



# Social Security Act 1989

## 1989 CHAPTER 24

An Act to amend the law relating to social security and occupational and personal pension schemes; to make provision with respect to certain employment-related benefit schemes; to provide for the recovery, out of certain compensation payments, of amounts determined by reference to payments of benefit; to make fresh provision with respect to the constitution and functions of war pensions committees; and for connected purposes. [21st July 1989]

### Modifications etc. (not altering text)

- C1 The base date version of this Act is as revised to 1.7.1992 and takes account of the effects on it of the consolidating legislation which came into force at that date
- C2 Words of enactment omitted under [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C3 Act: power to amend conferred (2.12.1999) by [1998 c. 47, s. 87](#) (with s. 95); [S.I. 1999/3209, art. 2, Sch.](#)

### Contributions

1–3 ..... F1

### Textual Amendments

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Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

4 **Earnings factors.**

(1) ..... F2

*Status: This version of this Act contains provisions that are prospective.*

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(5) The Earnings Factor Regulations, as in force for the purpose of determining earnings factors for the tax years beginning with 6th April 1985 and 6th April 1986, shall have effect, and be taken always to have had effect, with the substitution in paragraph 3 of Schedule 1 (which, as amended by regulation 2(3) of the Amending Regulations, provided in certain cases for the aggregation of separate contributions) for the words from “where the values” to “those sums” of the words—

“where, in the case of any two or more separate sums—

- (a) the values to be accorded to F (apart from this paragraph) would fall to be ascertained under the same paragraph of paragraph 2(e) above, and
- (b) the values to be so accorded to G would fall to be ascertained under the same paragraph of paragraph 2(f) above,

those sums”.

(6) In subsection (5) above—

“the Earnings Factor Regulations” means the <sup>M1</sup>Social Security (Earnings Factor) Regulations 1979; and

“the Amending Regulations” means the <sup>M2</sup>Social Security (Earnings Factor) Amendment Regulations 1985.

(7) The amendment by subsection (5) above of a provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision, whether in relation to the tax years there mentioned or otherwise.

(8) The <sup>M3</sup>Social Security (Earnings Factor) Amendment Regulations 1988 shall have effect, and be deemed always to have had effect, as if the amendment made by subsection (3) above had come into force before the making of those regulations.

**Textual Amendments**

**F2** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**Marginal Citations**

- M1** [S. I. 1979/676](#).
- M2** [S. I. 1985/1417](#).
- M3** [S. I. 1988/429](#).

*Liability to maintain children*

**5 Liability of parants to maintain children under the age of nineteen in respect of whom income support is paid.**

(1) ..... <sup>F3</sup>

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- (5) In section 17(2)(a) of the <sup>M4</sup> Merchant Shipping Act 1970 (seaman’s dependants to consists of his spouse and certain persons under the age of sixteen) for the word “sixteen” there should be substituted the word “nineteen”.

#### Textual Amendments

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

#### Modifications etc. (not altering text)

**C4** The text of s. 5(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

#### Marginal Citations

**M4** 1970 c. 36

### *Benefits under the principal Act*

## 6 Benefits for women widowed before 11th April 1988.

- (1) ..... <sup>F4</sup>
- (2) ..... <sup>F5</sup>
- (3) The <sup>M5</sup>Social Security Benefit (Dependency) Amendment Regulations 1989 shall have effect, and be taken always to have had effect, with the insertion after regulation 3 (which made amendments concerning widowed mother’s allowance to regulation 4B of the <sup>M6</sup>Social Security Benefit (Dependency) Regulations 1977) of the following—

“3A  
The first amendment made by regulation 3 above shall not have effect in relation to a widow whose late husband died before 11th April 1988.”

- (4) In any case where—
- (a) a claim for a widow’s pension or a widowed mother’s allowance is made, or treated as made, before the passing of this Act, and
  - (b) the Secretary of State has made a payment to or for the claimant on the ground that if the claim had been received immediately after its passing she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,
- the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.
- (5) Where, apart from section 165A of the principal Act (making of claim a condition of entitlement), a widow falling within subsection (1) above would be entitled to a widow’s pension for any period beginning on or after 11th April 1988, then,

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notwithstanding anything in that section, she shall be entitled to that pension for that period if she has made a claim for it before the end of the period of twelve months beginning with the passing of this Act.

- (6) Where a widow's late husband died on or after 7th October 1987 and before 11th April 1988 and, apart from section 165A of the principal Act, she would have become entitled to a widow's allowance on his death, then if either—

- (a) she was over the age of 40 but under the age of 55 at the time of his death, or
- (b) she would, apart from that section, have been entitled to a widowed mother's allowance on the cessation of her entitlement to the widow's allowance,

she shall, notwithstanding anything in that section, be entitled to the widow's allowance (and, accordingly, in a case falling within paragraph (b) above, to the widowed mother's allowance) if she has made a claim, or is treated as having made a claim, for it before the end of the period of twelve months beginning with the passing of this Act.

- (7) Where in consequence of any of the amending provisions an adjudicating authority has decided before the passing of this Act that a widow whose husband died before 11th April 1988 either—

- (a) is not entitled to a benefit under section 25 or 26 of the principal Act, or
- (b) is entitled to such a benefit at a particular rate,

an adjudication officer may review that decision, notwithstanding anything in [F<sup>6</sup>section 25 of the Social Security Administration Act 1992].

- (8) In any case where—

- (a) it is determined on such a review that the widow in question was entitled to a benefit under section 25 or 26 of the principal Act, or was entitled to such a benefit at a higher rate, and
- (b) the application for the review was made before the end of the period of twelve months beginning with the passing of this Act,

the decision on the review may take effect on 11th April 1988 or any later date, notwithstanding any provision of any Act or instrument restricting the payment of any benefit or increase of benefit to which a person would otherwise be entitled by reason of a review in respect of any period before the review.

- (9) [F<sup>7</sup>Section 28 of the Social Security Administration Act 1992](appeals from reviews) shall apply in relation to a review under this section as it applies in relation to a review [F<sup>7</sup>Section 25 of that Act].

- (10) In this section—

“adjudicating authority” means—

- (a) an adjudication officer;
- (b) a social security appeal tribunal;
- (c) a Commissioner; and

“the amending provisions” are—

- (a) section 36(3) of the 1986 Act; and
- (b) regulation 2(6) of the <sup>M7</sup>Social Security (Widow's Benefit and Retirement Pensions) Amendment Regulations 1987 (deemed entitlement to child allowance for purposes of widowed mother's allowance etc).

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- (11) The amendment by this section of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending those provisions.
- (12) Nothing in this section shall be taken to prejudice section 16 or 17 of the <sup>M8</sup>Interpretation Act 1978 (effect of repeals, substitutions etc).

