosecutor intends to give evidence; and
- (b) the clerk of the court has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit failing to pay the other premiums so specified or any of them,

section 60ZE above shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.

(2) In England and Wales, where—

- (a) a person is convicted of an offence to which section 60ZD above applies; and
- (b) an order is made under Part I of the Powers of Criminal Courts Act 1973 placing the offender on probation or discharging him absolutely or conditionally,

sections 60ZD and 60ZE above and subsection (1) above shall apply as if it were a conviction for all purposes.

(3) In Scotland, where—

- (a) a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence; and
- (b) an order is made under Part I of the Criminal Procedure (Scotland) Act 1975 discharging him absolutely or placing him on probation,

sections 60ZD and 60ZE above shall apply as if—

- (i) the conviction on indictment were a conviction for all purposes; or
- (ii) (as the case may be) the making of the order by the court of summary jurisdiction were a conviction.

(4) In England and Wales, any sum which a person is liable to pay under sections 60ZD and 60ZE above and subsection (1) above shall be recoverable from him as a penalty.

(5) State scheme premiums recovered by the Secretary of State under those provisions are to be treated for all purposes as premiums paid to the Secretary of State in the respect of the person in respect of whom they were originally payable.”.

37

The following sections shall be inserted after section 61—

“61A Consultation with Social Security Advisory Committee about certain regulations

- (1) Subject to section 173 of the Administration Act, where the Secretary of State proposes to make regulations under section 51A(10) above, he shall refer the proposals, in the form of draft regulations or otherwise, to the Social Security Advisory Committee (“the Committee”).

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- (2) The Committee shall consider any proposals referred to it by the Secretary of State under subsection (1) above and shall make to the Secretary of State a report containing such recommendations with regard to the subject-matter of the proposals as the Committee thinks appropriate.
- (3) If after receiving a report of the Committee the Secretary of State lays before Parliament any regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations a copy of the Committee's report and a statement showing—
 - (a) the extent (if any) to which he has, in framing the regulations, given effect to the Committee's recommendations; and
 - (b) in so far as effect has not been given to them, his reasons why not.
- (4) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of subsection (3) above shall be satisfied as respects either House of Parliament if a copy of the report and statement there referred to are laid before that House not later than the second day on which the House sits after the laying of the regulations.

61B Orders and regulations (general provisions)

- (1) Powers under this Act to make regulations or orders, except any power of the Occupational Pensions Board to make orders, are exercisable by statutory instrument.
- (2) Except in so far as this Act otherwise provides, any power conferred thereby to make regulations or an order may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

- (3) Without prejudice to any specific provision in this Act, a power conferred by this Act to make regulations or an order includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations or order to be expedient for the purposes of the regulations or order.

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- (4) Without prejudice to any specific provisions in this Act, a power conferred by this Act to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- (5) A power conferred on the Secretary of State to make any regulations or order, where the power is not expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.”.

38 The following subsection shall be substituted for section 62(2)—

“(2) A statutory instrument—

- (a) which contains (whether alone or with other provisions) any order or regulations made under this Act by the Secretary of State, other than an order which, under any provision of this Act, is required to be laid before Parliament after being made; and
- (b) which is not subject to any requirement that a draft of the instrument shall be laid before and approved by a resolution of each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

39 In section 64(2)—

- (a) for the words “Subsection (5) of section 135 of the principal Act” there shall be substituted the words “Section 165(5) of the Administration Act”; and
- (b) for the words “subsection (3)(a) of that section” there shall be substituted the words “section 163(2)(a) of that Act”.

40 (1) In section 66(1)—

- (a) the following definition shall be inserted before the definition of “average salary benefits”—
““the Administration Act” means the Social Security Administration Act 1992.”; and
- (b) the following definition shall be inserted after that definition—
““the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992.”.

(2) In section 66(2), for the words “section 29” there shall be substituted the words “sections 29 and 29C”.

41 In paragraph 8 of Schedule 1A (revaluation of pensions) for the words “section 23(2) above” there shall be substituted the words “section 151(1) of the Administration Act”.

42 In paragraph 6(3)(c) of Schedule 2 (contracting-out regulations) for the words “the principal Act” there shall be substituted the words “the Contributions and Benefits Act”.

Employment Protection Act 1975

43 In section 124(6) of the Employment Protection Act 1975 (financial provisions)—

- (a) for the words “section 135(3)(a) of the Social Security Act 1975” there shall be substituted the words “section 163(2)(a) of the Social Security Administration Act 1992”; and

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- (b) for the words “subsection (5) of that section” there shall be substituted the words “section 165(5) of that Act”.

Social Security (Miscellaneous Provisions) Act 1977

- 44 (1) In subsection (1)(a) of section 21 of the Social Security (Miscellaneous Provisions) Act 1977 (calculation of guaranteed minimum pensions preserved under approved arrangements) after the words “Pensions Act” there shall be inserted the words “or section 148 of the Social Security Administration Act 1992”.

- (2) The following subsection shall be substituted for subsection (3) of that section—

“(3) In this section—

“earner” and “earnings” are to be construed in accordance with sections 3, 4 and 112 of the Social Security Contributions and Benefits Act 1992;

“earnings factors” is to be construed in accordance with sections 22 and 23 of that Act;

“tax year” means the 12 months beginning with 6th April in any year,

and expressions used in Part III of the Pensions Act have the same meanings as in that Part.”

- 45 In section 23(2) of that Act (financial provisions)—

(a) for the words “Subsection (5) of section 135 of the principal Act” there shall be substituted the words “Section 165(5) of the Social Security Administration Act 1992”; and

(b) for the words “subsection (3)(a) of that section” there shall be substituted the words “section 163(2)(a) of that Act”.

- 46 In section 24(3) of that Act (supplemental)—

(a) for the words “Subsections (1) to (5) of section 166 of the principal Act” there shall be substituted the words “Subsections (3) to (6) and (9) of section 189 of the Social Security Administration Act 1992”;

(b) for the words “subsections (2) to (4) of the said section 166” there shall be substituted the words “subsections (4) to (6) of that section”; and

(c) for the words from “and for the purposes” to the end there shall be substituted the words “and a power under any of sections 116 to 120 of the Social Security Contributions and Benefits Act 1992 or 177 to 179 of the Social Security Administration Act 1992 to make provision by regulations or Order in Council for modifications or adaptations of those Acts shall be exercisable in relation to any enactment contained in this Act.”

Rent Act 1977

- 47 The following section shall be inserted after section 72 of the Rent Act 1977—

“72A Amounts attributable to services

In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992, where a rent is registered, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or

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rent assessment committee, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the committee.”.

