



# Social Security Act 1986

## 1986 CHAPTER 50

### PART VII

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

##### *Supplementary*

#### **83 Orders and regulations (general provisions).**

- (1) [<sup>F1</sup>Section 61B(1) to (4) of the Social Security Pensions Act 1975] (extent of powers) shall apply to powers conferred by this Act to make regulations or orders as they apply to any power to make regulations or orders conferred by that Act but as if for references to that Act there were substituted references to this Act.
- (2) ..... <sup>F2</sup>
- <sup>F3</sup>(3) .....
- [<sup>F4</sup>(4) A statutory instrument—
  - (a) which contains (whether alone or with other provisions) orders or regulations under this Act, other than orders under section 88 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.]
- (5) An order under section . . . <sup>F2</sup> 85 below shall not be made without the consent of the Treasury.
- (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.

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Cross Heading: Supplementary. (See end of Document for details)*

**Textual Amendments**

- F1** Words substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 84](#)
- F2** The following sections and schedules are repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); [ss. 56\(2\)\(b\)\(3\)\(b\)\(4\)–\(4B\), 58](#); words in s. 61(1)(3)–(5); [s. 61\(7\)–\(9\)](#); words in s. 61(10); [ss. 62–69, 70\(1\), 73, 74, 79\(3\)\(4\)](#); words in s. 80(1); [ss. 81, 83\(2\)\(3\)\(b\)–\(e\)](#); words in s. 83(5); words in s. 84(1); [ss. 84\(3\), 85\(1\)\(a\)–\(c\)\(f\)\(3\)\(c\)\(d\)\(4\)](#); words in s. 85(5); [s. 85\(7\)](#); words in s. 85(8)(9)–(12); [Sch. 3](#) except para. 17; [Sch.4](#); [Sch. 5 paras 2–20](#) and Pt. II paras (b) (c); [Sch. 6](#); [Sch. 7](#); [Sch. 8 paras 1–3, 5–7](#); [Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68\(2\), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103\(a\)\(b\), 104–107, 108\(a\)](#)
- F3** [S. 83\(3\)](#) repealed (7.2.1994) by [1993 c. 48, s. 188, Sch. 5 Pt. I](#); [S.I. 1994/86, art. 2](#)
- F4** [S. 83\(4\)](#) substituted (13.7.1990) by [Social Security Act 1990 \(c. 27\), Sch. 6, para. 8\(9\)](#)

**84 General interpretation.**

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

- ..... <sup>F5.</sup>
- <sup>F6</sup> .....
- “the benefit Acts” means—
- (a) the <sup>M1</sup>Social Security Act 1973;
- (b) [<sup>F7</sup>the Social Security Acts 1975 to 1991];
- (c) the <sup>M2</sup>Industrial Injuries and Diseases (Old Cases) Act 1975;
- (d) the <sup>M3</sup>Child Benefit Act 1975;
- <sup>F6</sup> .....
- ..... <sup>F5.</sup>
- <sup>F6</sup> .....
- <sup>F6</sup> .....
- <sup>F6</sup> .....—
- (a) ...
- (b) .....—
  - (i) ...
  - (ii) ...

..... <sup>F5.</sup>  
 ..... <sup>F5.</sup>  
 ..... <sup>F5.</sup>  
 .....

“Housing Revenue Account rebate”, in relation to a local authority in England and Wales, means a rent rebate for a tenant of a Housing Revenue Account dwelling of that authority;

..... <sup>F5.</sup>  
<sup>F6</sup> .....

..... <sup>F5</sup>  
 ..... <sup>F5.</sup>  
<sup>F6</sup> .....

“modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly;



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## 85 Financial provision.

