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STATUTORY INSTRUMENTS

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1989 No. 1238 (C. 4)

**SOCIAL SECURITY**

**The Social Security Act 1989 (Commencement No. 1)  
Order 1989**

*Made* - - - - *21st July 1989*

The Secretary of State for Social Security, in exercise of powers conferred upon him by section 33(2) of the Social Security Act 1989(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Social Security Act 1989 (Commencement No. 1) Order 1989.

(2) In this Order, unless the context otherwise requires, “the Act” means the Social Security Act 1989, and references to sections and Schedules are references to sections of and Schedules to that Act.

**Appointed days**

2. The day appointed for the coming into force of—

- (a) Schedule 8, paragraph 19 (joint citations) and section 31(1) (minor and consequential amendments) so far as it relates to it, is 21st July 1989;
- (b) the provisions of the Act specified in Part I of the Schedule to this Order, for the purpose only of authorising the making under the Social Security Act 1975(b), the Social Security (No. 2) Act 1980(c) or the Social Security Act 1986(d) as amended thereby of regulations which are expressed to come into force on or after 9th October 1989, is 21st July 1989;
- (c) the provisions of the Act specified in Part II of the Schedule to this Order, is 1st October 1989;
- (d) section 1 (amendments relating to primary Class 1 contributions) in relation to contributions in respect of earnings paid in any tax week beginning on or after 5th October 1989, is 5th October 1989;
- (e) the provisions of the Act specified in Part III of the Schedule to this Order, is 5th October 1989;
- (f) the provisions of the Act specified in Part I of the Schedule to this Order, to the extent that they do not come into force on 21st July 1989, is 9th October 1989;
- (g) section 5 (liability of parents to maintain children under the age of nineteen in respect of whom income support is paid), section 8 (mobility allowance: increase of age limit to 80 years) and Schedule 8, paragraphs 2, 3, 7 and 16 and

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(a) 1989 c.24.  
(b) 1975 c.14.  
(c) 1980 c.39.  
(d) 1986 c.50.

section 31(1) (minor and consequential amendments) so far as it relates to those paragraphs, is 9th October 1989.

- (h) the provisions of the Act specified in Part IV of the Schedule to this Order is 9th October 1989.

Signed by authority of the Secretary of State for Social Security.

21st July 1989

*Peter Lloyd*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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## SCHEDULE

Article 2

### PART I

PROVISIONS COMING INTO FORCE FOR LIMITED PURPOSES ON 21ST JULY 1989 AND FOR  
REMAINING PURPOSES ON 9TH OCTOBER 1989

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<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 9.	Extension to personal pensions of occupational pension provisions relating to the abatement of unemployment benefit and the meaning of "earnings".
Section 10.	Unemployment benefit: requirement to seek employment actively.
Section 11.	Requalification for unemployment benefit.
Section 12.	Disqualification for unemployment benefit.
Section 13.	Income support and unemployment.

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### PART II

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 1989

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<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 7 and Schedule 1, paragraphs 1, 2, 3, 4, 5, 6, 7, 8(1)-(6), 9, 10 and 11.	Abolition of earnings rule etc.
Paragraph 11(4) of Schedule 3 and section 21 so far as it relates to it.	Miscellaneous amendments relating to adjudication: review of decisions.
Paragraphs 1, 2, 3, 4, 5, 9, 10, 11, 12, 13 and 15 of Schedule 6 and section 24 so far as it relates to them.	Miscellaneous amendments relating to occupational and personal pensions.
Paragraphs 1, 8, 9, 10, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Schedule 7 and section 26 so far as it relates to them.	Pre-consolidation amendments.
Paragraphs 14 and 15 of Schedule 8 and section 31 so far as it relates to them.	Minor and consequential amendments.
The following repeals in Schedule 9 and section 31(2) so far as it relates to them—	
(a) in the Social Security Act 1973(a), section 51(7);	Occupational and Personal Pensions.
(b) the provisions of the Social Security Act 1975 specified below—	
(i) in section 14(6), the words following paragraph (c)(b),	Unemployment and Sickness benefit.