Rating (Disabled Persons) Act 1978

- 48 In section 4(9) of the Rating (Disabled Persons) Act 1978 (rebates for lands and heritages with special facilities for disabled persons), for “1986” there shall be substituted “1986 or section 134 of the Social Security Administration Act 1992”.

Employment Protection (Consolidation) Act 1978

- 49 In subsection (4) of section 123 of the Employment Protection (Consolidation) Act 1978 (payment of unpaid contributions to pension schemes) for “1986,” there shall be substituted “1986 or Part XII of the Social Security Contributions and Benefits Act 1992,”.
- 50 (1) In subsection (4) of section 132 of that Act (recoupment of benefit) for the words “the Social Security Act 1986” there shall be substituted the words “Part III or V of the Social Security Administration Act 1992”.
- (2) In subsection (6) of that section, in the definition of “unemployment benefit”, for the words “the Social Security Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits Act 1992”.
- 51 (1) In sub-paragraph (1)(b) of paragraph 14 of Schedule 13 to that Act (redundancy payments where employment wholly or partly abroad)—
- (a) the following sub-paragraph shall be inserted before sub-paragraph (i)—
- “(ia) where the week is a week of employment beginning after 1st July 1992, an employed earner for the purposes of the Social Security Contributions and Benefits Act 1992 in respect of whom a secondary Class 1 contribution was payable under that Act; or”; and
- (b) in sub-paragraph (i) after “1976” there shall be inserted the words “and not falling within sub-paragraph (ia) above”.
- (2) In sub-paragraph (4)(b) of that paragraph after “1975” there shall be inserted the words “or the Social Security Contributions and Benefits Act 1992”.

Capital Gains Tax Act 1979

- 52 In sub-paragraph (2) of paragraph 5 of Schedule 1 to the Capital Gains Tax Act 1979 (application of provisions about reliefs in relation to property held on trust for disabled persons)—
- (a) for the words “35 of the Social Security Act 1975 or” there shall be substituted the words “64 of the Social Security Contributions and Benefits Act 1992 or section 35 of”; and
- (b) for the words “37ZA of the Social Security Act 1975” there shall be substituted the words “71 of the Social Security Contributions and Benefits Act 1992”.

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Vaccine Damage Payments Act 1979

- 53 In section 1(4) of the Vaccine Damage Payments Act 1979 (assessment of disablement) for the words “section 57 of the Social Security Act 1975 or” there shall be substituted the words “section 103 of the Social Security Contributions and Benefits Act 1992 or section 57 of”.
- 54 In subsection (2) of section 12 of that Act (financial provisions) for the words “Schedule 20 to the Social Security Act 1975” there shall be substituted the words “section 191 of the Social Security Administration Act 1992”.

Pneumoconiosis etc. (Workers' Compensation) Act 1979

- 55 (1) In subsection (3) of section 2 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (conditions of entitlement), in the definition of “death benefit”—
- (a) for the words “section 76 of the Social Security Act 1975” there shall be substituted the words “section 108 of the Social Security Contributions and Benefits Act 1992”; and
 - (b) for the words “section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975” there shall be substituted the words “paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992”.
- (2) In the definition of “disablement benefit”, after “1975”—
- (a) in the first place where it occurs, there shall be inserted the words “or section 108 of the Social Security Contributions and Benefits Act 1992”; and
 - (b) in the second place where it occurs, there shall be inserted the words “or paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992”.
- 56 In section 4(3) of that Act (appeal on question of law)—
- (a) for the words “94 of the Social Security Act 1975” there shall be substituted the words “18 of the Social Security Administration Act 1992”; and
 - (b) for “93(1)” there shall be substituted “17(1)”.
- 57 In section 10(2) of that Act (construction)—
- (a) for the words “the Social Security Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992”; and
 - (b) for the words “that Act” there shall be substituted the words “either of those Acts”.

Justices of the Peace Act 1979

- 58 In section 58(2)(b) of the Justices of the Peace Act 1979 for the words “Social Security Act 1975” there shall be substituted the words “Social Security Contributions and Benefits Act 1992”.

Social Security Act 1980

- 59 In section 21(3) of the Social Security Act 1980 (supplemental) for the words “Subsections (2) and (3) of section 166 of the principal Act” there shall be substituted the words “Section 175(3) and (4) of the Social Security Contributions and Benefits Act 1992”.

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Magistrates' Courts Act 1980

- 60 The following paragraph shall be inserted after the paragraph which paragraph 82 of Schedule 2 to the Family Law Reform Act 1987 inserted in subsection (1) of section 65 of the Magistrates' Courts Act 1980 (domestic proceedings)—
- “(n) section 106 of the Social Security Administration Act 1992;”.

Local Government, Planning and Land Act 1980

- 61 In subsection (1) of section 154 of the Local Government, Planning and Land Act 1980 (rent rebates) for the words “Part II of the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1991 and the Social Security Administration Act 1992”.

Civil Jurisdiction and Judgments Act 1982

- 62 In paragraph 5(c) of Schedule 5 to the Civil Jurisdiction and Judgments Act 1982 (proceedings excluded from Schedule 4) for the words “or any enactment applying in Northern Ireland and corresponding to it,” there shall be substituted the words “section 106 of the Social Security Administration Act 1992 or any enactment applying in Northern Ireland and corresponding to either of them,”.

Forfeiture Act 1982

- 63 (1) In subsection (2) of section 4 of the Forfeiture Act 1982 (Commissioner to decide whether rule applies to social security benefits) for the words “section 115 of the Social Security Act 1975” there shall be substituted the words “section 59 of the Social Security Administration Act 1992”.
- (2) In subsection (4) of that section for the words “Section 166(2) to (3A) of the Social Security Act 1975” there shall be substituted the words “Section 175(3) to (5) of the Social Security Contributions and Benefits Act 1992”.
- (3) In subsection (5) of that section—
- (a) in the definition of “Commissioner”, for the words “Social Security Act 1975” there shall be substituted the words “Social Security Administration Act 1992”; and
- (b) in the definition of “relevant enactment” the following entry shall be added after the entry relating to the Social Security Acts 1975 to 1991—
- “the Social Security Contributions and Benefits Act 1992.”

Transport Act 1982

- 64 In section 70(2)(a) of the Transport Act 1982 (payments in respect of applications for exemption from wearing seat belts)—
- (a) in sub-paragraph (i) for the words “35 of the Social Security Act 1975” there shall be substituted the words “64 of the Social Security Contributions and Benefits Act 1992”;
- (b) in sub-paragraph (iA) for “37ZA” there shall be substituted “71”; and
- (c) in sub-paragraph (iii) for “57” there shall be substituted “103” and for “61(1)”, “104(1)”.

