



# Social Security Act 1973

## 1973 CHAPTER 38

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **98 Financial provisions.**

- (1) Without prejudice to section 46(2) of this Act, there shall be paid out of money provided by Parliament—
- (a) any expenses falling on the Secretary of State or other government department under this Act, including those incurred by the Secretary of State in making any loan to the Reserve Pension Board ;
  - (b) any increase attributable to this Act in the expenses of any Minister of the Crown or government department falling to be paid out of money so provided under any other enactment.
- (2) There shall be paid into the Consolidated Fund—
- (a) any sums deducted by the Secretary of State under section 74(2)(a) of this Act or receivable by him under section 74(4)(c);
  - (b) any sums received by the Secretary of State by way of repayment of any loan made by him to the Reserve Pension Board or as interest on any such loan;
  - (c) any sums recovered by the Secretary of State in pursuance of regulations under paragraph 1(b) of Schedule 19 to this Act.

#### **99 Interpretation.**

- (1) In this Act except where the context otherwise requires—
- " the basic scheme " means the scheme of social security contributions and benefits established by Part I of this Act, and " basic scheme contributions ", " basic scheme benefits " and similar expressions shall be construed accordingly,

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- " benefit year " has the meaning given by section 9(10) of this Act;
- " confinement " has the meaning given by section 18(1);
- " contract of service " means any contract of service or apprenticeship whether written or oral or whether expressed or implied;
- " current ", in relation to the lower and upper earnings limits under section 2(1) of this Act, means for the time being in force;
- " earnings " includes any remuneration or profit derived from an employment, and " earner " shall be construed accordingly;
- " employed earner " and " self-employed earner " shall be construed in accordance with section 1(7) and regulations under Part I;
- " employment " includes any trade, business, profession, office or vocation and " employed " shall be construed accordingly except in the expression " employed earner ";
- " family allowance " means an allowance under the Family Allowances Act;
- " the Family Allowances Act " means the Family Allowances Act 1965;
- " financial year ", in sections 74(6) and 76(1) and in Schedule 18, Part II, means the period from the beginning of April in one year to the end of March in the next;
- " the former principal Act " means the National Insurance Act 1965;
- " incapable of work " means incapable of work by reason of some specific disease or bodily or mental disablement, or deemed in accordance with regulations to be so incapable;
- " income tax week " means one of the successive periods in an income tax year beginning with the first day of that year and every 7th day thereafter (the last day of an income tax year, or, in the case of an income tax year ending in a leap year, the last two days thereof being accordingly treated as a separate income tax week);
- " income tax year " means the 12 months beginning with 6th April in any year ;
- " the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act 1965, and "the Industrial Injuries Acts " means the National Insurance (Industrial Injuries) Acts 1965 to 1972 ;
- " the Inland Revenue " means the Commissioners of Inland Revenue;
- " the Joint Authority " means the Authority continued in being by section 49(4) of this Act;
- " linked qualifying service " shall be construed in accordance with section 58(2);
- " the Ministry of Finance " means the Ministry of Finance for Northern Ireland;
- " the Northern Ireland Minister " and " the Northern Ireland Ministry " mean respectively the Minister and the Ministry of Health and Social Services for Northern Ireland;
- " occupational pension scheme " has the meaning given by section 51(3) (a);
- " the Old Cases Act " means the Industrial Injuries and Diseases (Old Cases) Act 1967, and "the Old Cases Acts " means the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1972 ;
- " pensionable age " has the meaning given by section 23(1);

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- " prescribed " means prescribed by regulations ;
- " public service pension scheme " has the meaning given by section 51 (3) (b);
- " recognised pensionable employment " and " recognition certificate " shall be construed in accordance with section 51(1);
- " recognition credits " has the meaning given by section 58(1)(c);
- " the reserve scheme " means the reserve pension scheme established by Part III of this Act, and references to " reserve scheme contributions", " reserve scheme premiums " and " reserve scheme pensions" shall be construed accordingly;
- " resources ", in relation to an occupational scheme, shall be construed in accordance with section 59(1) of this Act;
- " transfer credits " has the meaning given by section 58(1)(a);
- " week " means a period of 7 days beginning with midnight between Saturday and Sunday, except in sections 12(1)(d), 14, 26(1) and 35(2), where the expression is otherwise defined; and
- " year ", in Part I of this Act, means an income tax year, except where it is otherwise stated, or the context is one relating to a person's age.
- (2) Except where the context otherwise requires, references in this Act to any Part of it include references to the Schedules of that Part.
- (3) Where any provision of this Act refers to regulations and the authority with power to make them is neither specified nor to be implied from the context, the reference is to regulations made by the Secretary of State except that, in and for any purpose of Part I as it applies to Northern Ireland, it is to regulations made by the Northern Ireland Ministry.
- (4) In any provision of this Act (except section 95(5)) containing a reference to " the appointed day " that expression shall be taken to have whatever meaning may be given by the order under section 101 of this Act which brings that provision into force.
- (5) Where a provision of this Act which extends to Northern Ireland contains a reference to a government department and does not expressly or by implication from the context refer only to a department of the Government of the United Kingdom, then in the application of that provision to Northern Ireland the reference is to be taken to be, or to include (as the context may require), a department of the Government of Northern Ireland.
- (6) Where under Part I of this Act a person is to be treated by reference to any employment of his as an employed earner, then he is to be so treated for all purposes of this Act, and references throughout this Act to employed earner's employment shall be construed accordingly.
- (7) References in this Act to " the lower earnings limit" and " the upper earnings limit", whether or not in a context contained in Part I, are to the lower and upper limits respectively referred to in section 2(1) of this Act; and references to the lower or upper earnings limit of an income tax year are to whatever is (or was) for that year the limit in force under section 2(1).
- (8) For the purpose of this Act—
- (a) " child " means a person who would be treated as a child for the purposes of the Family Allowances Act;