**Textual Amendments**

- F4** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)
- F5** S. 6(2) repealed (13.7.1990) by [Social Security Act 1990 \(c. 27\)](#), [Sch. 7](#)
- F6** Words in s. 6(7) substituted (1. 7. 1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2 para. 105\(1\)](#)
- F7** Words in s. 6(9) substituted (1. 7. 1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2 para. 105\(2\)](#)

**Marginal Citations**

- M5** [S.I. 1989/523](#).
- M6** [S.I. 1977/343](#).
- M7** [S.I. 1987/1854](#).
- M8** [1978 c. 30](#).

7 (1) ..... **F8**  
<sup>F9</sup>(6) .....

**Textual Amendments**

- F8** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)
- F9** S. 7(6) repealed (7.2.1994) by [1993 c. 48, s. 188](#), [Sch. 5 Pt.I](#); [S.I. 1994/86, art. 2](#)

8 ..... **F10**

**Textual Amendments**

- F10** S. 8 repealed (6.4.1992) by [Disability Living Allowance and Diasability Working Allowance Act 1991 \(c. 21\)](#), [Sch. 4](#)

9–19 ..... **F11**

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**Textual Amendments**

**F11** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**F12** **20** .....

**Textual Amendments**

**F12** S. 20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

**21** ..... **F13**

**Textual Amendments**

**F13** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

*Recovery from damages etc of sums equivalent to benefit*

**22 Recovery of sums equivalent to benefit from compensation payments in respect of accidents, injuries and diseases.**

(1) ..... **F14**

(7) Schedule 4 to this Act shall have effect for the purpose of supplementing the provisions of this section; and this section shall have effect subject to the provisions of that Schedule.

(8) ..... **F14**

**Textual Amendments**

**F14** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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**Modifications etc. (not altering text)**

- C5** The text of s. 22(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

*Occupational and personal pensions etc*

**23 Equal treatment for men and women.**

Schedule 5 to this Act shall have effect for the purpose of implementing the directive <sup>M9</sup> of the Council of the European Communities, dated 24th July 1986, relating to the principle of equal treatment for men and women in occupational social security schemes, and of making additional, supplemental and consequential provision.

**Commencement Information**

- II** S. 23 partly in force; s. 23 not in force at Royal Assent see s. 33(2); s. 23 in force for certain purposes at 23.6.1994 by [S.I. 1994/1661, art. 2\(c\)](#); s. 23 in force for further certain purposes at 24.8.2007 by [S.I. 2007/2445, art. 2\(a\)](#)

**Marginal Citations**

- M9** 86/378/EEC.

**24 Miscellaneous amendments relating to pensions.**

The enactments and instruments mentioned in Schedule 6 to this Act (which relate to occupational and personal pensions) shall have effect with the amendments there specified.

*War pensions committees*

**25 Establishment and functions of war pensions committees.**

- (1) The Secretary of State may by regulations establish committees, known as war pensions committees, for such areas as may be specified in the regulations; and the regulations may, in particular, include provisions with respect to—
- the membership of the committees;
  - the manner in which the members are to be appointed and the period for which, and the terms on which, they are to hold office; and
  - the manner in which they may be removed.

[<sup>F15</sup>(1A) The regulations may give the committees functions relating to one or more of the following—

- war pensions;
- war pensioners;
- AFCS benefits;
- AFCS benefit recipients.]

- (2) <sup>F16</sup>... the regulations may, in particular, provide that [<sup>F17</sup>it is a function of a committee] —

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- (a) to consider any matter [<sup>F18</sup>connected with war pensions or AFCS benefits or affecting people in its area who are war pensioners or AFCS benefit recipients and, where it thinks] it appropriate, to make recommendations to the Secretary of State about that matter;
  - (b) to consider complaints made [<sup>F19</sup>to it by people receiving or claiming war pensions or AFCS benefits and, if it thinks] fit, to make representations about those complaints to the Secretary of State;
  - (c) to consider any matters referred to [<sup>F20</sup>it] by the Secretary of State and to report to him on those matters with such recommendations as [<sup>F21</sup>it] may think fit; and
  - (d) to assist the War Pensioners' Welfare Service in looking after the welfare of [<sup>F22</sup>people in its area who are war pensioners or AFCS benefit recipients] .
- (3) The regulations may include provisions with respect to the manner in which the committees are to discharge the functions conferred on them; and they shall exercise their functions subject to, and in accordance with, any such provisions.
- [<sup>F23</sup>(3A) The regulations may provide for the committees to have names specified in the regulations (as well as being known as war pensions committees).]
- (4) In this section—
- [<sup>F24</sup>“AFCS benefit” means a benefit payable under an armed and reserve forces compensation scheme established by order under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;]
  - [<sup>F24</sup>“AFCS benefit recipient” means a person in receipt of an AFCS benefit, in the person's capacity as such;]
  - “war pension” means—
- (a) any pension or other benefit, payable otherwise than under an enactment, for or in respect of a person who has died or been disabled in consequence of service as a member of the armed forces of the Crown,
  - (b) any pension or benefit awarded under—
    - (i) the <sup>M10</sup>Personal Injuries (Emergency Provisions) Act 1939,
    - (ii) the <sup>M11</sup>Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, or
    - (iii) the <sup>M12</sup>Polish Resettlement Act 1947,
  - (c) any pension or other payment which constitutes such an obligation as is mentioned in section 4(1) of the <sup>M13</sup>Statute Law Revision Act 1958 (seamen and fishermen killed or injured in the 1914-1918 war),
  - (d) any other pension or benefit which is specified in an order made by the Secretary of State for the purposes of this section,
- but does not include any pension or benefit administered by the Defence Council [<sup>F25</sup>or the Commissioners for the Royal Hospital for Soldiers at Chelsea, or a pension or benefit administered by the Minister of the Crown with responsibility for defence (except one administered by him in the exercise of functions transferred to him from the Secretary of State for Social Security);] and
- “war pensioner” means a person in receipt of a war pension, in his capacity as such a pensioner.
- (5) In section 9(1) of the <sup>M14</sup>Chronically Sick and Disabled Persons Act 1970 (central advisory committee to include chairmen of at least 12 war pensions committees) for



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the words “by schemes under section 1 of that Act” there shall be substituted the words “by regulations under section 25 of the Social Security Act 1989”.

- (6) In the <sup>M15</sup>War Pensions Act 1921—
- (a) sections 1 and 2 (which are superseded by this section) shall cease to have effect; and
  - (b) in section 3 (constitution of central advisory committee) for the words “under this Act” there shall be substituted the words “under section 25 of the Social Security Act 1989”.