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Value Added Tax Act 1983

- 65 In the seventh note to Group 14 (drugs, medicines, aids for the handicapped) of Schedule 5 (zero-rating) to the Value Added Tax Act 1983 for the words “37ZA of the Social Security Act 1975” there shall be substituted the words “71 of the Social Security Contributions and Benefits Act 1992”.

Inheritance Tax Act 1984

- 66 (1) In paragraph (b) of sections 74(4) and 89(4) of the Inheritance Tax Act 1984 (disabled persons for purposes of provisions about trusts for disabled persons) for the words “35 of the Social Security Act 1975 or” there shall be substituted the words “64 of the Social Security Contributions and Benefits Act 1992 or section 35 of”.
- (2) In paragraph (c) of those subsections for the words “37ZA of the Social Security Act 1975” there shall be substituted the words “71 of the Social Security Contributions and Benefits Act 1992”.

Social Security Act 1985

- 67 (1) At the end of subsection (1) of section 5 of the Social Security Act 1985 (managers of occupational pension schemes) there shall be added the words “or
(c) of Part VI of the Social Security Administration Act 1992.”.
- (2) In subsection (2) of that section for the words “Section 166 of the Social Security Act 1975” there shall be substituted the words “Section 61B of the Social Security Pensions Act 1975”.
- 68 In section 32(8) of that Act (commencement) for the words “Subsections (2) and (3) of section 166 of the Social Security Act 1975” there shall be substituted the words “Section 175(3) and (4) of the Social Security Contributions and Benefits Act 1992”.

Bankruptcy (Scotland) Act 1985

- 69 In section 31 of the Bankruptcy (Scotland) Act 1985 (vesting of debtor’s estate at date of sequestration) in subsection (8) for the words “and to paragraph 8(2) of Schedule 4 to the Social Security Act 1989” there shall be substituted the words “and to section 89(2) of the Social Security Administration Act 1992.”

Housing Act 1985

- 70 In subsection (2)(b) of section 425 of the Housing Act 1985 (the local contribution differential) for the words “section 30 of the Social Security Act 1986” there shall be substituted the words “section 135 of the Social Security Administration Act 1992”.
- 71 In Item 4 in Part I of Schedule 14 to that Act (items to be credited to the Housing Revenue Account) for the words “Part II of the Social Security Act 1986” there shall be substituted the words “section 135 of the Social Security Administration Act 1992”.
- 72 In paragraph 3 of Part IV of that Schedule (rate fund contributions to the Housing Revenue Account) for the words “section 30(6) of the Social Security Act

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1986” there shall be substituted the words “section 135(7) of the Social Security Administration Act 1992”.

Insolvency Act 1986

73 In paragraph 6 of Schedule 6 to the Insolvency Act 1986 (preferential debts) for the words “Social Security Act 1975” there shall be substituted the words “Social Security Contributions and Benefits Act 1992”.

Wages Act 1986

74 In subsection (1) of section 7 of the Wages Act 1986 (meaning of “wages”)—

- (a) in paragraph (e), after “1982” there shall be added the words “or Part XI of the Social Security Contributions and Benefits Act 1992”; and
- (b) at the end of paragraph (f) there shall be added the words “or Part XII of the Social Security Contributions and Benefits Act 1992,”.

Social Security Act 1986

75 The Social Security Act 1986 shall be amended as follows.

76 In section 3(4) (amount of minimum contributions) for the words “section 4(2) and (6) of the Social Security Act 1975” there shall be substituted the words “sections 6(1) and 8(3) of the Social Security Contributions and Benefits Act 1992”.

77 In section 4(1) (effect of payment of minimum contributions on rate of certain benefits) for the words from “sections 16(2B)” to “section 29” there shall be substituted the words “sections 34(4) and 47(2) of the Social Security Contributions and Benefits Act 1992, paragraph 3(2) of Schedule 7 to that Act and sections 29 to 29C”.

78 In section 7(5) (schemes becoming contracted-out between 1986 and 1993) for the words “section 4(2) and (6) of the Social Security Act 1975” there shall be substituted the words “sections 6(1) and 8(3) of the Social Security Contributions and Benefits Act 1992”.

79 In subsection (5) of section 9 (guaranteed minimum pensions) for the words “section 16(5) of that Act” there shall be substituted the words “section 41(7) of the Social Security Contributions and Benefits Act 1992”.

80 In subsection (4)(a) of section 16 (actuarial tables) after the words “Government Actuary” there shall be inserted the words “or the Deputy Government Actuary”.

81 In subsection (1) of section 17A (reciprocity as to pensions with other countries) for the words “Section 143 of the Social Security Act 1975” there shall be substituted the words “Section 179 of the Social Security Administration Act 1992”.

82 In section 52(2) (questions for determination by Secretary of State) for the words “section 93(1) of the Social Security Act 1975” there shall be substituted the words “section 17(1) of the Social Security Administration Act 1992”.

83 In subsection (3)(c) of section 59 (disclosure of information) for the words “Part III of the Social Security Act 1975 including that Part as extended by section 52(3) above” there shall be substituted the words “sections 17 to 62 of the Social Security Administration Act 1992”.

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84 In section 83(1) (general provisions about orders and regulations) for the words “Section 166(1) to (3A) of the Social Security Act 1975” there shall be substituted the words “Section 61B(1) to (4) of the Social Security Pensions Act 1975”.

Abolition of Domestic Rates Etc. (Scotland) Act 1987

85 The Abolition of Domestic Rates Etc. (Scotland) Act 1987 shall be amended as follows.

86 In subsection (7) of section 9 (reduced liability for personal community charge) for the words “the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”.

87 At the end of section 20B(2)(a) (regulations regarding use of social security information) there shall be added the words “the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992”.

88 In paragraph 4(2) of Schedule 1A (exemption of the severely mentally impaired from personal community charge)—

(a) for paragraphs (a), (b), (d) and (e) there shall be substituted the following paragraphs—

“(a) he is entitled to an invalidity pension under section 33, 40 or 41 of the Social Security Contributions and Benefits Act 1992;

(b) he is entitled to a severe disablement allowance under section 68 of that Act;

(e) he is entitled to unemployability supplement under Part I of Schedule 7 to that Act;”;

(b) for paragraphs (g) and (h), there shall be substituted the following paragraphs—

“(g) he is entitled to an attendance allowance under section 64 of the Social Security Contributions and Benefits Act 1992;

(h) he is entitled to an increase of the weekly rate of his disablement pension under section 104 of that Act;”.

