

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1980, Cross Heading: Administration. (See end of Document for details)

SCHEDULES

SCHEDULE 2

AMENDMENTS OF ^{M1}SUPPLEMENTARY BENEFITS ACT 1976

Marginal Citations

M1 1976 c. 71

PART II

PROVISIONS OF THE ACT AS AMENDED

Modifications etc. (not altering text)

C1 The text of ss.3(4)(8)(9)(12), 4(1), 6(1)(3), 9(6), 16(3)–(6), 21(4), Sch. 2 para. 32, Sch. 2 Pt. II, Schs. 4, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

“PART III

ADMINISTRATION, GENERAL AND SUPPLEMENTAL

Administration

Duties of Secretary of State.

- 27 (1) It shall be the duty of the Secretary of State to make arrangements with a view to ensuring that benefit officers and other officers of his concerned with the administration of this Act exercise their functions in such manner as shall best promote the welfare of persons affected by the exercise of those functions.
- (2) It shall be the duty of the Secretary of State to appoint persons to perform the functions conferred by virtue of this Act on benefit officers.

The Appeal Tribunal.

- 28 The Appeal Tribunal for the purposes of this Act shall be such of the tribunals constituted in accordance with Schedule 4 to this Act as, under that Schedule, has jurisdiction in the case in question.

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Re-establishment courses and resettlement units.

- 30 (1) The provisions of Schedule 5 to this Act shall have effect with respect to re-establishment courses and resettlement units.
- (2) If the Secretary of State so directs, payment at such rates as he may determine shall be made by persons for whom temporary board and lodging are provided in connection with courses provided or units maintained under that Schedule.

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Modification of Act for special cases.

- 32A Regulations may provide for any provision of this Act except this section to have effect with prescribed modifications—
- (a) in cases involving a marriage celebrated under a law which permits polygamy or a marriage during the subsistence of which a party to it is at any time married to more than one person;
- (b) in cases where the Secretary of State considers that without the modifications the provision in question would give rise to an anomaly or an injustice or would produce impractical consequences.

Rules and regulations.

- 33 (1) Powers conferred by this Act to make rules or regulations are exercisable by statutory instrument.
- (1A) Rules under this Act may make different provision for different classes of case and otherwise for different circumstances.
- (2) Subsections (2) and (3) of section 166 of the ^{M1}Social Security Act 1975 (which among other things make provision about the extent of powers to make regulations) shall apply to powers to make regulations conferred by this Act as they apply to powers to make regulations conferred by that Act but as if for references to that Act there were substituted references to this Act.
- (3) Regulations of the following kinds, namely—
- (a) regulations of which the effect is to increase an amount which is specified in regulations made in pursuance of section 3 of this Act or which, by virtue of regulations made in pursuance of paragraph (b) of section 4(1) of this Act, is specified in a provision mentioned in that paragraph;
- (b) regulations made in pursuance of section 32A(b) of this Act except regulations made for the purpose only of consolidating regulations which they revoke;
- (c) regulations made in pursuance of paragraph 1 or 2 of Schedule 1 to this Act except regulations made for the purpose only of consolidating regulations which they revoke,
- shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House and, in the case of regulations falling within paragraph (a) or (c) of this subsection, shall not be made without the consent of the Treasury.
- (4) A statutory instrument containing regulations of which a draft is not required by the preceding subsection to be approved as there mentioned or containing rules made under

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this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (5) Without prejudice to the generality of any power conferred by this Act to make regulations, regulations may provide for a person to exercise a discretion in dealing with any matter.

Interpretation.

34 (1) In this Act—

“the Appeal Tribunal” means the tribunal which has jurisdiction in accordance with section 28 of this Act;

“benefit officer” means a person appointed in pursuance of section 27(2) of this Act;

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“child” means a person under the age of 16;

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“enactment” includes an enactment of the Parliament of Northern Ireland and a provision of a Measure of the Northern Ireland Assembly;

“married couple” means a man and a woman who are married to each other and are members of the same household;

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

“pensionable age” means, in the case of a man, the age of 65, and, in the case of a woman, the age of 60;

“place of employment” has the same meaning as in section 19 of the ^{M2}Social Security Act 1975;

“prescribed” means specified in or determined in accordance with regulations;

“regulations” means regulations made by the Secretary of State under this Act;

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“supplementary benefit” means any benefit under this Act;

“trade dispute” has the same meaning as in section 19 of the Social Security Act 1975;

“unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;

“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit.

- (2) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended or extended by or under any other enactment, including this Act.

- (3) Regulations may make provision as to the circumstances in which a person is to be treated for the purposes of any specified provision of this Act—

- (a) as being or not being a member of the same household as another person;
- (b) as responsible for another person.”

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