#### Textual Amendments

- F15** S. 25(1A) inserted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(2\)](#), 19(1); S.I. 2017/1131, reg. 2
- F16** Words in s. 25(2) omitted (21.11.2017) by virtue of [Armed Forces Act 2016 \(c. 21\), ss. 15\(3\)\(a\)](#), 19(1); S.I. 2017/1131, reg. 2
- F17** Words in s. 25(2) substituted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(3\)\(b\)](#), 19(1); S.I. 2017/1131, reg. 2
- F18** Words in s. 25(2)(a) substituted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(3\)\(c\)](#), 19(1); S.I. 2017/1131, reg. 2
- F19** Words in s. 25(2)(b) substituted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(3\)\(d\)](#), 19(1); S.I. 2017/1131, reg. 2
- F20** Word in s. 25(2)(c) substituted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(3\)\(e\)\(i\)](#), 19(1); S.I. 2017/1131, reg. 2
- F21** Word in s. 25(2)(c) substituted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(3\)\(e\)\(ii\)](#), 19(1); S.I. 2017/1131, reg. 2
- F22** Words in s. 25(2)(d) substituted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(3\)\(f\)](#), 19(1); S.I. 2017/1131, reg. 2
- F23** S. 25(3A) inserted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(4\)](#), 19(1); S.I. 2017/1131, reg. 2
- F24** Words in s. 25(4) inserted (21.11.2017) by [Armed Forces Act 2016 \(c. 21\), ss. 15\(5\)](#), 19(1); S.I. 2017/1131, reg. 2
- F25** Words in the definition of “war pension” in s. 25(4) substituted (3.12.2001) by S.I. 2001/3506, art. 5, [Sch. para. 3](#)

#### Marginal Citations

- M10** 1939 c. 82.  
**M11** 1939 c. 83.  
**M12** 1947 c. 19.  
**M13** 1958 c. 46.  
**M14** 1970 c. 44.  
**M15** 1921 c. 49.

### *General and supplementary provisions*

#### **26 Pre-consolidation amendments.**

- (1) The enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments there specified, being amendments designed to facilitate, or otherwise desirable in connection with, the consolidation of enactments relating to social security or pensions.

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- (2) The amendment by that Schedule of any provision contained in any enactment by virtue of any order or regulations shall not be taken to have prejudiced any power to make further orders or regulations revoking or amending that provision.

27 ..... F26

**Textual Amendments**

**F26** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**28 Financial provisions.**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred under this Act by a Minister of the Crown; and
  - (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.
- (2) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct, such sums as the Secretary of State may estimate (in accordance with any directions given by the Treasury) to be the amount of the administrative expenses incurred by him under sections . . . <sup>F27</sup>, 6, 7, . . . <sup>F27</sup>above, excluding any category of expenses or payments which the Treasury may direct, or any enactment may require, to be excluded from the Secretary of State’s estimates under this subsection.
- (3) ..... <sup>F27</sup>
- (5) There shall be paid into the Consolidated Fund any increase by virtue of this Act in the sums so payable by virtue of any other Act.

**Textual Amendments**

**F27** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**29 Regulations and orders: general provisions.**

- (1) Subject to the following provisions of this section, [<sup>F28</sup>section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992]shall apply in relation to any power conferred by any provision of this Act to make regulations or an order as they apply in relation to any power conferred by that Act to make regulations or an order, but as if for references to that Act there were substituted references to this Act.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) ..... F29

[<sup>F30</sup>(3) A statutory instrument—

- (a) which contains (whether alone or with other provisions) any regulations or orders under this Act, other than orders under section 33 below, 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.]

(4) ..... F31

(5) ..... F29

(6) A power conferred by this Act 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.

<sup>F32</sup>(7) .....

#### Textual Amendments

**F28** Words in s. 29(1) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2 para. 106](#)

**F29** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\), Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**F30** S. 29(3) substituted (13.7.1990) by [Social Security Act 1990 \(c. 27, SIF113:1\), Sch. 6 para. 8\(12\)](#)

**F31** S. 29(4) repealed (13.7.1990) by [Social Security Act 1990 \(c. 27\), Sch. 6 para. 8\(12\)](#) and Sch. 7

**F32** S. 29(7) repealed (6.4.1997) by [1995 c. 26, ss. 151, 177, Sch. 5 para. 13\(1\), Sch. 7 Pt. III; S.I. 1997/664, art. 2, Sch. Pt. II](#)

## 30 Interpretation.

(1) In this Act, unless the context otherwise requires—

“the 1973 Act” means the <sup>M16</sup>Social Security Act 1973;

.....  
<sup>F33</sup>

“the 1986 Act” means the <sup>M17</sup>Social Security Act 1986;

“Commissioner” has the same meaning as it has in the principal Act;

.....  
<sup>F33</sup>

“the Pensions Act” means the <sup>M18</sup>Social Security Pensions Act 1975;

“prescribe” means prescribe by regulations;

“the principal Act” means the <sup>M19</sup>Social Security Act 1975;

“regulations” means regulations made by the Secretary of State.

(2) In this Act references to Great Britain include references to the territorial waters of the United Kingdom adjacent to Great Britain.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F33** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**Marginal Citations**

- M16** 1973 c. 38.
- M17** 1986 c. 50.
- M18** 1975 c. 60.
- M19** 1975 c. 14.

**31 Minor and consequential amendments, repeals and transitional provisions.**

- (1) The enactments mentioned in Schedule 8 to this Act shall have effect with the amendments there specified (being minor amendments and amendments consequential on provisions of this Act).
- (2) The enactments mentioned in Schedule 9 to this Act (which include some that are spent or of no further practical utility) are repealed to the extent specified in the third column of that Schedule.
- (3) The Secretary of State may by regulations make—
  - (a) such transitional provision,
  - (b) such consequential provision, or
  - (c) such savings,
 as he considers necessary or expedient in preparation for or in connection with the coming into force of any provision of this Act or the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.

**32** ..... **F34**

**Textual Amendments**

**F34** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**33 Short title, commencement and extent.**

- (1) This Act may be cited as the Social Security Act 1989; and this Act, other than section 25, and the Social Security Acts 1975 to 1988 may be cited together as the Social Security Acts 1975 to 1989.

*Status: This version of this Act contains provisions that are prospective.*

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- (2) Apart from the provisions specified in subsection (3) below, this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or different purposes of the same provision.
- (3) The provisions referred to in subsection (2) above are the following—
- (a) sections 2, 3, 4, 6, 14 to 20, 28, 29, 30, 31(3), 32 and this section;
  - (b) Schedule 2;
  - (c) paragraphs 1, 12 and 13 of Schedule 3 (and section 21 so far as relating to those paragraphs),
  - (d) paragraphs 6 to 8, 14 and 16 to 21 of Schedule 6 (and section 24 so far as relating to those paragraphs);
  - (e) paragraphs 2 to 7, 13 and 15 of Schedule 7 (and section 26 so far as relating to those paragraphs);
  - (f) paragraphs 1, 4 to 6, 8 to 13, 17 and 18 of Schedule 8 (and section 31 so far as relating to those paragraphs);
  - (g) the repeals in Schedule 9 to the extent that they are consequential on any provision specified in paragraphs (a) to (f) above (and section 31 so far as relating to those repeals).
- (4) 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) Paragraph 12 of Schedule 4 does not extend to Scotland.
- (6) Sections 25, 31(3), 32 and this section [F35 and paragraph 20A of Schedule 4] extend to Northern Ireland.
- (7) Except as provided by this section, this Act does not extend to Northern Ireland.