89 In paragraph 5 of Schedule 1A (exemption of children from personal community charge) for the words “Schedule 1 to the Child Benefit Act 1975” there shall be substituted the words “Schedule 9 to the Social Security Contributions and Benefits Act 1992”.

90 In paragraph 4 of Schedule 2 (payment of community charges)—

(a) in sub-paragraph (7) for the words “or community charge benefit in pursuance of Part II of the Social Security Act 1986” there shall be substituted the words “in pursuance of the Social Security Act 1986 or community charge benefit in pursuance of Part VII of the Social Security Contributions and Benefits Act 1992”; and

(b) in sub-paragraph (12) for the words “section 20(11) of the Social Security Act 1986” there shall be substituted the words “section 137(1) of the Social Security Contributions and Benefits Act 1992”.

91 In paragraph 5 of that Schedule in each of sub-paragraphs (1) and (7)(c) for the words “or community charge benefit in pursuance of Part II of the Social Security Act 1986” there shall be substituted the words “in pursuance of the Social Security

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Act 1986 or community charge benefit in pursuance of Part VII of the Social Security Contributions and Benefits Act 1992”.

- 92 In paragraph 7A(1) of that Schedule for the words “the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”.

Income and Corporation Taxes Act 1988

- 93 (1) Section 617 of the Income and Corporation Taxes Act 1988 (treatment of social security benefits and contributions for tax purposes) shall be amended as follows.
- (2) In subsection (1) for the words from “Chapters”, where it first occurs, to “Pensions Act 1975” there shall be substituted the words “Parts II to IV of the Social Security Contributions and Benefits Act 1992”.
- (3) In subsection (2)—
- (a) in paragraph (a), for the words “the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”; and
- (b) in paragraph (aa), for the words “section 70 of the Social Security Act 1975” there shall be substituted the words “paragraph 18 of Schedule 7 to the Social Security Contributions and Benefits Act 1992”.
- (4) In subsection (3)(a) for the words “Act 1975” there shall be substituted the words “Contributions and Benefits Act 1992”.
- (5) In subsection (4) for the words “the Social Security Act 1975” there shall be substituted the words “Part I of the Social Security Contributions and Benefits Act 1992”.
- (6) In subsection (5) for the words “(2) of section 9 of the Social Security Act 1975 or” there shall be substituted the words “(3) of section 15 of the Social Security Contributions and Benefits Act 1992 or subsection (2) of section 9”.

Social Security Act 1988

- 94 In section 13(4)(e) of the Social Security Act 1988 (schemes for distribution of welfare foods) for the words “the Social Security Act 1975” there shall be substituted the words “the Social Security Administration Act 1992”.
- 95 In section 15(2) of that Act (financial provision) for the words “sections 2, 6, 7, 9 and 10” there shall be substituted the words “section 9”.
- 96 In section 15A(1) of that Act (regulations and orders) for the words “Section 166(1) to (3A) of the Social Security Act 1975” there shall be substituted the words “Section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992”.

Legal Aid Act 1988

- 97 In section 34(6) of the Legal Aid Act 1988 (calculation of income or capital) for the words “social security benefits” there shall be substituted the words “benefits under Part VII of the Social Security Contributions and Benefits Act 1992 (income-related benefits)”.

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

Local Government Finance Act 1988

98 The following paragraph shall be substituted for sub-paragraph (2) of paragraph 4 (exemption of the severely mentally impaired from personal community charge) of Schedule 1 to the Local Government Finance Act 1988—

“(2) The conditions are that—

- (a) he is entitled for the day to an invalidity pension under section 33 of the Social Security Contributions and Benefits Act 1992;
- (b) he is entitled for the day to a severe disablement allowance under section 68 of that Act;
- (c) he is on the day of pensionable age within the meaning given by section 122 of that Act.”.

99 At the end of paragraph 14(2)(a) of Schedule 2 to that Act (community charges: administration) there shall be added the words “the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992,”.

100 In paragraph 6(1) of Schedule 4 to that Act (community charges: enforcement) for the words “the Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”.

101 In paragraph 28(2) of that Schedule after “1979,” there shall be inserted the words “sections 17 to 62 of the Social Security Administration Act 1992”.

Housing (Scotland) Act 1988

102 The following section shall be inserted after section 48 of the Housing (Scotland) Act 1988—

“48A Amounts attributable to services

In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992, where a rent is determined under section 25 or 34 above, the rent assessment committee shall note in their determination the amount (if any) of the rent which, in the opinion of the committee, is fairly attributable to the provision of services, except where that amount is in their opinion negligible; and the amounts so noted may be included in the information specified in an order under section 49 below.”.

Housing Act 1988

103 The following section shall be inserted after section 41 of the Housing Act 1988—

“41A Amounts attributable to services

In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992, where a rent is determined under section 14 or 22 above, the rent assessment committee shall note in their determination the amount (if any) of the rent which, in the opinion of the committee, is fairly attributable to the provision of services, except where that amount is in their opinion negligible; and the amount so noted may be included in the information specified in an order under section 42 below.”.

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104 The following subsection shall be substituted for subsection (7) of section 121 of that Act (rent officers: additional functions relating to housing benefits etc)—

“(7) In this section—

“housing benefit” means housing benefit under Part VII of the Social Security Contributions and Benefits Act 1992; and

“rent allowance subsidy” has the meaning assigned to it by section 135 of the Social Security Administration Act 1992.”.

Social Security Act 1989

105 (1) In subsection (7) of section 6 of the Social Security Act 1989 (benefits for women widowed before 11th April 1988) for the words “section 104 of the principal Act” there shall be substituted the words “section 25 of the Social Security Administration Act 1992”.

(2) In subsection (9) of that section—

(a) for the words “Subsection (4) of section 104 of the principal Act” there shall be substituted the words “Section 28 of the Social Security Administration Act 1992”; and

(b) for the words “that section” there shall be substituted the words “section 25 of that Act”.

106 In section 29(1) of that Act (general provisions about regulations and orders) for the words “subsections (1) to (3A) of section 166 of the principal Act” there shall be substituted the words “Section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992”.

Finance Act 1989

107 In section 178 of the Finance Act 1989 (rates of interest) in subsection (2)(gg) for the words “paragraph 5 of Schedule 1 to the Social Security Act 1975” there shall be substituted the words “paragraph 6 of Schedule 1 to the Social Security Contributions and Benefits Act 1992”.