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(a) 1973 c.38.

(b) In section 14(6), paragraph (a) was substituted by the Social Security Pensions Act 1975 (c.60), Schedule 4, paragraph 39(b) and paragraph (aa) was inserted by the Social Security Act 1979 (c.18), Schedule 3, paragraph 6.

SCHEDULE: Part II – *continued*

<i>Provisions of the Act</i>	<i>Subject Matter</i>
(ii) in section 15(6)(a)(a), the words “but have not retired from regular employment”,	Invalidity pension.
(iii) section 27(3), (4) and (5),	Retirement from regular employment.
(iv) in section 28(1)(a)(b) the words “and has retired from regular employment”,	Category A retirement pension.
(v) section 29(5)(a),	Category B retirement pension.
(vi) in section 30, subsection (1), in subsection (3), in paragraph (a), the words “retired from regular employment or has otherwise” and the words “retired or” and subsection (6)(a)(c),	Category A and B pensions and earnings rule.
(vii) in section 39(1)(b), the words “and has retired from regular employment”,	Category C retirement pension
(viii) in section 41(1)(d), the words “section 30(1) of this Act and to”,	Increase of benefit in respect of dependent children.
(ix) section 48(2) and (3)(e),	Pension increases and earnings rule.
(x) in Schedule 20 (glossary), in the definition of “week”(f), the words “midnight between Saturday and” and “30(1)”;	Meaning of “week”.
(c) the provisions of the Social Security Pensions Act 1975(g) specified below—	
(i) in section 8(1), the words “who has retired from regular employment”,	Category B retirement pension for widower.
(ii) section 11,	Application of earnings rule.
(iii) in section 45(3), the words from “unless the person” to “shall not apply”,	State Scheme premiums.
(iv) in Schedule 4 (amendments), paragraph 39(a);	Substitution of section 14(2)(c) of Social Security Act 1975.
(d) in the Social Security (Miscellaneous Provisions) Act 1977(h), in section 21(1) the words “unless the prescribed person otherwise elects in the prescribed manner”;	Occupational and Personal Pensions.
(e) in the Social Security Act 1979(l), in Schedule 1, paragraph 17;	Invalidity pension for widows.
(f) the provisions of the Social Security and Housing Benefits Act 1982(j) specified below—	

- (a) Section 15(6) was inserted by the Social Security and Housing Benefits Act 1982 (c.24), Schedule 4, paragraph 10.
- (b) Subsection (1) was amended by the Social Security Pensions Act 1975, Schedule 4, paragraph 43 and by the Social Security Act 1986 (c.50), Schedule 10, paragraph 84.
- (c) Subsection (6) was inserted by the Social Security Act 1979, section 4(1).
- (d) Subsection (1) was amended by the Child Benefit Act 1975 (c.61), Schedule 4, paragraph 13.
- (e) Subsections 1(2) and (3) were substituted by the Social Security and Housing Benefits Act 1982, Schedule 4, paragraph 11.
- (f) The definition was amended by the Social Security Pensions Act 1975, Schedule 4, paragraph 64.
- (g) 1975 c.60.
- (h) 1977 c.5.
- (i) 1979 c.18.
- (j) 1982 c.24.