#### Subordinate Legislation Made

**P1** S. 33(2) power partly exercised: 24.8.2007 appointed for specified provisions by {S.I. 2007/2445}, art. 2

#### Textual Amendments

**F35** Words inserted (13.7.1990) in section 33(6) by [Social Security Act 1990 \(c. 27, SIF113:1\)](#), [Sch. 1 para. 5\(3\)](#). (section 32 and the said paragraph 20A were later repealed by S. S. (C. P.) Act 1992 (c. 6), Sch. 1 (1.7.1992))

#### Modifications etc. (not altering text)

**C6** The power of appointment conferred by s. 33(2) partly exercised: [S.I. 1989/1238](#), 1262; 1990/102, 199, 312

*Status: This version of this Act contains provisions that are prospective.*  
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# SCHEDULES

## SCHEDULE 1

Section 7

### ABOLITION OF EARNINGS RULE ETC.

1–10 ..... F36

**Textual Amendments**

**F36** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

### *Occupational and personal pensions*

F37 11 .....

**Textual Amendments**

**F37** Sch. 1 para. 11 repealed (7.2.1994) by [1993 c. 48, s. 188](#), [Sch. 5 Pt.I](#); [S.I. 1994/86, art. 2](#)

## SCHEDULES 2,

3. .... F38

**Textual Amendments**

**F38** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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SCHEDULE 4

Section 22.

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

PARTS I—III

F39

Textual Amendments

**F39** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

PART IV

MISCELLANEOUS

21

F40

Textual Amendments

**F40** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

*Modification of Law Reform (Personal Injuries) Act 1948*

- 22 (1) In section 2 of the <sup>M20</sup>Law Reform (Personal Injuries) Act 1948, in subsection (1) (which requires that, in assessing damages, half of certain benefits shall be brought into account against loss of profits or earnings)—
- (a) after the word “contract),” there shall be inserted the words “ where this section applies ”;
  - (b) for the words from “against any loss” to “from the injuries” there shall be substituted the words “ against them ”; and
  - (c) for the words from “therefrom” onwards there shall be substituted the words “from the injuries in respect of—
    - (a) any of the relevant benefits, within the meaning of section 22 of the Social Security Act 1989, or
    - (b) any corresponding benefits payable in Northern Ireland,
 for the five years beginning with the time when the cause of action accrued.”

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) After that subsection there shall be inserted—

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

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

**Modifications etc. (not altering text)**

**C7** The text of Sch. 4 para. 22 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

**Marginal Citations**

**M20** 1948 c. 41.

*Modification of Bankruptcy (Scotland) Act 1985*

23 In section 31 of the <sup>M21</sup>Bankruptcy (Scotland) Act 1985 (vesting of debtor’s estate at date of sequestration) in subsection (8) after the words “subsection (9) below” there shall be inserted the words “ and to paragraph 8(2) of Schedule 4 to the Social Security Act 1989. ”

**Modifications etc. (not altering text)**

**C8** The text of Sch. 4 para. 23 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

**Marginal Citations**

**M21** 1985 c. 66.

24

F41

**Textual Amendments**

**F41** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)



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## SCHEDULE 5

Section 23.

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

## PART I

## COMPLIANCE BY SCHEMES

*Schemes to comply with the principle of equal treatment*

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

**Commencement Information**

- I2** Sch. 5 Pt. I para. 1 partly in force; Sch. 5 Pt. I para. 1 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 1 in force for specified purposes at 23.6.1994 by [S.I. 1994/1661](#), art. 2, [Sch. Pt. I](#)

*The principle*

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

*Status: This version of this Act contains provisions that are prospective.*

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

F42

- (5) Where the scheme treats persons of the one sex differently according to their marital or family status, that treatment is to be compared with the scheme’s treatment of persons of the other sex who have the same status.
- (6) The principle of equal treatment applies in relation to members’ dependants as it applies in relation to members.
- (7) If any question arises whether a condition or requirement falling within subparagraph (3)(a) above is or is not justifiable irrespective of the sex of the members, it shall be for those who assert that it is so justifiable to prove that fact.
- (8) In this paragraph—
  - “money purchase benefits” has the same meaning given by [F43section 181(1) of the Pension Schemes Act 1993], but with the substitution for references to a personal or occupational pension scheme of references to an employment-related benefit scheme;
  - “optional provisions available” means those provisions of a scheme—
    - (a) which apply only in the case of members who elect for them to do so; and
    - (b) whose purpose is to secure for those members—
      - (i) benefits in addition to those otherwise provided under the scheme; or
      - (ii) a choice with respect to the date on which benefits under the scheme are to commence; or
      - (iii) a choice between any two or more benefits;
  - “permitted age-related difference” means any difference, on the basis of sex, in the age—
    - (a) at which a service-related benefit in respect of old age or retirement commences; or
    - (b) at which, in consequence of the commencement of such a benefit, any other service-related benefit either ceases to be payable or becomes payable at a reduced rate calculated by reference to the amount of the benefit so commencing.
- (9) For the purposes of this paragraph—
  - (a) any reference to a person’s family status is a reference to his having an unmarried partner or any dependants; and
  - (b) a person “has an unmarried partner” if that person and some other person to whom he is not married live together as husband and wife.

#### Textual Amendments

- F42** Words in Sch. 5 para. 2(4) repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), ss. 211, 216, [Sch. 27 Pt. 1](#) (with ss. 6(4), 205) (as substituted by [S.I. 2010/2279](#), arts. 1(2), 13, [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2\(15\)](#) (c)(f) (with [art. 15](#))

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Social Security Act 1989 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**F43** Words in Sch. 5 para. 2(8) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 7 para. 2(a)**; S.I. 1994/86, **art. 2**

**Commencement Information**

**I3** Sch. 5 para. 2 partly in force; Sch. 5 para. 2 not in force at Royal Assent see s. 33(2); Sch. 5 para. 2(1)(2)(4)(c)(5)(9) in force at 23.6.1994 by S.I. 1994/1661, **art. 2**, **Sch. Pt. I**

*Non-compliance: compulsory levelling up*

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

**Commencement Information**

**I4** Sch. 5 para. 3 partly in force; Sch. 5 para. 3 not in force at Royal Assent see s. 33(2)(3); Sch. 5 para. 3(1)(3)(4) in force for specified purposes at 23.6.1994 by S.I. 1994/1661, **art. 2**, **Sch. Pt. I**; Sch. 5 para. 3 in force for further certain purposes at 24.8.2007 by S.I. 2007/2445, **art. 2(b)**

*Modification of schemes by the Occupational Pensions Board*

**F44**4 .....

**Textual Amendments**

**F44** Sch. 5 Pt. I para. 4 repealed (6.4.1997) by 1995 c. 26, ss. 151, 177, Sch. 5 para. 13(2), **Sch. 7 Pt. III**; S.I. 1997/664, **art. 2**, **Sch. Pt. II**

*Unfair maternity provisions*

5 **F45** .....