Children Act 1989

108 In the following provisions of the Children Act 1989—

(a) section 17(9) (no repayment of assistance);

(b) section 29(3) (no recouping of costs); and

(c) paragraph 21(4) of Part III of Schedule 2 (no liability to contribute to maintenance),

for the words “Social Security Act 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits Act 1992”.

Capital Allowances Act 1990

109 In the following provisions of the Capital Allowances Act 1990—

(a) section 22(6)(a) (first-year allowances: transitional relief for regional projects); and

(b) section 36(4)(a) (definition of “motor car”),

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for the words “Social Security Act 1975” there shall be substituted the words “Social Security Contributions and Benefits Act 1992”.

Social Security Act 1990

- 110 In section 18(2) of the Social Security Act 1990 (general financial provisions) for the words from “sections 4” to “26” there shall be substituted the words “paragraphs 2”.
- 111 In section 19(1) of that Act (general provisions about regulations and orders) for the words “subsections (1) to (3A) of section 166 of the principal Act” there shall be substituted the words “section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992”.
- 112 (1) In sub-paragraph (3) of paragraph 27 of Schedule 6 to that Act (benefits for women widowed before 11th April 1988) for the words “section 104 of the principal Act” there shall be substituted the words “section 25 of the Social Security Administration Act 1992”.
- (2) In sub-paragraph (5) of that paragraph for the words “Subsection (4) of section 104 of the principal Act” there shall be substituted “Section 28 of the Social Security Administration Act 1992”.

Child Support Act 1991

- 113 In subsection (2) of section 43 of the Child Support Act 1991 (contribution to maintenance by deduction from benefit) for the words “section 51 of the Social Security Act 1986 by virtue of subsection (1)(r),” there shall be substituted the words “section 5 of the Social Security Administration Act 1992 by virtue of subsection (1)(t),”.
- 114 In section 45 of that Act (interpretation)—
- (a) in the definition of “benefit Acts” for the words “Social Security Acts 1975 to 1991” there shall be substituted the words “Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992”; and
 - (b) in the definition of “disability living allowance” for the words “Social Security Act 1975” there shall be substituted the words “benefit Acts”.

SCHEDULE 3

Section 5.

TRANSITIONAL PROVISIONS AND SAVINGS (INCLUDING SOME TRANSITIONAL PROVISIONS RETAINED FROM PREVIOUS ACTS)

PART I

GENERAL AND MISCELLANEOUS

Questions relating to contributions and benefits

- 1 (1) A question other than a question arising under any of sections 1 to 3 of the Administration Act—
- (a) whether a person is entitled to benefit in respect of a time before 1st July 1992;
- (b) whether a person is liable to pay contributions in respect of such a time, and any other question not arising under any of those sections with respect to benefit or contributions in respect of such a time is to be determined, subject to section 68 of the Administration Act, in accordance with provisions in force or deemed to be in force at that time.
- (2) Subject to sub-paragraph (1) above, the consolidating Acts apply to matters arising before their commencement as to matters arising after it.

General saving for old savings

- 2 The repeal by this Act of an enactment previously repealed subject to savings (whether or not in the repealing enactment) does not affect the continued operation of those savings.

Documents referring to repealed enactments

- 3 Any document made, served or issued after this Act comes into force which contains a reference to any of the repealed enactments shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of the consolidating Acts.

Provisions relating to the coming into force of other provisions

- 4 The repeal by this Act of a provision providing for or relating to the coming into force of a provision reproduced in the consolidating Acts does not affect the operation of the first provision, in so far as it remains capable of having effect, in relation to the enactment reproducing the second provision.

Continuing powers to make transitional etc. regulations

- 5 Where immediately before 1st July 1992 the Secretary of State has power under any provision of the Social Security Acts 1975 to 1991 not reproduced in the consolidating Acts by regulations to make provision or savings in preparation for or in connection with the coming into force of a provision repealed by this Act but reproduced in the consolidating Acts, the power shall be construed as having effect in relation to the provision reproducing the repealed provision.

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Powers to make preparatory regulations

- 6 The repeal by this Act of a power by regulations to make provision or savings in preparation for or in connection with the coming into force of a provision reproduced in the consolidating Acts does not affect the power, in so far as it remains capable of having effect, in relation to the enactment reproducing the second provision.

Provisions contained in enactments by virtue of orders or regulations

- 7 (1) Without prejudice to any express provision in the consolidating Acts, where this Act repeals any provision contained in any enactment by virtue of any order or regulations and the provision is reproduced in the consolidating Acts, the Secretary of State shall have the like power to make orders or regulations repealing or amending the provision of the consolidating Acts which reproduces the effect of the repealed provision as he had in relation to that provision.
- (2) Sub-paragraph (1) above applies to a repealed provision which was amended by Schedule 7 to the Social Security Act 1989 as it applies to a provision not so amended.

Amending orders made after passing of Act

- 8 An order which is made under any of the repealed enactments after the passing of this Act and which amends any of the repealed enactments shall have the effect also of making a corresponding amendment of the consolidating Acts.

PART II

SPECIFIC TRANSITIONAL PROVISIONS AND SAVINGS
(INCLUDING SOME DERIVED FROM PREVIOUS ACTS)

Interpretation

- 9 In this Part of this Schedule -
“the 1965 Act” means the National Insurance Act 1965;
“the 1973 Act” means the Social Security Act 1973;
“the 1975 Act” means the Social Security Act 1975;
“the former Consequential Provisions Act” means the Social Security (Consequential Provisions) Act 1975; and
“the 1986 Act” means the Social Security Act 1986.

Social Security Pensions Act 1975

- 10 The repeal by this Act of any provision contained in the 1975 Act or any enactment amending such a provision does not affect the operation of that provision by virtue of section 66(2) of the Social Security Pensions Act 1975.

Additional pensions

- 11 The repeal by this Act of section 18(1) of the 1986 Act (which substituted in any enactment or instrument made under an enactment a reference to a basic pension for any reference to the basic component of a long-term benefit and a reference

to an additional pension for any reference to an additional component of such a benefit) does not affect the construction of any enactment or instrument amended by that subsection.

