



# Social Security and Housing Benefits Act 1982

## 1982 CHAPTER 24

### PART III

#### MISCELLANEOUS

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

- C1 Power to amend Pt. III (ss. 37–48) conferred by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), [s. 54\(1\)](#)
- C2 Power to modify Pt. III (ss. 37–48) conferred by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), [s. 17\(1\)](#)

<sup>F1</sup>37 .....

##### Textual Amendments

- F1 [S. 37](#) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch.1](#) (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992 \(c. 14\)](#), [s. 118\(5\)\(7\)](#) (with [s. 118\(1\)\(2\)\(4\)](#))).

38 ..... <sup>F2</sup>

##### Textual Amendments

- F2 [Ss. 38, 41\(1\)\(2\), 42\(1\)\(2\)](#) repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), [s. 86\(2\)](#), [Sch. 11](#)

39 **Industrial injuries.**

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

*Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982, Part III. (See end of Document for details)*

<sup>F3</sup>(3) .....

<sup>F3</sup>(4) .....

(5) Regulations may make such transitional or saving provision as the Secretary of State considers necessary or expedient in connection with the provisions of this section.

**Textual Amendments**

**F3** S. 39(1)-(4) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. **118(5)(7)** (with s. 118(1)(2)(4)).

<sup>F4</sup>**40** .....

**Textual Amendments**

**F4** S. 40 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I** (with s. 6(8)); S.I. 1994/86, **art. 2**

**41 Recovery of sums due to Secretary of State.**

(1) ..... <sup>F5</sup>

(3) In section 20 of <sup>M1</sup>Supplementary Benefits Act 1976 (recovery in cases of misrepresentation or non-disclosure) the following subsections are inserted after subsection (5)—

“(6) Any sum which is, by virtue of this section or regulations under section 14(2) (dd) of this Act, recoverable by the Secretary of State in pursuance of a decision made by a benefit officer, the Appeal Tribunal or a Social Security Commissioner shall, if the person from whom that sum is recoverable resides in England and Wales and the county court so order, be recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.

(7) Any such decision may, if the person from whom the sum in question is recoverable resides in Scotland, be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any court any sheriffdom in Scotland.”

**Textual Amendments**

**F5** Ss. 38, 41(1)(2), 42(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

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

**C3** The text of ss. 37, 39(2)-(4), 40, 41(3), 43(1) and 48(6) 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 1.2.1991.

*Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982, Part III. (See end of Document for details)*

#### Marginal Citations

M1 1976 c. 71.

### 42 Up-rating regulations.

- (1) ..... F6
- (3) Neither section 139 nor section 141 of the principal Act (consultation with the Council and with the Committee) shall be taken to have applied in relation to any regulations contained in the <sup>M2</sup>Social Security Benefits Up-rating Regulations 1979 or the <sup>M3</sup>Social Security Benefits Up-rating Regulations 1980.

#### Textual Amendments

F6 Ss. 38, 41(1)(2), 42(1)(2) repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11

#### Marginal Citations

M2 S.I. 1979/1278.

M3 S.I. 1980/1505.

### 43 War pensions.

- (1) In section 6 of the <sup>M4</sup>Pensions Appeal Tribunals Act 1943 (setting aside of Tribunal's decision and rehearing of appeal), after the words "Minister's decision" in subsection (2A) there are inserted the words " (the "original decision") " and after subsection (2B) there are inserted the following subsections—
- “(2C) Where a direction for a rehearing is given under subsection (2A) above, the Minister may, before the expiry of the period of two months beginning with the date of the direction, review the original decision.
- (2D) If, on any such review, the Minister is of the opinion that there are grounds for revising the original decision he shall—
- (a) notify the appellant of his opinion and of the revision which he proposes to make ; and
- (b) if the appaellant withdraws his appeal against the original decision, revise it accordingly.”.
- (2) In any case where, before the commencement of this section, an award has been made in respect of a claim for a war pension, the validity of that award shall not be called into question on the ground that it was made—
- (a) in consequence of the review of a decision made in respect of the claim (whether or not following an appeal against that decision); and
- (b) at a time when there was no provision in force authorising that review.
- (3) The Secretary of State may by order make provision for determining the date from which any award made before the commencement of this section in respect of a claim for a war pension is to be taken to have had effect in a case where—
- (a) at the time when the award was made there was no provision in force for determining that date; or
- (b) the award was made following—

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- (i) an appeal to the High Court, Court of Session or Court of Appeal; or
- (ii) the rehearing of any appeal;

and the date from which payment under the award was first made was later than the date from which payment was, by virtue of any provision in force at the time when the award was made, required to be first made.

