

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

Social Security Administration Act 1992 (c. 5)

- 78 In subsection (2) of section 3 of the Administration Act (late claims for widowhood benefit where death is difficult to establish)—
- (a) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) in any case falling within paragraph (b)(i) of subsection (1) above, where it has been decided under section 8 of the Social Security Act 1998 that the husband has died or is presumed to have died; or”; and
 - (b) for the word “determination” there shall be substituted the word “decision”.
- 79 (1) In subsection (1) of section 5 of that Act (regulations about claims for and payments of benefit)—
- (a) for paragraph (e) there shall be substituted the following paragraph—
 - “(e) for any such award to be revised under section 9 of the Social Security Act 1998, or superseded under section 10 of that Act, if any of those requirements are found not to have been satisfied;”; and
 - (b) paragraphs (n) and (o) shall cease to have effect.
- (2) Subsection (4) of that section shall cease to have effect.
- 80 In subsection (1) of section 6 of that Act (regulations about council tax benefit administration), paragraphs (n) and (o) shall cease to have effect.
- 81 (1) In subsection (2) of section 71 of that Act (overpayments: general), after the word “shall” there shall be inserted the words “in the case of the Secretary of State or a tribunal, and may in the case of a Commissioner or a court”.
- (2) In subsection (5) of that section—
- (a) in paragraph (a), for the words “revised on a review” there shall be substituted the words “has been revised under section 9 or superseded under section 10 of the Social Security Act 1998”; and
 - (b) in paragraph (b), for the word “review” there shall be substituted the words “under that section”.
- (3) In subsection (5A) of that section, for the words “revised on a review” there shall be substituted the words “has been revised under section 9 or superseded under section 10 of the Social Security Act 1998”.
- 82 In subsection (1) of section 71A of that Act (recovery of jobseeker’s allowance: severe hardship cases)—

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- (a) for the words “an adjudication officer”, in both places where they occur, there shall be substituted the words “the Secretary of State”; and
- (b) for the words “the Secretary of State” there shall be substituted the word “he”.

83 In section 116 of that Act (legal proceedings), subsection (6) shall cease to have effect.

84 For section 117 of that Act there shall be substituted the following section—

“117 Issues arising in proceedings

- (1) This section applies to proceedings before a court—
 - (a) for an offence under this Act or the Jobseekers Act 1995; or
 - (b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable by the Inland Revenue); or
 - (c) for the recovery of any sums due to the Secretary of State or the National Insurance Fund.
- (2) A decision of the Secretary of State which—
 - (a) falls within Part II of Schedule 3 to the Social Security Act 1998 (“the 1998 Act”); and
 - (b) relates to or affects an issue arising in the proceedings,
 shall be conclusive for the purposes of the proceedings.
- (3) If—
 - (a) any such decision is necessary for the determination of the proceedings; and
 - (b) the decision of the Secretary of State has not been obtained or an application with respect to the decision has been made under section 9 or 10 of the 1998 Act,
 the decision shall be referred to the Secretary of State to be made in accordance (subject to any necessary modifications) with Chapter II of Part I of that Act.
- (4) Subsection (2) above does not apply where, in relation to the decision—
 - (a) an appeal has been brought but not determined;
 - (b) an application for leave to appeal has been made but not determined;
 - (c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or
 - (d) an application has been made under section 9 or 10 of the 1998 Act.
- (5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.”

85 Subsection (2) of section 119 of that Act (recovery of unpaid contributions on prosecution) shall cease to have effect.

86 (1) In subsection (1) of section 120 of that Act (proof of previous offences), the words “or (2)(a)” shall cease to have effect.