*Supersession of National Insurance Acts - provisions derived
from Schedule 3 to former Consequential Provisions Act*

- 12 Regulations may provide that, in relation to—
- (a) persons who ceased by virtue of paragraph 2 of Schedule 3 to the former Consequential Provisions Act to be insured under the 1965 Act,
 - (b) persons to or in respect of whom benefit under that Act was, or but for a disqualification or forfeiture would have been, payable immediately before 6th April 1975, and
 - (c) persons who had a prospective right to, or expectation of, any benefit under that Act immediately before that day,
- the Contributions and Benefits Act and the Administration Act (so far as they represent provisions of the 1973 Act) shall have effect subject to such modifications as may be prescribed with a view to securing continuity of the law.
- 13 Without prejudice to the generality of the powers conferred by paragraph 12 above, regulations under that paragraph may in particular provide for the taking into account, for such purposes and in such manner and subject to such conditions as may be prescribed, of contributions paid or credited or deemed to be, or treated as, paid or credited under the 1965 Act or the National Insurance Act 1946 or any enactment repealed by that Act.
- 14 Regulations may provide that the Contributions and Benefits Act and the Administration Act (so far as they represent the 1973 Act) and this Part of this Schedule (except this paragraph) shall have effect subject to prescribed modifications in relation to persons who attained the age of 16 before 6th April 1975 and who, immediately before that day, were not insured under the 1965 Act.
- 15 Notwithstanding any repeal effected by the 1973 Act, provision may be made by regulations for continuing in force, with or without prescribed modifications, such provisions of the 1965 Act or any other enactments specified in the third column of Schedule 28 to the 1973 Act (repeals) as the Secretary of State considers appropriate for the purpose of preserving rights to benefit under that Act or those enactments in those cases (if any) in which in his opinion adequate alternative rights to benefit under the Contributions and Benefits Act are not conferred in pursuance of paragraph 12 above, or for temporarily retaining the effect of those provisions for transitional purposes.
- 16 In the foregoing provisions of this Part of this Schedule, any reference to benefit under the 1965 Act includes a reference to such other benefit, pension or allowance as is mentioned in paragraph 17(2)(b) of Schedule 11 to that Act (pre-1948 beneficiaries).
- 17 (1) Any instrument (except regulations, an Order in Council or another order) and any appointment which is in force immediately before 1st July 1992 and was made or has effect as if made under an enactment repealed by the 1973 Act shall, in so far as a corresponding instrument or appointment is capable of being made under any provision of the Contributions and Benefits Act or the Administration Act representing a provision in the 1973 Act, be deemed to be so made except to the extent that regulations otherwise provide.

- (2) A reference in any document to an enactment repealed and re-enacted by the 1973 Act with or without modifications shall, in so far as the context permits, be construed as a reference to the Contributions and Benefits Act or, as the case may be, the Administration Act or to the corresponding enactment therein.

Housing benefit - provision derived from section 30(11) of 1986 Act

- 18 (1) 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.
- (2) Any expenses of the Secretary of State under this paragraph shall be paid out of money provided by Parliament.
- (3) The power conferred by this paragraph includes power to make different provision for different areas.

Industrial injuries - provision derived from paragraph 12 of Schedule 3 to 1986 Act

- 19 (1) The Secretary of State may by regulations provide for the payment of prescribed amounts in prescribed circumstances to persons who immediately before the repeal of sections 71 to 73 of the 1975 Act were entitled to any benefit by virtue of any of those sections, but in determining the amount which is to be payable in any case or class of cases the Secretary of State may take into account—
- (a) the extent to which the weekly rate of industrial death benefit has been modified in that case or class of cases by virtue of section 74;
 - (b) the age of the beneficiary and of any person or persons formerly maintained by the deceased; and
 - (c) the length of time that entitlement to the benefit would have been likely to continue if those sections had not been repealed.
- (2) In this paragraph “prescribed” means specified in or determined in accordance with regulations.
- (3) Any expenses of the Secretary of State under this paragraph shall be paid out of money provided by Parliament.

Attendance allowance - provision derived from section 1 of Social Security Act 1988.

- 20 For the purposes—
- (a) of any determination following a claim made before 15th March 1988 (the date of the passing of the Social Security Act 1988);
 - (b) of any review following an application made before that date; and
 - (c) of any review following a decision to conduct a review made before that date,
- section 64 of the Contributions and Benefits Act shall have effect as if the following subsection were substituted for subsection (3)—

- “(3) A person satisfies the night attendance condition if he is so severely disabled physically or mentally that, at night, he requires from another person either—
- (a) prolonged or repeated attention during the night in connection with his bodily functions; or

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- (b) continual supervision throughout the night in order to avoid substantial danger to himself or others.”

*Supplementary benefit and former housing-related benefits -
 provision derived from section 16 of Social Security Act 1989*

- 21 (1) Any expenses of the Secretary of State in making payments to persons falling within sub-paragraph (2) or (3) below may be paid out of money provided by Parliament.
- (2) A person falls within this sub-paragraph if—
- (a) he was entitled to supplementary benefit immediately before 11th April 1988, but
- (b) he did not become entitled to income support in respect of the week beginning with that day.
- (3) A person falls within this sub-paragraph if he was entitled to any one or more of the former housing-related benefits in respect of a qualifying week but either—
- (a) he did not become entitled to housing benefit under Part II of the 1986 Act in respect of the commencement week, or
- (b) the amount of any such housing benefit to which he became entitled in respect of that week was less than the amount of the former housing-related benefits to which he had been entitled in respect of the qualifying week.
- (4) In this paragraph—
- “commencement day” means the day on which the new provisions came into force in the case of the person in question (1st or 4th April 1988, according to the circumstances);
- “commencement week”, in relation to any person, means the week beginning with the commencement day in his case;
- “the former housing-related benefits” means—
- (a) rent rebates, rate rebates and rent allowances, within the meaning of Part II of the Social Security and Housing Benefits Act 1982; and
- (b) housing benefit supplement;
- “the new provisions” means the following provisions of Part II of the 1986 Act, so far as relating to housing benefit, that is to say, sections 20 to 22, 28 and 29;
- “qualifying week”, in relation to any person, means any week beginning on or after 21st March 1988 and ending before the commencement day in his case;
- “week” means a period of 7 days.
- (5) For the purposes of this paragraph—
- (a) a person shall be regarded as having been entitled to housing benefit supplement in respect of a week if an amount was applicable in respect of him under regulation 19 of the Supplementary Benefit (Requirements) Regulations 1983 in respect of that week; and
- (b) the amount of housing benefit supplement to which he was entitled in respect of that week shall be taken to be an amount equal to the amount so applicable.