*Status: This version of this Act contains provisions that are prospective.*

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#### Textual Amendments

- F45** Sch. 5 para. 5 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), ss. 211, 216, **Sch. 27 Pt. 1** (with ss. 6(4), 205) (as substituted by [S.I. 2010/2279](#), arts. 1(2), 13, **Sch. 2**); [S.I. 2010/2317](#), **art. 2(15)(c)(f)** (with art. 15)

#### *[<sup>F46</sup>Unfair paternity leave provisions*

#### Textual Amendments

- F46** Sch. 5 paras. 5A, 5B inserted (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), **ss. 265(1)**, 322(1) (with s. 313); [S.I. 2005/275](#), **art. 2(7)**, **Sch. Pt. 7** (subject to art. 2(12))

- 5A (1) Where an employment-related benefit scheme includes any unfair paternity leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—
- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment; and
  - (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.
- (2) In this paragraph “unfair paternity leave provisions”, in relation to an employment-related benefit scheme, means any provision—
- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid paternity leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement; or
  - (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid paternity leave, to be determined otherwise than in accordance with the normal employment requirement.
- (3) In the case of any unfair paternity leave provision—
- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement; and
  - (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned;
- but, in respect of any period of paid paternity leave, a member shall only be required to pay contributions on the amount of contractual remuneration [<sup>F47</sup>or statutory paternity pay] actually paid to or for him in respect of that period.
- (4) In this paragraph—
- “period of paid paternity leave”, in the case of a member, means a period—
- (a) <sup>F48</sup> throughout which the member is absent from work in circumstances where sub-paragraph (5), (6) [<sup>F49</sup>, (7) [<sup>F50</sup>, (7A) or (7B) ] ... ] applies, and

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- (b) for which the employer (or if he is no longer in his employment, his former employer) pays him any contractual remuneration [<sup>F51</sup>or statutory paternity pay]; and

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

- (5) This sub-paragraph applies if—

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

- (6) This sub-paragraph applies if—

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

- (7) This sub-paragraph applies if—

- (a) the member’s absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and
- (b) the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of that Act (as applied by virtue of [<sup>F52</sup>section 171ZK(1)] of that Act (adoption cases not involving placement under the law of the United Kingdom)) in relation to that child.

- [ This sub-paragraph applies if—

- <sup>F53</sup>(7A) (a) the member's absence from work is due to the placement or expected placement of a child under section 22C of the Children Act 1989 [<sup>F54</sup>or section 81 of the Social Services and Well-being (Wales) Act 2014], and

- [<sup>F55</sup>(b) in relation to that child, the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992, as modified—

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

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

- (7B) This sub-paragraph applies if—

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

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

<sup>F56</sup>(8) . . . . .

#### Textual Amendments

- F47** Words in Sch. 5 para. 5A(3)(b) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 2\(2\)](#); S.I. 2014/1640, art. 7(a) (with art. 16)
- F48** Words in Sch. 5 para. 5A(4) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 2\(3\)\(b\)](#); S.I. 2014/1640, art. 7(a) (with art. 16)
- F49** Words in Sch. 5 para. 5A(4)(a) substituted (6.4.2010) by [Work and Families Act 2006 \(c. 18\)](#), ss. 11(1), 19(1), [Sch. 1 para. 1\(3\)\(a\)](#); S.I. 2010/495, art. 4(d)
- F50** Words in Sch. 5 para. 5A(4) inserted (1.12.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 2\(3\)\(a\)](#); S.I. 2014/1640, art. 5(2)(a)
- F51** Words in Sch. 5 para. 5A(4) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 2\(3\)\(c\)](#); S.I. 2014/1640, art. 7(a) (with art. 16)
- F52** Words in Sch. 5 para. 5A(7) substituted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 2\(4\)](#); S.I. 2014/1640, art. 3(2)(b)
- F53** Sch. 5 para. 5A(7A), (7B) inserted (1.12.2014 for specified purposes) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 2\(5\)](#); S.I. 2014/1640, art. 5(2)(a)
- F54** Words in Sch. 5 para. 5A(7A)(a) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [54\(a\)](#)
- F55** Sch. 5 para. 5A(7A)(b) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [54\(b\)](#)
- F56** Sch. 5 para. 5A(8) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 2\(6\)](#); S.I. 2014/1640, art. 7(a) (with arts. 1618)

#### Modifications etc. (not altering text)

- C9** Sch. 5 para. 5A: power to apply (with modifications) conferred (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), [ss. 265\(2\)](#), [322\(1\)](#) (with s. 313); S.I. 2005/275, [art. 2\(7\)](#), [Sch. Pt. 7](#) (subject to [art. 2\(12\)](#))

#### *Unfair adoption leave provisions*

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

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

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

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

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

(4) In this paragraph—

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

- (a) throughout which the member is absent from work in circumstances where sub-paragraph (5)<sup>[F57]</sup>, (6), (7) or (8) applies, and
- (b) for which the employer (or, if he is no longer in his employment, his former employer) pays him any contractual remuneration or statutory adoption pay; and

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

(5) This sub-paragraph applies if—

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

(6) This sub-paragraph applies if—

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

<sup>[F58]</sup>(7) This sub-paragraph applies if—

- (a) the member's absence from work is due to the placement or expected placement of a child under section 22C of the Children Act 1989 <sup>[F59]</sup> or section 81 of the Social Services and Well-being (Wales) Act 2014], and

<sup>[F60]</sup>(b) in relation to that child, the member satisfies the condition in section 171ZL(2)(a) of the Social Security Contributions and Benefits Act 1992, as modified—

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

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

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

(8) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth or expected birth of a child, and
- (b) in relation to that child, the member satisfies the condition in section 171ZL(2)(a) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZT(2) of that Act (cases involving applicants for parental orders under section 54 [<sup>F61</sup>or 54A] of the Human Fertilisation and Embryology Act 2008).]

#### Textual Amendments

- F57** Words in Sch. 5 para. 5B(4) substituted (1.12.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 3\(2\)](#); S.I. 2014/1640, art. 5(2)(b)
- F58** Sch. 5 para. 5B(7), (8) inserted (1.12.2014 for specified purposes) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 3\(3\)](#); S.I. 2014/1640, art. 5(2)(b)
- F59** Words in Sch. 5 para. 5B(7)(a) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 54\(c\)](#)
- F60** Sch. 5 para. 5B(7)(b) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 54\(d\)](#)
- F61** Words in Sch. 5 para. 5B(8)(b) inserted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\), art. 1\(1\), Sch. 1 para. 2](#)

#### Modifications etc. (not altering text)

- C10** Sch. 5 para. 5B: power to apply (with modifications) conferred (6.4.2005) by [Pensions Act 2004 \(c. 35\), ss. 265\(2\), 322\(1\)](#) (with s. 313); S.I. 2005/275, art. 2(7), Sch. Pt. 7 (subject to art. 2(12))

### <sup>F62</sup>Unfair shared parental leave provisions

#### Textual Amendments

- F62** and cross-heading inserted (1.12.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 4](#); S.I. 2014/1640, art. 5(2)(c)