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- (b) a person shall be deemed to have attained or not to have attained school-leaving age if he would be treated as being, as the case may be, over or under the upper limit of the compulsory school age for the purposes of that Act (disregarding any regulations made by virtue of section 2 of the Family Allowances and National Insurance Act 1967 (construction of references to school-leaving age));
  - (c) a person shall be deemed to have a family which includes a child or children if that person (not being a child) and a child or children (with or without a wife or husband of that person) would be treated for the purposes of that Act as constituting a family, and references to a child of a person's family shall be construed accordingly.
- (9) For the purposes of this Act, two persons shall not be deemed to have ceased to reside together by reason of any temporary absence of either or both of them, and in particular by reason of any such absence at school or while receiving medical treatment as an in-patient in a hospital or similar institution or by reason of any absence of either or both of them in such circumstances as may be prescribed.
- (10) For the purposes of this Act—
- (a) a person shall be deemed to be over or under a particular age if he has or, as the case may be, has not attained that age; and
  - (b) a person shall be deemed to be between two particular ages if he has attained the first-mentioned age but has not attained the second-mentioned age.
- (11) For the purposes of this Act, a person shall be deemed to be incapable of self-support if, but only if, he is incapable of supporting himself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period.
- (12) Any reference in Part I of this Act to a woman's late husband shall, in relation to a woman who has been more than once married, be taken as referring to her last husband.
- (13) Anything which under any provision of this Act is authorised or required to be done by the Government Actuary may be done instead by the Deputy Government Actuary, and references to the Government Actuary shall be construed accordingly.
- (14) For the purposes of this Act, the amount of a person's earnings for any period, or the amount of his earnings to be treated as comprised in any payment made to him or for his benefit, shall be calculated or estimated in such manner and on such basis as may be prescribed; and regulations made for these purposes may prescribe that payments of a particular class or description made or falling to be made to or by a person shall, to such extent as may be prescribed, be disregarded or, as the case may be, be deducted from the amount of that person's earnings.
- (15) Any reference in this Act to an enactment shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any enactment including an enactment contained in this Act; and "enactment", in this Act, includes an enactment of the Parliament of Northern Ireland and any reference in this Act to an enactment of that Parliament shall include a reference to an enactment re-enacting it with or without modification.
- (16) Any reference in this Act, in relation to any enactment of the Parliament of the United Kingdom, to the corresponding Northern Ireland legislation is a reference to, or to any provision of, an Act of the Parliament of Northern Ireland, or any order made under or having the same effect as such an Act, for the time being in force corresponding to that enactment.

- (17) Any reference in section 48, 68, 96, or 97 of this Act to an Order in Council, or an order or regulations, under this Act or any Part thereof shall include a reference to an Order in Council, an order or regulations, made under any provision of an enactment passed after this Act and directed to be construed as one with this Act or, as the case may be, that Part; but this subsection shall apply only so far as a contrary intention is not expressed in the enactment so passed, and shall be without prejudice to the generality of any such direction.
- (18) The Ministry of Social Security Act 1966 is cited in this Act as the Supplementary Benefit Act 1966 and may be so cited in any other Act or instrument.

### **100 Transitional provisions; minor and consequential amendments; repeals.**

- (1) The provisions of Schedule 26 to this Act shall have effect with respect to the transition from the operation of the National Insurance Acts 1965 to 1972 and the corresponding Northern Ireland legislation, and the other enactments repealed by this Act, to the operation of this Act.
- (2) Subject to any provision made by or under subsection (1) above—
- (a) the enactments and Orders specified in Schedule 27 to this Act shall (without prejudice to any other provision of this Act) have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act;
  - (b) the enactments and Orders specified in Schedule 28 to this Act (which include certain spent provisions and other provisions which are no longer required or will cease to be required on the coming into force of the amendments made by Schedule 27) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Where this Act amends an enactment of the Parliament of Northern Ireland, or an Order made under, or having the same effect as, an enactment of that Parliament, the enactment or Order as amended shall be subject to the Interpretation Act (Northern Ireland) 1954 in the same way as an Act of that Parliament is so subject.
- (4) Section 38 of the Interpretation Act 1889 (effect of repeals) shall have the same operation in relation to any repeal by this Act of an enactment of the Parliament of Northern Ireland (or of any provision of an Order made under an enactment of that Parliament) as it has in relation to the repeal of an Act of the Parliament of the United Kingdom, references in that section of the Act of 1889 to Acts and enactments being construed accordingly.

### **101 Citation and commencement.**

- (1) This Act may be cited as the Social Security Act 1973.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order; and—
- (a) different days may be so appointed for, or for different purposes of, any one or more provisions of this Act (including, in the case of section 100 of this Act, the amendment or repeal of different enactments specified in Schedule 27 or 28 to this Act, or of different provisions of any enactment so specified); and
  - (b) an order under this subsection appointing a day for the coming into force of any provision (whether for all purposes or for particular purposes specified in

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the order) shall, if that provision contains a reference to " the appointed day ", specify the day (being a day not earlier than the making of the order nor later than the coming into force of the provision) which is to be the appointed day for any purposes for which the provision is brought into force.

- (3) An order under subsection (2) above may make such transitional provision or savings as appear to the Secretary of State to be necessary or expedient in connection with provisions of this Act which are thereby brought (wholly or in part) into force, and may make such adaptations of those provisions or of any provisions of this Act then in force as appear to the Secretary of State to be necessary or expedient in consequence of the partly postponed or postponed operation of any provision of this Act (whether before, on or after the day appointed by the order).
- (4) Any statutory instrument containing an order made under this section shall be laid before Parliament after being made.