(2) In subsection (3) of that section—

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- (a) after the words “Class 1A” there shall be inserted the words “or Class 1B”;
and
 - (b) for the words “2 years” there shall be substituted the words “6 years”.
 - (3) In subsection (4) of that section—
 - (a) after the words “Class 1” there shall be inserted the words “or Class 1B”; and
 - (b) for the words “2 years” there shall be substituted the words “6 years”.
 - (4) After that subsection there shall be inserted the following subsection—
 - “(4A) If the offence is one of failure to pay a Class 1B contribution, evidence may be given of failure on his part to pay such contributions, or any Class 1 or Class 1A contributions or contributions equivalent premiums, on the date of the offence, or during the 6 years preceding that date.”
 - (5) In subsection (5) of that section—
 - (a) paragraph (b) and the word “or” immediately preceding that paragraph shall cease to have effect; and
 - (b) for the words “2 years” there shall be substituted the words “6 years”.
 - (6) In subsection (6) of that section, after the word “(4),” there shall be inserted the word “(4A)”.
- 87 In subsections (1) and (2) of section 121 of that Act (unpaid contributions: supplementary), the words “or (2)(a)” shall cease to have effect.
- 88 In subsection (6A) of section 123 of that Act (unauthorised disclosure of information relating to particular persons), for the words “section 54 above” there shall be substituted the words “section 19 of the Social Security Act 1998”.
- 89 In subsection (1) of section 125 of that Act (regulations as to notification of deaths), after the words “the Social Security (Recovery of Benefits) Act 1997” there shall be inserted the words “, the Social Security Act 1998”.
- 90 (1) In subsection (1) of section 143 of that Act (power to alter contributions with a view to adjusting level of National Insurance Fund), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
 - “(a) the percentage rate specified as the primary percentage in section 8(2);
 - (b) the percentage rate specified as the secondary percentage in section 9(2);”.
- (2) In subsection (4) of that section, for paragraph (a) there shall be substituted the following paragraph—
 - “(a) to increase for any tax year the primary percentage, or the secondary percentage, to a percentage rate more than 0.25 per cent higher than that applicable at the end of the preceding tax year;”.
- 91 In section 144 of that Act (supplementary provisions about orders under section 143), after “143”, in each place where it occurs, including the sidenote, there shall be inserted the words “or 143A”.
- 92 For subsections (1) to (3) of section 145 of that Act (power to alter primary and secondary contributions) there shall be substituted the following subsections—
 - “(1) For the purpose of adjusting amounts payable by way of primary Class 1 contributions, the Secretary of State may at any time make an order altering

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the percentage rate specified as the primary percentage in section 8(2) of the Contributions and Benefits Act.

(2) For the purpose of adjusting amounts payable by way of secondary Class 1 contributions, the Secretary of State may at any time make an order altering the percentage rate specified as the secondary percentage in section 9(2) of the Contributions and Benefits Act.

(3) No order shall be made under this section so as to increase for any tax year the primary percentage, or the secondary percentage, to a percentage rate more than 0.25 per cent higher than that applicable at the end of the preceding tax year.”

93 Section 146 of that Act (power to alter number of secondary earnings brackets) shall cease to have effect.

94 In subsections (1), (2) and (3) of section 147 of that Act (orders under sections 145 and 146: supplementary), the words “or 146” shall cease to have effect.

95 In subsection (2) of section 159 of that Act (effect of alteration in the component rates of income support), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.

96 In subsection (3) of section 159A of that Act (effect of alteration of rates of a jobseeker’s allowance), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.

97 In subsection (2) of section 160 of that Act (implementation of increases in income support due to attainment of particular ages), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.

98 In subsection (2) of section 160A of that Act (implementation of increases in income-based jobseeker’s allowance due to attainment of particular ages), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.

99 (1) After subsection (2) of section 162 of that Act (destination of contributions) there shall be inserted the following subsection—

“(2A) References in subsections (1) and (2) above to contributions include references to payments on account of contributions made in accordance with regulations under section 3(5) of the Contributions and Benefits Act (payments on account of directors’ contributions).”

(2) After subsection (4) of that section there shall be inserted the following subsection—

“(4A) The sums recovered by the Secretary of State under regulations made under paragraph 7A, 7B or 7C of Schedule 1 to the Contributions and Benefits Act in respect of interest or penalties shall be paid into the National Insurance Fund.”

(3) In subsection (5)(b) of that section, for the words “those contributions” there shall be substituted the words “primary Class 1 contributions”.

(4) In subsection (8)(b) of that section, after the words “paragraph (c)” there shall be inserted the words “or (ca)”.

100 (1) In subsection (4) of section 163 of that Act (general financial arrangements), after the words “Class 1A” there shall be inserted the words “or 1B”.

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- (2) In subsection (5) of that section, after the words “paragraph 6”, in the first place where they occur, there shall be inserted the words “or 7B”.
- 101 In section 164 of that Act (destination of payments etc.), subsection (5)(a) shall cease to have effect.
- 102 (1) In subsection (1) of section 166 of that Act (financial review and report), in paragraph (d), for the words “so far as it relates” there shall be substituted the words “and Chapter II of Part I of the Social Security Act 1998 so far as they relate”.
- (2) In subsection (2) of that section, in paragraph (c), for the words “so far as it relates” there shall be substituted the words “and Chapter II of Part I of the Social Security Act 1998 so far as they relate”.
- 103 (1) In subsection (3)(a) of section 168 of that Act (allocations from social fund), for the words “a particular social fund officer or group of social fund officers” there shall be substituted the words “a particular appropriate officer or group of appropriate officers”.
- (2) In subsection (5) of that section, for the words “social fund officers”, in each place where they occur, there shall be substituted the words “appropriate officers”.
- (3) After that subsection there shall be inserted the following subsection—
- “(6) In this section “appropriate officer” means an officer of the Secretary of State who, acting under his authority, is exercising functions of the Secretary of State in relation to payments from the social fund such as are mentioned in section 138(1)(b) of the Contributions and Benefits Act.”
- 104 In subsection (5) of section 170 of that Act (the Social Security Advisory Committee)—
- (a) in the definition of “the relevant enactments”, after paragraph (ac) there shall be inserted the following paragraph—
- “(ad) the provisions of Chapter II of Part I of the Social Security Act 1998 and section 72 of that Act;”;
- (b) in the definition of “the relevant Northern Ireland enactments”, after paragraph (ac) there shall be inserted the following paragraph—
- “(ad) any provisions in Northern Ireland which correspond to provisions of Chapter II of Part I of the Social Security Act 1998 and section 72 of that Act;”.
- 105 In subsection (5) of section 177 of that Act (co-ordination with Northern Ireland)—
- (a) in paragraph (a), after the words “Jobseekers Act 1995” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”; and
- (b) in paragraph (b), after the words “Jobseekers Act 1995” there shall be inserted the words “, any enactment in Northern Ireland corresponding to Chapter II of Part I of the Social Security Act 1998”.
- 106 (1) In subsection (1) of section 178 of that Act (reciprocal arrangements with Northern Ireland: income-related benefits and child benefit), after the words “Jobseekers Act 1995” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.