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



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

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

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

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

(4) In this paragraph—

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

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

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

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

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

(5) This sub-paragraph applies if—

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

(6) This sub-paragraph applies if—

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

(7) This sub-paragraph applies if—

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- (a) the member's absence from work is due to the placement of a child for adoption under the law of any part of the United Kingdom,
  - (b) the member is—
    - (i) a person with whom a child is placed for adoption under the law of any part of the United Kingdom, or
    - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992 in relation to the child, and
  - (c) the member's absence from work is not absence during—
    - (i) a period of paid paternity leave, or
    - (ii) a period of paid adoption leave.
- (8) This sub-paragraph applies if—
- [<sup>F63</sup>(a) the member's absence from work is due to the placement of a child under—
    - (i) section 22C of the Children Act 1989 by a local authority in England, or
    - (ii) section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,
 with a local authority foster parent who has been approved as a prospective adopter,]
  - (b) the member is—
    - (i) the local authority foster parent with whom the child in question is placed under section 22C of the Children Act 1989 [<sup>F64</sup>or section 81 of the Social Services and Well-being (Wales) Act 2014], or
    - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992, as modified by section 171ZV(18) of that Act (cases involving the placing of a child by a local authority in England [<sup>F65</sup>or Wales] with a local authority foster parent who has been approved as a prospective adopter), in relation to the child, and
  - (c) the member's absence from work is not absence during—
    - (i) a period of paid paternity leave, or
    - (ii) a period of paid adoption leave.
- (9) This sub-paragraph applies if—
- (a) the member's absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve placement of the child for adoption under the law of any part of the United Kingdom,
  - (b) the member is—
    - (i) the person who has adopted or expects to adopt the child in question, or
    - (ii) a person who satisfies the conditions prescribed under section 171ZV(4)(b)(i) or (ii) of the Social Security Contributions and Benefits Act 1992, as applied by virtue of section 171ZZ5(1) of that Act (adoption cases not involving placement under the law of the United Kingdom), in relation to the child, and
  - (c) the member's absence from work is not absence during—
    - (i) a period of paid paternity leave, or

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(ii) a period of paid adoption leave.

(10) This sub-paragraph applies if—

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

#### Textual Amendments

- F63** Sch. 5 para. 5C(8)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **54(e)**
- F64** Words in Sch. 5 para. 5C(8)(b)(i) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **54(f)**
- F65** Words in Sch. 5 para. 5C(8)(b)(ii) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **54(g)**

#### <sup>F66</sup>Unfair parental bereavement leave provisions

#### Textual Amendments

- F66** Sch. 5 para. 5D and cross-heading inserted (18.1.2020) by [Parental Bereavement \(Leave and Pay\) Act 2018 \(c. 24\)](#), s. 2(2), **Sch. para. 7**; S.I. 2020/45, reg. 2

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

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

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

(4) In this paragraph—

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

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

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

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

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

#### *Unfair family leave provisions*

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

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

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

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

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

#### Commencement Information

- I5** Sch. 5 Pt. I para. 6 partly in force; Sch. 5 Pt. I para. 6 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 6(1)(2)(3)(a)(4) in force at 23.6.1994 by [S.I. 1994/1661](#), art. 2, [Sch. Pt. II](#)

#### *Meaning of “employment-related benefit scheme” etc.*

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

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*Changes to legislation: Social Security Act 1989 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) “personal scheme” means any scheme or arrangement which falls within paragraph (a) above by virtue of sub-paragraph (ii) of that paragraph (or which would so fall apart from paragraph (b) above);
- (d) “public service scheme” has [<sup>F67</sup>the same meaning as “public service pension scheme” in section 1 of the Pension Schemes Act 1993];
- (e) “service-related benefits” means benefits, in the form of pensions or otherwise, payable in money or money’s worth in respect of—
- (i) termination of service;
  - (ii) retirement, old age or death;
  - (iii) interruptions of service by reason of sickness or invalidity;
  - (iv) accidents, injuries or diseases connected with employment;
  - (v) unemployment; or
  - (vi) expenses incurred in connection with children or other dependants;
- and includes, in the case of a member who is an employed earner, any other benefit so payable to or in respect of the member in consequence of his employment.

#### Textual Amendments

**F67** Words in Sch. 5 para. 7(d) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 7 para. 2(b)**; S.I. 1994/86, **art. 2**

#### Commencement Information

**I6** Sch. 5 Pt. I para. 7 partly in force; Sch. 5 Pt. I para. 7 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 7(a)-(c)(e) in force for specified purposes at 23.6.1994 by S.I. 1994/1661, **art. 2**, **Sch. Pt. I**

PROSPECTIVE

#### *Extension of ban on compulsory membership*

- 8 [<sup>F68</sup>Section 160(1) of the Pension Schemes Act 1993] (which renders void any provision making membership of a pension scheme compulsory for an employed earner) shall apply in relation to a self-employed earner as it applies in relation to an employed earner, but with the substitution for references to a personal pension scheme of references to an employment-related benefit scheme which would be such a pension scheme if self-employed earners were regarded as employed earners.

#### Textual Amendments

**F68** Words in Sch. 5 para. 8 substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 7 para. 2(c)**; S.I. 1994/86, **art. 2**

#### *Jurisdiction*

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

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- (a) whether any provision of an employment-related benefit scheme does or does not comply with the principle of equal treatment; or
  - (b) whether, and with what effect, any such provision is overridden by paragraph 3 above.
- (2) In sub-paragraph (1) above “the court” means—
- (a) in England and Wales, the High Court or [<sup>F69</sup>the county court]; and
  - (b) in Scotland, the Court of Session or the sheriff court.
- (3) An application under sub-paragraph (1) above may be commenced in [<sup>F69</sup>the county court] notwithstanding—
- (a) any financial limit otherwise imposed on the jurisdiction of [<sup>F70</sup>that] court; or
  - (b) that the only relief claimed is a declaration or an injunction.

**Textual Amendments**

**F69** Words in Sch. 5 para. 9 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

**F70** Word in Sch. 5 para. 9(3)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 128](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

**Commencement Information**

**I7** Sch. 5 Pt. I para. 9 partly in force; Sch. 5 Pt. I para. 9 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 9 in force for specified purposes at 23.6.1994 by [S.I. 1994/1661, art. 2, Sch. Pt. I](#)

*Interpretation*

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

**Commencement Information**

**I8** Sch. 5 Pt. I para. 10 partly in force; Sch. 5 Pt. I para. 10 not in force at Royal Assent see s. 33(2)(3); Sch. 5 Pt. I para. 10 in force for specified purposes at 23.6.1994 by [S.I. 1994/1661, art. 2, Sch. Pt. I](#)

*Supplemental*

<sup>F71</sup>11 .....