- (4) An order under subsection (3) above may provide that in any case where the date from which an award is, by virtue of the order, to be taken to have had effect is earlier than the date from which payment under the award was first made, any arrears due to a person in respect of the award shall be limited to those payable in respect of a specified period of not more than six years.
- (5) In this section “war pension” means—
  - (a) such pensions and other benefits as are referred to in section 12 of the <sup>M5</sup>Social Security (Miscellaneous Provisions) Act 1977 (exercise by Order in Council of existing powers relating to benefits for death or disablement through service in the armed forces);
  - (b) any pension or benefit awarded under the <sup>M6</sup>Personal Injuries (Emergency Provisions) Act 1939, the <sup>M7</sup>Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 or the <sup>M8</sup>Polish Resettlement Act 1947; and
  - (c) such other pensions and benefits as may be specified in an order made by the Secretary of State for the purposes of this section.

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

**C4** The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) 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 1.2.1991.

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**Marginal Citations**

**M4** 193 c. 39.  
**M5** 1977 c. 5.  
**M6** 1939 c. 82.  
**M7** 1939 c. 83.  
**M8** 1947 c. 19.

<sup>F7</sup>44 .....

**Textual Amendments**

**F7** S. 44 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), Sch.1 (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

**45 Regulations.**

- (1) Subsections (2), (3) and (5) of section 166 of the principal Act (which among other things make provision about the extent of powers to make orders and regulations) shall

*Changes to legislation:* There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982, Part III. (See end of Document for details)

apply to any power to make orders or regulations conferred by this Act as they apply to any power to make orders or regulations conferred by that Act; . . . <sup>F8</sup>

[<sup>F9</sup>(2) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory instrument; and any statutory instrument—

- (a) which contains (whether alone or with other provisions) any such orders or regulations, other than an order under section 48(3) of this Act, 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.]

(3) . . . . . <sup>F10</sup>

**Textual Amendments**

- F8** Words repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), [Sch. 11](#)
- F9** [S. 45\(2\)](#) substituted by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), s. 21(1), [Sch. 6 para. 8\(7\)](#)
- F10** [S. 45\(3\)](#) repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), [Sch. 11](#)

**46 Expenses.**

(1) There shall be paid out of money provided by Parliament—

- (a) any administrative expenses of the Secretary of State incurred under this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

<sup>F11</sup>(2) . . . . .

(3) . . . . . <sup>F12</sup>

**Textual Amendments**

- F11** [S. 46\(2\)](#) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch.1](#) (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992 \(c. 14\)](#), s. [118\(5\)\(7\)](#) (with s. [118\(1\)\(2\)\(4\)](#))).
- F12** [S. 46\(3\)](#) repealed by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), s. 21(2), [Sch. 7](#)

**47 Interpretation.**

In this Act—

“benefit”, except in . . . <sup>F13</sup> section 43, has the same meaning as in the principal Act;

“principal Act” means the <sup>M9</sup>Social Security Act 1975;

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

“tax year” means the period of twelve months beginning with 6th April in any year.

*Changes to legislation: There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982, Part III. (See end of Document for details)*

**Textual Amendments**

**F13** Words repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), **Sch. 11**

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

**C5** In the definition of “regulations” certain functions are transferred by [S.I. 1984/1818](#), art. 2(c), **Sch.**

**Marginal Citations**

**M9** [1975 c. 14](#).

**48 Short title etc.**

(1) This Act may be cited as the Social Security and Housing Benefits Act 1982, and Parts I and III of this Act and the Social Security Acts 1975 to 1981 may be cited together as the Social Security Acts 1975 to 1982.

<sup>F14</sup>(2) .....

(3) The following provisions come into force on the passing of this Act—  
(a) sections 7, 26, 40, 42 and 44 to 47;  
(b) paragraphs 1 to 4, 7, 11, 14(1) and (3), 16, 21, 23 to 25, 30 to 34, 37 and 38 of Schedule 4; and  
(c) subsections (1) to (4) and (7) of this section and subsection (5) of this section so far as it relates to the provisions mentioned in paragraph (b) above:

and the other provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different provisions, different purposes or different areas.

(4) An order under subsection (3) above may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force.

(5) The enactments mentioned in Part I of Schedule 4 to this Act shall have effect subject to the minor and consequential amendments specified in that Part; and the transitional provisions in Part II of that Schedule shall have effect.

(6) The enactments mentioned in Schedule 5 to this Act (which include some that are spent) are hereby repealed to the extent specified in the third column of that Schedule.

(7) This Act, except sections 42(2), 43 and 45 and this section and paragraphs 2 and 30, 32 and 33 of Schedule 4, does not extend to Northern Ireland.

**Textual Amendments**

**F14** [S. 48\(2\)](#) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992 \(c. 14\)](#), s. **118(5)(7)** (with s. **118(1)(2)(4)**)).

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

**C6** Power of appointment conferred by s. 48(3) partly exercised: [S.I. 1982/893](#) and 1982/906

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**Changes to legislation:** *There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982, Part III. (See end of Document for details)*

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**C7** The text of ss. 37, 39(2)–(4), 40, 41(3), 43(1) and 48(6) 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 1.2.1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Social Security and Housing Benefits Act 1982, Part III.