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- (2) In subsection (3) of that section, after the words “Jobseekers Act 1995”, in each place where they occur, there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- 107 (1) In subsection (3)(a) of section 179 of that Act (reciprocal agreements with countries outside the United Kingdom), after the words “Jobseekers Act 1995” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- (2) After subsection (4)(aa) of that section there shall be inserted the following paragraph—
“ (ab) to Chapter II of Part I of the Social Security Act 1998; and”.
- 108 In section 180 of that Act (payment of travelling expenses by Secretary of State)—
(a) in paragraph (a), after the words “the Social Security (Recovery of Benefits) Act 1997” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”; and
(b) in paragraph (b)(i), after the words “the Social Security (Recovery of Benefits) Act 1997” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- 109 In section 189 of that Act (regulations and orders: general), the following shall cease to have effect, namely—
(a) in subsection (1), the words “subsection (2) below and to”;
(b) subsection (2);
(c) in subsection (4), the words “24 or”;
(d) in subsection (5), the words “(other than the power conferred by section 24 above)”;
(e) in subsection (6), the word “24,”; and
(f) subsection (10).
- 110 (1) In subsection (1)(a) of section 190 of that Act (instruments containing provisions under certain provisions to be subject to the affirmative Parliamentary procedure)—
(a) after “143,” there shall be inserted “143A,”; and
(b) “146,” shall cease to have effect.
- (2) Subsection (4) of that section shall cease to have effect.
- 111 In section 191 of that Act (interpretation)—
(a) the definitions of “Commissioner”, “the disablement questions”, “5 year general qualification”, “President” and “10 year general qualification” shall cease to have effect; and
(b) in the definition of “claimant” (in relation to industrial injuries benefit), for the words “section 44 above” there shall be substituted the words “section 29 of the Social Security Act 1998”.
- 112 In subsection (5) of section 192 of that Act (short title, commencement and extent), the words “section 24,” shall cease to have effect.
- 113 In Part I of Schedule 4 to that Act (persons employed in social security administration or adjudication)—
(a) the entry headed “*Adjudication officers*” shall cease to have effect;
(b) in the entry headed “*Adjudicating bodies*”, in paragraph (a), for the words “a social security” there shall be substituted the word “an”, and paragraphs (b) to (d) shall cease to have effect;

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- (c) in the entry headed “*The Social Fund*”, the words “A social fund officer” shall cease to have effect; and
- (d) at the end of the entry headed “*Former officers*” there shall be inserted the words—

“A Chief Adjudication Officer.

An adjudication officer.

A social fund officer.

A clerk to, or other officer or member of the staff of, the former social security appeal tribunal, the former disability appeal tribunal or the former medical appeal tribunal.”

- 114 (1) In Part I of Schedule 7 to that Act (regulations not requiring prior submission to Social Security Advisory Committee), in paragraph 3(a), for the words “section 141, 143 or 145 above” there shall be substituted the words “section 141, 143, 143A or 145 above”.
- (2) In Part II of that Schedule (regulations not requiring prior submission to Industrial Injuries Advisory Council), in paragraph 12, for the words “section 141, 143 or 150 above” there shall be substituted the words “section 141, 143, 143A or 150 above”.
- 115 In paragraph 1(6) of Schedule 9 to that Act (old cases payments administration), after the words “this Act” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- 116 (1) In sub-paragraph (1) of paragraph 3 of Schedule 10 to that Act (supplementary benefit), for the words “Sections 20 to 29, 36 to 43, 51 to 61” there shall be substituted the words “Sections 8 to 18, 29 to 31 and 39 of the Social Security Act 1998”.
- (2) In sub-paragraph (2) of that paragraph, for the words “section 59 above” there shall be substituted the words “section 16 of the Social Security Act 1998”.