**Textual Amendments**

**F71** Sch. 5 para. 11 repealed (7.2.1994) by [1993 c. 48, s. 118, Sch. 5 Pt.I](#); [S.I. 1994/86, art. 2](#)

*Status:* This version of this Act contains provisions that are prospective.  
**Changes to legislation:** Social Security Act 1989 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

*Future repeal of actuarial provisions*

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

**PART II**

AMENDMENT OF ENACTMENTS RELATING TO EMPLOYMENT

*Equal Pay Act 1970 (c.41)*

F72 13 .....

**Textual Amendments**  
**F72** Sch. 5 para. 13 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

*Sex Discrimination Act 1975 (c.65)*

F73 14 .....

**Textual Amendments**  
**F73** Sch. 5 Pt. II para. 14 repealed (6.4.1997) by 1995 c. 26, s.177, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2, **Sch. Pt. II**

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

F74 15 .....

**Textual Amendments**  
**F74** Sch. 5 para. 15 repealed (10.6.1994) by 1993 c. 19, s. 51, **Sch.10**; S.I. 1994/1365, art. 2, **Sch.** (with transitional provisions in **art. 3**)

SCHEDULE 6

Section 24.

OCCUPATIONAL AND PERSONAL PENSIONS

*Social Security Act 1973 (c.38)*

F75 1 .....



*Status: This version of this Act contains provisions that are prospective.*

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**Textual Amendments**

**F75** Sch. 6 para. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

**F76**<sup>2</sup> .....

**Textual Amendments**

**F76** Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

**F77**<sup>3</sup> .....

**Textual Amendments**

**F77** Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

**F78**<sup>4</sup> .....

**Textual Amendments**

**F78** Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

*Social Security Pensions Act 1975 (c. 60)*

**F79**<sup>5</sup> .....

**Textual Amendments**

**F79** Sch. 5 paras. 1-5 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

6,7. .... **F80**

**Textual Amendments**

**F80** Sch. 6 paras. 6 and 7 which had textually amended (21.7.1989) ss.41A and 41B respectively of the [Social Security Pensions Act 1975 \(c. 60\)](#), were repealed retrospectively w.e.f. 21.7.1989 by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 4 para. 8\(1\)](#) and Sch. 7

**F81**<sup>8</sup> .....

**Textual Amendments**

**F81** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, [Sch. 5 Pt.I](#); S.I. 1994/86, [art. 2](#)

**F82**<sup>9</sup> .....

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**Textual Amendments**

**F82** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F83</sup>10 .....

**Textual Amendments**

**F83** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F84</sup>11 .....

**Textual Amendments**

**F84** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F85</sup>12 .....

**Textual Amendments**

**F85** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F86</sup>13 .....

**Textual Amendments**

**F86** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F87</sup>14 .....

**Textual Amendments**

**F87** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

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

<sup>F88</sup>15 .....

**Textual Amendments**

**F88** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

*Social Security Act 1986 (c. 50)*

<sup>F89</sup>16 .....

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**Textual Amendments**

**F89** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F90</sup>17 .....

**Textual Amendments**

**F90** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F91</sup>18 .....

**Textual Amendments**

**F91** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F92</sup>19 .....

**Textual Amendments**

**F92** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

<sup>F93</sup>20 .....

**Textual Amendments**

**F93** Sch. 5 paras. 8-20 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

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

- 21 (1) In regulation 22 of the Occupational Pension Schemes (Contracting-out) Regulations 1984 (additional requirement alternative to limited revaluation premium) in paragraphs (3A) and (7A) (which were inserted by regulation 2 of the <sup>M22</sup>Contracting-out (Miscellaneous Amendments) Regulations 1988 and which provide for the rate of increase to be 7½ per cent. in certain cases) for the words “and in relation to another scheme,” there shall be substituted the words “ (and whether in relation to the same or another scheme) ”.
- (2) The amendment by sub-paragraph (1) above of a provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision.
- (3) This paragraph shall be deemed to have come into force on 6th April 1988.

**Marginal Citations**

**M22** S.I. 1988/475.

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## SCHEDULE 7

Section 26.

## PRE-CONSOLIDATION AMENDMENTS

*Social Security Act 1973 (c. 38)*

F94<sup>1</sup> .....

**Textual Amendments**

**F94** Sch. 7 para. 1 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

2–13 ..... **F95**

**Textual Amendments**

**F95** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

14 ..... **F96**

**Textual Amendments**

**F96** Sch. 7 para. 14 repealed by [DLA and DWA Act 1991 \(c. 21\)](#), **Sch. 4**

15–20 ..... **F97**

**Textual Amendments**

**F97** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

F98<sup>21</sup> .....

**Textual Amendments**

**F98** Sch. 7 para. 21 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

22–26 ..... **F99**

**Textual Amendments**

**F99** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21,

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

F100 27 .....

**Textual Amendments**

F100 Sch. 7 para. 27 repealed (8.11.1995) by [1995 c. 44, s. 1](#), [Sch. 1 Pt. VI](#)

28 ..... F101

**Textual Amendments**

F101 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

SCHEDULE 8

Section 31(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

1–7 ..... F102

**Textual Amendments**

F102 Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch. 1 para. 6](#)); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

8 (1) ..... F103

(2) ..... F104

**Textual Amendments**

F103 Sch. 8 para. 8(1) repealed (1.2.1991) by [Employment Act 1990 \(c. 38, SIF 43:5\)](#), [Sch. 3](#)  
F104 Sch. 8 para. 8(2) repealed (13.3.1990) by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [Sch.7](#)

9 ..... F105

*Status: This version of this Act contains provisions that are prospective.*

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**Textual Amendments**

**F105** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

*Transitional and consequential provision in regulations*

10 (1) ..... **F106**

(2) In section 89 of the 1986 Act (transitional regulations in connection with coming into force of provisions of that Act) after subsection (1) there shall be inserted—

“(1A) Without prejudice to any other powers conferred on him, the Secretary of State—

- (a) may, for the purpose of making provision with respect to persons falling within subsection (1B) below, modify or revoke any regulations made under this section if he considers it necessary or expedient to do so in consequence of, or otherwise in connection with, provisions of Acts, schemes, arrangements or other instruments coming into force after the passing of this Act; and
- (b) may, for the purpose of consolidation, revoke and re-enact, with any modifications which he considers necessary or desirable, any regulations under this section.

(1B) The persons referred to in subsection (1A)(a) above are any persons—

- (a) to whom regulations under subsection (1) above apply; or
- (b) to whom regulations made under Part II of this Act relating to income support applied at any time before the passing of the Social Security Act 1989.”