- (1) There shall be paid out of money provided by Parliament—
- (a) . . . . .<sup>F10</sup>
  - (d) any sums falling to be paid by the Secretary of State under or by virtue of this Act by way of travelling expenses;
  - (e) any other expenses of the Secretary of State attributable to this Act;
  - (f) . . . . .<sup>F10</sup>
  - (g) any increase attributable to this Act in the sums payable out of money provided by Parliament under any other Act.
- (2) Any increase attributable to this Act in the sums to be charged on and paid out of the Consolidated Fund under any other Act shall be charged on and paid out of that Fund.
- <sup>F11</sup>(3) . . . . .
- (4) . . . . .<sup>F10</sup>
- (5) Subject to subsections (6) . . . <sup>F10</sup>below, so far as it relates to payments out of money provided by Parliament, any sum recovered by the Secretary of State under or by virtue of this Act shall be paid into the Consolidated Fund.
- (6) So far as any such sum relates to a payment out of the National Insurance Fund, it shall be paid into that Fund.
- (7) . . . . .<sup>F10</sup>
- <sup>F12</sup>(8) . . . . .
- <sup>F12</sup>(8A) . . . . .
- (9) . . . . .<sup>F10</sup>
- (13) In this section “Act” includes an Act of the Parliament of Northern Ireland.

### Textual Amendments

- F10** The following sections and schedules are repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); ss. 56(2)(b)(3)(b)(4)–(4B), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); ss. 62–69, 70(1), 73, 74, 79(3)(4); words in s. 80(1); ss. 81, 83(2)(3)(b)–(e); words in s. 83(5); words in s. 84(1); ss. 84(3), 85(1)(a)–(c)(f)(3)(c)(d)(4); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); [Sch. 3](#) except para. 17; [Sch. 4](#); [Sch. 5](#) paras 2–20 and Pt. II paras (b)(c); [Sch. 6](#); [Sch. 7](#); [Sch. 8](#) paras 1–3, 5–7; [Sch. 10](#) paras 10, 34, 40, 48, 54, 62–67, 68(2), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103(a)(b), 104–107, 108(a)
- F11** [S. 85\(3\)](#) repealed (7.2.1994) by [1993 c. 48, s. 188, \[Sch. 5 Pt. I\]\(#\); S.I. 1994/86, \[art. 2\]\(#\)](#) and subject to an amendment (25.2.1999 for specified purposes and otherwise 1.4.1999) by [1999 c. 2, ss. 1\(1\), 28\(2\)\(a\), \[Sch. 1 para. 2\\(a\\)\]\(#\); S.I. 1999/527, \[art. 2\\(b\\)\]\(#\), \[Sch. 2\]\(#\)](#)
- F12** [S. 85\(8\)\(8A\)](#) repealed (7.2.1994) by [1993 c. 48, s. 188, \[Sch. 5 Pt. I\]\(#\); S.I. 1994/86, \[art. 2\]\(#\)](#)

### Modifications etc. (not altering text)

- C1** [S. 85\(5\)\(6\)](#) amended (25.2.1999 for specified purposes and otherwise 1.4.1999) by [1999 c. 2, ss. 1\(1\), 28\(2\)\(a\), \[Sch. 1 para. 2\\(b\\)\]\(#\); S.I. 1999/527, \[art. 2\\(b\\)\]\(#\), \[Sch. 2\]\(#\)](#)

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**86 Minor and consequential amendments and repeals.**

- (1) The enactments mentioned in Schedule 10 to this Act shall have effect with the amendments there specified.
- (2) The enactments mentioned in Schedule 11 to this Act (which include enactments already obsolete or unnecessary) are repealed to the extent specified in the third column of that Schedule.

**87 Extent.**

- (1) The following provisions of this Act extend to Northern Ireland—
  - <sup>F13</sup>(a) .....
  - (b) section 61 above;
  - (c) section 66 above, so far as relating to paragraph 3(6) of Schedule 6;
  - (d) section 81 above;
  - (e) sections 83 to 86 above;
  - (f) this section;
  - (g) sections 88 to 90 below.
- (2) Section 82 above (with Schedule 9) extends to Northern Ireland only.
- (3) Sections 25 and 30(6) and (10) above do not extend to Scotland.
- (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) Except as provided by this section, this Act extends to England and Wales and Scotland, but not to Northern Ireland.