SCHEDULE: Part II – *continued*

<i>Provisions of the Act</i>	<i>Subject Matter</i>
(i) section 44(3) and (4);	Territorial waters.
(ii) in Schedule 1, in paragraph 7, the words “participate in, or”;	Statutory sick pay.
(iii) Schedule 4 (amendments), paragraph 11;	Substitution of section 48(2) and (3) of Social Security Act 1975.
(g) the provisions of the Social Security Act 1986(a) specified below—	
(i) in section 50(1), in the definition of “week”, the words “midnight between Saturday and”,	Statutory maternity pay.
(ii) section 63(1)(a)(ii),	Annual review in respect of section 30(1) of Social Security Act 1975.
(iii) in Schedule 6, in paragraph 3, in sub-paragraph (3)(b), the words “30(1)”, sub-paragraph (3)(c), sub-paragraph (4)(b) and the word “or” immediately preceding it,	Christmas bonus for pensioners.
(iv) in Schedule 10, paragraph 96;	Child benefit.

PART III

PROVISIONS COMING INTO FORCE ON 5TH OCTOBER 1989

<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 1	Amendments relating to primary Class 1 contributions.
The following repeals in Schedule 9 and section 31(2) so far as it relates to them—	
(a) in the Social Security Act 1975(b), in section 4(6F), the words “primary or”;	Class 1 contributions.
(b) the provisions of the Social Security (Contributions) Act 1982(c) specified below—	
(i) section 4(4),	Annual review of contributions.
(ii) in Schedule 1, paragraph 1(4).	Definition of employment protection allocation.

(a) 1986 c.50.  
(b) 1975 c.14.  
(c) 1982 c.2.

PART IV

PROVISIONS COMING INTO FORCE ON 9TH OCTOBER 1989

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<i>Provisions of the Act</i>	<i>Subject Matter</i>
<b>The following repeals and words in Schedule 9 and Section 31(2) so far as it relates to them—</b>	
(a) In the Merchant Shipping Act 1970(a), in section 17(10), the words from “but any application” onwards;	Liabile relatives
(b) the provisions of the Social Security Act 1975(b) specified below—	
(i) in section 20(1A) the words “longer or”;	Disqualification for Unemployment Benefit
(ii) in section 36(7), the word “and” at the end of paragraph (c).	Severe Disablement Allowance
(c) in the Social Security Act 1986(c), in section 26(3) the word “and” at the end of paragraph (b).	Failure to maintain
(d) at the end of Schedule 9, the words “The repeal in section 20(1A) of the Principal Act does not affect the continuing operation of the Unemployment Benefit (Disqualification Period) Order 1988(d).	Disqualification period for Unemployment Benefit.

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- (a) 1970 c.36.  
(b) 1975 c.14.  
(c) 1986 c.50.  
(d) S.I. 1988/487.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the coming into force of provisions of the Social Security Act 1989 on the following dates—

21st July 1989 for the provisions in—

- paragraph 19 of Schedule 8 (minor and consequential amendments), which relates to joint citations,
- sections 9 to 13, relating to unemployment benefit and to income support and unemployment, for the purpose only of authorising the making of Regulations;

1st October 1989 for the provisions in—

- section 7 and Schedule 1 (except paragraph 8(7) and (8)), together with the associated repeals in Schedule 9, which relate to abolition of the earnings rule etc.,
- paragraph 11(4) of Schedule 3 (adjudication), which relates to review of decisions,
- paragraphs 1 to 5, 9 to 13 and 15 of Schedule 6, which contain amendments relating to occupational and personal pensions,
- paragraphs 1, 8 to 10, 12, 14, 16 and 18 to 28 of Schedule 7 (pre-consolidation amendments),
- paragraphs 14 and 15 of Schedule 8 (minor and consequential amendments).

5th October 1989 for the provision in section 1, which relates to primary Class 1 contributions, in respect of contributions on earnings paid in any tax week beginning on or after 5th October 1989.

9th October 1989 for the provisions in—

- section 5 relating to liability of parents to maintain children under 19 in respect of whom income support is paid,
- section 8 relating to increase of age limit to 80 in respect of mobility allowance,
- sections 9 to 13, relating to unemployment benefit and to income support and unemployment, to the extent that they do not come into force on 21st July 1989,
- paragraphs 2, 3, 7 and 16 of Schedule 8 (minor and consequential amendments).

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