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Substitution of disability living allowance for attendance allowance and mobility allowance and dissolution of Attendance Allowance Board - provision derived from section 5 of Disability Living Allowance and Disability Working Allowance Act 1991

- 22 (1) The Secretary of State may make such regulations as appear to him necessary or expedient in relation to the substitution of disability living allowance for attendance allowance and mobility allowance and the dissolution of the Attendance Allowance Board.
- (2) Without prejudice to the generality of this paragraph, regulations under this paragraph —
- (a) may provide for the termination or cancellation of awards of attendance allowance and awards of mobility allowance;
 - (b) may direct that a person whose award of either allowance has been terminated or cancelled by virtue of the regulations or who is a child of such a person shall by virtue of the regulations be treated as having been awarded one or more disability living allowances;
 - (c) may direct that a disability living allowance so treated as having been awarded shall consist of such component as the regulations may specify or, if the regulations so specify, of both components, and as having been awarded either component at such weekly rate and for such period as the regulations may specify;
 - (d) may provide for the termination in specified circumstances of an award of disability living allowance;
 - (e) may direct that in specified circumstances a person whose award of disability living allowance has been terminated by virtue of the regulations shall by virtue of the regulations be treated as having been granted a further award of a disability living allowance consisting of such component as the regulations may specify or, if the regulations so specify, of both components, and as having been awarded on the further award either component at such weekly rate and for such period as the regulations may specify;
 - (f) may provide for the review of awards made by virtue of paragraph (b) or (e) above and for the treatment of claims for disability living allowance in respect of beneficiaries with such awards;
 - (g) may direct that for specified purposes certificates issued by the Attendance Allowance Board shall be treated as evidence of such matters as may be specified in the regulations;
 - (h) may direct that for specified purposes the replacement of attendance allowance and mobility allowance by disability living allowance shall be disregarded;
 - (i) may direct that a claim for attendance allowance or mobility allowance shall be treated in specified circumstances and for specified purposes as a claim for disability living allowance or that a claim for disability living allowance shall be treated in specified circumstances and for specified purposes as a claim for attendance allowance or mobility allowance or both;
 - (j) may direct that in specified circumstances and for specified purposes a claim for a disability living allowance shall be treated as having been made when no such claim was in fact made;
 - (k) may direct that in specified circumstances a claim for attendance allowance, mobility allowance or disability living allowance shall be treated as not having been made;

- (l) may direct that in specified circumstances where a person claims attendance allowance or mobility allowance or both, and also claims disability living allowance, his claims may be treated as a single claim for such allowances for such periods as the regulations may specify;
 - (m) may direct that cases relating to mobility allowance shall be subject to adjudication in accordance with the provisions of Part II of the Administration Act relating to disability living allowance; and
 - (n) may direct that, at a time before the Attendance Allowance Board is dissolved, in specified circumstances cases relating to attendance allowance shall be subject to adjudication under the system of adjudication for such cases introduced by the Disability Living Allowance and Disability Working Allowance Act 1991.
- (3) Regulations under this paragraph may provide that any provision to which this sub-paragraph applies—
- (a) shall have effect subject to modifications, additions or amendments; or
 - (b) shall not have effect.
- (4) Sub-paragraph (3) above applies—
- (a) to any provision of the 1975 Act which relates to mobility allowance, so far as it so relates;
 - (b) to any provision of Part VI of the 1986 Act which is relevant to mobility allowance;
 - (c) to any provision of the Contributions and Benefits Act which relates to disability living allowance or attendance allowance, so far as it so relates; and
 - (d) to any provision of the Administration Act which is relevant to disability living allowance or attendance allowance.

Regulations and orders - supplementary

- 23 (1) Regulations under this Part of this Schedule shall be made by the Secretary of State.
- (2) Powers under this Part of this Schedule to make regulations or orders are exercisable by statutory instrument.
- (3) Any power conferred by this Part of this Schedule to make regulations or orders may be exercised—
- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Part of this Schedule;
 - (iii) any such provision either unconditionally or subject to any specified condition.

- (4) The powers to make regulations or orders conferred by any provision of this Part of this Schedule other than paragraph 22 above include powers to make thereby such incidental, supplementary, consequential or transitional provision as appears to the Secretary of State to be expedient for the purposes of the regulations.
- (5) A power conferred by this Part of this Schedule to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- (6) If the Treasury so direct, regulations or orders under this Part of this Schedule shall be made only in conjunction with them.
- (7) A statutory instrument—
 - (a) which contains (whether alone or with other provisions) orders or regulations made under this Part of this Schedule, and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 4

Section 6.

TRANSITORY MODIFICATIONS

PART I

PROVISIONS NOT YET IN FORCE

Introductory

- 1 (1) If—
 - (a) no date has been appointed as the date on which a provision mentioned in column 1 of the following Table is to come into force before 1st July 1992; or
 - (b) a date has been appointed which is later than 1st July 1992,then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect until the appointed day.

TABLE

Paragraph 7(1)(b) of Schedule 8 to the Social Security Act 1986 (c. 50).	Paragraph 3.
The repeal in Schedule 11 to the Social Security Act 1986 of section 135(6) of the Social Security Act 1975 (c. 14).	Paragraph 19.
The repeal in Schedule 11 to the Social Security Act 1986 of paragraph 18	Paragraph 20.

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of Schedule 3 to the Social Security (Consequential Provisions) Act 1975 (c. 18).	
The repeal in Schedule 11 to the Social Security Act 1986 of the words “Subject to subsection (5A) below,” in section 6(5) of the Social Security Pensions Act 1975 (c. 60).	Paragraph 2.
Section 5 of the Social Security Act 1988 (c. 7).	Paragraph 16.
Section 27 of the Social Security Act 1989 (c. 24).	Paragraph 13.
Paragraph 8(8) of Schedule 1 to the Social Security Act 1989.	Paragraphs 10 and 11.
The repeal in Schedule 9 to the Social Security Act 1989 of section 14(7) of the Social Security Act 1980 (c. 30).	Paragraph 12.
Paragraph 15 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19).	Paragraph 5.
Section 9 of the Social Security Act 1990 (c. 27).	Paragraph 4.
Section 17(3) of the Social Security Act 1990.	Paragraph 17.
Section 17(4) of the Social Security Act 1990.	Paragraph 18.
Section 17(5) of the Social Security Act 1990.	Paragraph 6.
Section 17(6) of the Social Security Act 1990.	Paragraph 7.
Section 17(8) of the Social Security Act 1990.	Paragraph 8.
Section 17(9) of the Social Security Act 1990.	Paragraph 9.
Section 9(1) of the Maintenance Enforcement Act 1991 (c. 17).	Paragraph 14.
Section 9(2) of the Maintenance Enforcement Act 1991.	Paragraph 15.

(2) If—

- (a) a date has been appointed as the date on which a provision mentioned in column 1 of the Table in sub-paragraph (1) is to come into force for some purposes of that provision but not for others; and
- (b) that date is on or before 1st July 1992,

then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect for those other purposes of that provision (in so far as it is capable of doing so) until the relevant appointed day.