**Textual Amendments**

**F106** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**Modifications etc. (not altering text)**

**C11** The text of Sch. 8 para. 10(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

*Restriction on first up-rating of additional pension*

11 ..... **F107**

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### Textual Amendments

**F107** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

### Consultations about subordinate legislation

- 12 (1) In section 61(2) of the Pensions Act—
- F108**(a) .....
- F108**(b) .....
- (c) for the word “(other” there shall be substituted the words “or  
(c) Schedule 5 to the Social Security Act 1989,  
(other ”.
- (2) ..... **F109**
- F110**(3) .....
- F110**(4) .....
- (5) ..... **F109**
- (6) ..... **F109**

### Textual Amendments

**F108** Sch. 8 para. 12(1)(a)(b) repealed (7.2.1994) by [1993 c. 48, s. 188, Sch. 5 Pt. I; S.I. 1994/86, art. 2](#)

**F109** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**F110** Sch. 8 para. 12(3)(4) repealed (8.11.1995) by [1995 c. 44, s. 1, Sch. 1 Pt. VI](#)

### Modifications etc. (not altering text)

**C12** The text of Sch. 8 para. 12(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

### Regulations relating to home responsibilities

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

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- (a) the <sup>M23</sup>Social Security Pensions (Home Responsibilities and Graduated Retirement Benefit) Amendment Regulations 1981, and
  - (b) the <sup>M24</sup>Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Amendment Regulations 1988,
- shall have effect, and be taken always to have had effect, as if sub-paragraph (1) above had come into force immediately after the passing of the Pensions Act.

**Marginal Citations**  
**M23** S.I. 1981/330.  
**M24** S.I. 1988/623.

14–18 ..... **F111**

**Textual Amendments**  
**F111** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

*Joint citations*

- 19 In the following enactments, for the words “the Social Security Acts 1975 to 1986” in each place where they occur there shall be substituted the words “the Social Security Acts 1975 to 1989”—
- (a) ..... **F112**
  - (b) ..... **F112**
  - (c) section 4(5) of the <sup>M25</sup>Forfeiture Act 1982;
  - (d) section 5(1)(a) of the <sup>M26</sup>Social Security Act 1985;
  - (e) paragraph (b) of the definition of “the benefit Acts” in section 84(1) of the 1986 Act.

**Textual Amendments**  
**F112** Ss. 1–3; 4(1)–(4); 5(1)–(4); 6(1); 7(1)–(5); 9–19; 21; 22(1)–(6) and (8); 27; words in s. 28(2); ss. 28(3) and (4); 29(2) and (5); words in s.30(1); s.32; Sch. 1, paras. 1–10; Schs. 2 and 3; Sch. 4, paras. 1–21, 24(added by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), **Sch. 1 para. 6**); Sch. 7 except paras 1, 14, 21 and 27; Sch. 8, paras. 1–7, 9, 10(1), 11, 12(2), (5) and (6), 14–18, 19(a) and (b) were repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

**Modifications etc. (not altering text)**  
**C13** The text of Sch. 8 para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not (except as specified) reflect any amendments or repeals which may have been made prior to 1.7.1992



*Status:* This version of this Act contains provisions that are prospective.

**Changes to legislation:** Social Security Act 1989 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Marginal Citations

**M25** 1982 c. 34.

**M26** 1985 c. 53.

## SCHEDULE 9

Section 31(2).

### REPEALS

#### Modifications etc. (not altering text)

**C14** The text of Sch. 9, Table is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.7.1992

11 & 12 Geo.5 c. 49.	War Pensions Act 1921.	Sections 1 and 2.
11 & 12 Geo.6 c. 41.	Law Reform (Personal Injuries) Act 1948.	Section 2(2).
1970 c. 36.	Merchant Shipping Act 1970.	In section 17(10), the words from “but any application” onwards.
1973 c. 38.	Social Security Act 1973.	Section 51(7). F113 ...
1975 c. 14.	Social Security Act 1975.	In section 1, in subsection (1) the words from “together with” onwards, and subsections (5) and (5A). In section 4(6F), the words “primary or”. In section 7A(3), the words “Class 2” wherever occurring. In section 14(6), the words following paragraph (c). In section 15(6)(a), the words “but have not retired from regular employment”. In section 20(1A) the words “longer or”. Section 27(3), (4) and (5). In section 28(1)(a), the words “and has retired from regular employment”.

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1975 c. 14. (contd.)	Social Security Act 1975 (contd.)	<p>Section 29(5)(a).</p> <p>In section 30, subsection (1), in subsection (3), in paragraph (a), the words “retired from regular employment or has otherwise” and the words “retired or” and subsection (6)(a).</p> <p>In section 36(7), the word “and” at the end of paragraph (c).</p> <p>In section 39(1)(b), the words “and has retired from regular employment”.</p> <p>In section 41(1), the words “section 30(1) of this Act and to”.</p> <p>Section 48(2) and (3).</p> <p>In section 100(3), the words from “without leave” onwards.</p> <p>Section 101(6) and (7).</p> <p>In section 112, subsection (4) and, in subsection (5), the words “or reference” and the words from “and the medical” onwards.</p> <p>Section 122(5).</p> <p>Section 134(3).</p> <p>In section 167(1)(b), the words “section 1(5A)”.</p> <p>In Schedule 10, paragraphs 1(7) and 2(2).</p> <p>In Schedule 11, paragraph 4.</p> <p>In Schedule 13, paragraphs 8 and 9.</p> <p>In Schedule 20, the definition of “local office” and, in the definition of “week”, the words “midnight between Saturday and” and “30(1)”.</p>
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1975 c. 60.	Social Security Pensions Act 1975.	<p>In section 8(1), the words “who has retired from regular employment”.</p> <p>Section 11.</p> <p>Section 27(6).</p> <p>In section 41A(1C), the word “and” at the end of paragraph (b).</p> <p>In section 41B(1A), the word “and” at the end of paragraph (b).</p> <p>Section 41C(3)(a)(ii).</p> <p>In section 45(3), the words from “unless the person” to “shall not apply”.</p> <p>F113</p> <p>...</p> <p>Section 62(1)(a).</p> <p>In Schedule 4, paragraph 39(a).</p>
1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	<p>In section 21(1), the words “unless the prescribed person otherwise elects in the prescribed manner”.</p> <p>In section 22(2) the words “25(3), 26(3)”.</p>
1979 c. 18.	Social Security Act 1979.	In Schedule 1, paragraph 17.
1980 c. 30.	Social Security Act 1980.	<p>Section 10(2)(b).</p> <p>Section 14(7).</p>
1981 c. 1.	Social Security (Contributions) Act 1981.	<p>Section 2(2).</p> <p>Section 4(5)(a).</p>
1982 c. 2.	Social Security (Contributions) Act 1982.	<p>Section 2.</p> <p>Section 4(4).</p> <p>In Schedule 1, paragraph 1(4).</p>
1982 c. 24.	Social Security and Housing Benefits Act 1982.	<p>Section 44(3) and (4).</p> <p>In Schedule 1, in paragraph 7, the words “participate in, or”.</p>

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

#### Textual Amendments

**F113** Words in Sch. 9 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

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

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#### Editorial Information

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

The repeal in section 20(1A)<sup>x3</sup> of the principal Act does not affect the continuing operation of the Unemployment Benefit (Disqualification Period) Order 1988.

#### Editorial Information

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

**Status:**

This version of this Act contains provisions that are prospective.

**Changes to legislation:**

Social Security Act 1989 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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

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

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