



Social Security Act 1975

1975 CHAPTER 14

PART V

GENERAL

166 Orders and regulations (general provisions)

- (1) Powers under this Act to make regulations or orders are exercisable by statutory instrument.
- (2) Except in so far as this Act otherwise provides, any power conferred thereby to make an Order in Council, regulations or an order may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition ;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make Orders in Council, regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

- (3) Without prejudice to any specific provision in this Act, a power conferred by this Act to make an Order in Council, regulations or an order includes power to make thereby such incidental or supplementary provision as appears to Her Majesty, or the authority

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making the regulations or order, as the case may be, to be expedient for the purposes of the Order in Council, regulations or order.

- (4) A power conferred by this Act to make an Order in Council or an order, except an order under Schedule 19, paragraph 1 (approval of supplementary scheme), includes power to vary or revoke any such Order in Council or order by a subsequent Order in Council or, as the case may be, order.
- (5) A power conferred on the Secretary of State by any provision of this Act, other than section 86(1) to (4), or by section 123(2) or (3) of the Social Security (Northern Ireland) Act 1975 (Her Majesty's forces), 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.
- (6) Powers conferred by sections 128, 129, 131 and 132 to modify Parts I to III of this Act extend also to modifying so much of any other provision of this Act as replaces provisions of the National Insurance (Industrial Injuries) Acts 1965 to 1974.
- (7) A power under any of sections 128 to 132, 142 or 143 of this Act to prescribe, or to make provision by Order in Council for, modifications or adaptations of this Act shall be exercisable in relation to any enactment passed after this Act which is directed to be construed as one with this Act; but this subsection applies only so far as a contrary intention is not expressed in the enactment so passed, and is without prejudice to the generality of any such direction.

167 Parliamentary control of orders and regulations

- (1) Subject to the provisions of this section—
 - (a) no regulations shall be made wholly or partly by virtue of any of the following provisions of this Act, namely—
 - section 5(3) and (4) (widow's option as to rate of her liability for Class 1 contributions);
 - section 7(4) (Class 2 contributions, higher weekly rate);
 - section 10 (Class 4 contributions recoverable under regulations);
 - section 20(3) (additional conditions and restrictions as to certain benefits);
 - section 129 (mariners, airmen, etc.);
 - section 130 (married women and widows);
 - (b) no order shall be made wholly or partly by virtue of section 17(3) (substituted provision for section 17(1) and (2)),
 unless a draft of the regulations or order has been laid before Parliament and been approved by a resolution of each House.
- (2) Subsection (1) above does not apply to—
 - (a) regulations under section 129, where the instrument containing the regulations states that they are made for the purpose of making provision consequential on the making of an order under section 120 or 122;
 - (b) regulations to be made for the purpose only of consolidating regulations thereby revoked;
 - (c) regulations which, in so far as they are made under powers conferred by the provisions mentioned in subsection (1) above, only replace provisions of previous regulations with new provisions to the same effect.

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- (3) All regulations made under this Act by the Secretary of State, other than regulations to which subsection (1) above applies, and all orders so made (except an order under section 17(3), 120 or 122, or an up-rating order) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

168 Interpretation

- (1) Schedule 20 to this Act contains a glossary of terms; and in this Act (unless the context otherwise requires) any expression for which there is an entry in the first column of the Schedule has the meaning given against it in the second column or is to be construed in accordance with directions given against it in that column (references there to any section being to the applicable section of this Act).
- (2) Any reference in this Act to another enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment, including an enactment contained in this Act, the Social Security (Northern Ireland) Act 1975 or the Social Security (Consequential Provisions) Act 1975.
- (3) Except where the context otherwise requires, a reference in this Act to any Part of it includes a reference to the Schedules of that Part.
- (4) Any reference in section 139, 166 or 167 of this Act to an Order in Council, or an order or regulations, under this Act includes 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; but this subsection applies only so far as a contrary intention is not expressed in the enactment so passed, and without prejudice to the generality of any such direction.

169 Citation, extent and commencement

- (1) This Act may be cited as the Social Security Act 1975.
- (2) This Act, except sections 9(3) to (6), 128(4), 142(2) and (5) and Schedules 2 and 17, does not extend to Northern Ireland.
- (3) Subject to section 3(5) of the Social Security (Consequential Provisions) Act 1975, this Act comes into force on 6th April 1975.