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- (3) In this paragraph “the appointed day” means—
- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by the Secretary of State by order made by statutory instrument; and
 - (b) in the case mentioned in paragraph (b) of that sub-paragraph, the day appointed as the day on which the provision mentioned in column 1 of the Table is to come into force.
- (4) An order under sub-paragraph (3) above may appoint different days for different provisions or different purposes of the same provision.
- (5) An order under sub-paragraph (3) above relating to paragraph 5 of this Schedule may—
- (a) appoint different days for different purposes and for different areas or descriptions of area; and
 - (b) contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Secretary of State necessary or expedient in connection with the order.

The Contributions and Benefits Act

- 2 At the beginning of subsection (6) of section 44 of the Contributions and Benefits Act there shall be inserted the words “Subject to subsection (7A) below”.
- 3 The following subsection shall be inserted after subsection (7) of that section—
- “(7A) The Secretary of State may prescribe circumstances in which pensioners' earnings factors for any relevant year may be calculated in such manner as may be prescribed.”.
- 4 In section 135 of that Act subsections (3) and (4) shall be omitted.
- 5 In section 143(3)(c) of that Act the following sub-paragraphs shall be substituted for sub-paragraphs (i) to (iii)—
- “(i) paragraph 2 of Schedule 8 to the National Health Service Act 1977;
 - (ii) the Children Act 1989; or
 - (iii) section 37 of the National Health Service (Scotland) Act 1978.”.
- 6 In paragraph 6 of Schedule 1 to that Act sub-paragraphs (2) to (4) shall be omitted.
- 7 The following sub-paragraph shall be substituted for paragraph 6(8) of that Schedule—
- “(8) The Inland Revenue shall, at such times, and in such manner as the Treasury may direct, account to the Secretary of State for, and pay to him, the sums estimated by the Inland Revenue, in such manner as may be so directed, to have been received by them as contributions in accordance with regulations made by virtue of this paragraph.”.
- 8 The following sub-paragraph shall be substituted for paragraph 6(1) of Schedule 2 to that Act—
- “(1) Section 88(1), (4) and (5)(a) and (b) of the Taxes Management Act 1970 (interest on tax recovered to make good loss due to taxpayer's fault) shall apply in relation to any amount due in respect of Class 4 contributions as

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it applies in relation to income tax; but section 86 of that Act (interest on amounts overdue) shall not apply.”.

9 Paragraph 6(2) of that Schedule shall be omitted.

10 The following sub-paragraph shall be inserted after paragraph 11(12) of Schedule 7 to that Act—

“(12A) The reference in sub-paragraph (11) above to a person who has retired from regular employment includes a reference—

- (a) to a person who under subsection (3) of section 27 of the 1975 Act was treated for the purposes of that Act as having retired from regular employment; and
- (b) to a person who under subsection (5) of that section was deemed for those purposes to have retired from it.”.

11 At the end of paragraph 12 of Schedule 7 to that Act there shall be inserted—

“(7) The reference in sub-paragraph (1) above to a person who has retired from regular employment includes a reference—

- (a) to a person who under subsection (3) of section 27 of the 1975 Act was treated for the purposes of that Act as having retired from regular employment; and
- (b) to a person who under subsection (5) of that section was deemed for those purposes to have retired from it.”.

The Administration Act

12 In section 24 of the Administration Act—

- (a) at the end of subsection (1) there shall be inserted the words “or given in consequence of a reference under section 112(4) of the 1975 Act (which enabled a medical appeal tribunal to refer a question of law to a Commissioner)”;
- (b) the following subsection shall be inserted after subsection (5)—

“(5A) In relation to a decision of a Commissioner which was given in consequence of a reference under section 112(4) of the 1975 Act subsections (3) and (5) of this section shall have effect with such modifications as may be prescribed by regulations.”.

13 Section 104 of that Act shall be omitted.

14 Subsection (5) of section 107 of that Act shall be omitted.

15 Subsections (9) to (11) of that section shall be omitted.

16 Section 153 of that Act shall be omitted.

17 In section 162 of that Act subsection (4) shall be omitted.

18 In section 163 of that Act subsection (5) shall be omitted.

19 The following subsection shall be inserted at the end of section 164 of that Act—

“(7) Any sums repaid to the Secretary of State in pursuance of section 119(1) of the 1975 Act (which related to the effect of adjudication and was repealed subject to a saving in relation to certain reviews and appeals) shall—

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- (a) be paid by him into the Consolidated Fund in so far as they represent benefit which under section 163 above is payable out of money provided by Parliament and not out of the National Insurance Fund; and
- (b) otherwise, be paid by him into that Fund.”.

This Act

- 20 In Schedule 3 to this Act—
- (a) in the heading before paragraph 18 for the words “provision derived from” there shall be substituted the words “provisions derived from paragraph 18 of Schedule 3 to former Consequential Provisions Act and”; and
 - (b) the following paragraph shall be inserted after that heading—

“17A In determining a woman’s right—

 - (a) to a pension or allowance in respect of a deceased person under section 67, 68, 71, 72 or 73 of the 1975 Act; or
 - (b) to a pension in respect of a deceased person under paragraph 15 or 16 of Schedule 7 to the Contributions and Benefits Act,

for any period after 25th February 1962, or her right on her re-marriage after that date to a gratuity under section 67 of the 1975 Act, her cohabitation with a man at any time after the deceased’s death but before that date shall be disregarded; but a right to benefit arising by virtue of this paragraph shall not, under Schedule 9 to that Act or Schedule 7 to the Contributions and Benefits Act, affect the right of any other persons to benefit awarded before that date.”.

PART II

OTHER TRANSITORY MODIFICATIONS

Transition from mobility allowance to disability living allowance

- 21 In the application of subsection (2) of section 129 of the Contributions and Benefits Act to claims made or treated as made before the first day in respect of which disability living allowance is payable paragraph (b) of that subsection shall have effect as if the following sub-paragraph were substituted for sub-paragraph (ii)—
- “(ii) a mobility allowance under section 37A of the 1975 Act;”.

Amendment of Schedule 1 to the Attachment of Earnings Act 1971 (c. 32)

- 22 Until such time as there comes into force an amendment of Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders to which the Act applies) which has the effect of including among the orders specified in that Schedule any order for periodical or other payments made or having effect as if made under Schedule 1 to the Children Act 1989, the definition of “maintenance order” in section 107(15) of the Administration Act shall have effect as if, in paragraph (a), after sub-paragraph (ii) there were inserted—

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“(iii) any order under paragraph 1(2)(a), (b) or (c) of Schedule 1 to the Children Act 1989 (financial provision for children against their parents);”.