**Textual Amendments**

**F13** S. 87(1)(a) repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

**88 Commencement.**

- (1) Subject to the following provisions of this section, the provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed in pursuance of this section for different provisions or different purposes of the same provision.
- (2) In relation to section 52 above (including Schedule 5) and section 82 above (including Schedule 9) for the reference to the Secretary of State in subsection (1) above there shall be substituted a reference to the Lord Chancellor and the Secretary of State, acting jointly.
- (3) Without prejudice to the generality of subsection (1) above, different days may be appointed under that subsection for the purposes of Part III of this Act in relation to different descriptions of persons, and those descriptions of persons may be determined by any criteria that appear to the Secretary of State to be appropriate.

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- (4) If an order under subsection (1) above brings paragraph 8 of Schedule 3 to this Act into force on the same day as section 36 above, the former shall be deemed to have come into force immediately before the latter.
- (5) The following provisions of this Act—
- section 30(4), (8), (9) and (10);
  - section 37;
  - section 38(4);
  - section 45;
  - section 61;
  - sections 63 and 64;
  - section 70;
  - section 71(4) and (5);
  - section 72;
  - section 74;
  - section 76;
  - section 81;
  - section 83 to 85;
  - section 86(1) so far as relating to paragraphs 2, 22, 23(3), 26(1) and (2), 27, 30(b), (c) and (d)(ii), 82, 86, 94(a), 98, 99, 106 and 107 of Schedule 10;
  - section 86(2) so far as relating—
    - (a) to section 37(3) of the <sup>M4</sup>Social Security Act 1975 and the reference to paragraph (b) of that subsection in section 22(2) of the <sup>M5</sup>Social Security (Miscellaneous Provisions) Act 1977;
    - (b) to section 141(2) of the Social Security Act 1975;
    - (c) to section 52D(2) and (3) of the <sup>M6</sup>Social Security Pensions Act 1975 and paragraph 12 of Schedule 1A to that Act;
    - (d) to section 10 of the <sup>M7</sup>Social Security Act 1980; and
    - (e) to section 29 of the <sup>M8</sup>Social Security and Housing Benefits Act 1982;
  - section 87;
  - this section; and
  - sections 89 and 90;
- shall come into force on the day this Act is passed.

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

**C2** Power under s. 88 fully exercised by 1986/1609, 1986/1719, 1986/1958, 1986/1959, 1987/354, 1987/543, 1987/1096, 1987/1853, 1988/567

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**Marginal Citations**

**M4** 1975 c. 14.  
**M5** 1977 c. 5.  
**M6** 1975 c. 60.  
**M7** 1980 c. 30.  
**M8** 1982 c. 24.

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## 89 Transitional.

- (1) Regulations may make such transitional and consequential provision (including provision modifying any enactment contained in this or any other Act) or saving as the Secretary of State 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 which is repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.

[<sup>F14</sup>(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 (IB) 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 (IA)(a) above are any persons—

- (a) to whom regulations under subsection (1) above apply; or
- (b) to whom regulations made under Part 11 of this Act relating to income support applied at any time before the passing of the Social Security Act 1989.]

(2) The reference to regulations in subsection (1) above includes a reference—

- (a) to regulations made by the Lord Chancellor; and
- (b) to regulations made by the Lord Chancellor and the Secretary of State, acting jointly.

### Textual Amendments

**F14** S. 89(1A) and (1B) inserted (21.7.1989) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 8](#), para. 10(2)

## 90 Citation.

- (1) This Act may be cited as the Social Security Act 1986.
- (2) This Act, except section 77 above, may be cited together with the Social Security Acts 1975 to 1985 as the Social Security Acts 1975 to 1986.

**Changes to legislation:**

There are currently no known outstanding effects for the Social Security Act 1986, Cross  
Heading: Supplementary.