



# 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>
- (3) A statutory instrument containing (whether alone or with other provisions)—
  - (a) regulations under section 5(15)(a) above;
  - (b) ..... <sup>F2</sup>
- [<sup>F3</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.

*Status: Point in time view as at 01/02/1991.*

*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- F2** The following sections and schedules are repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51,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\(4\)](#) 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>F4.</sup>;  
 “average salary benefits” means benefits the rate or amount of which is calculated by reference to the average salary of a member of a pension scheme over the period of service on which the benefits are based;

“the benefit Acts” means—

- (a) the <sup>M1</sup>Social Security Act 1973;
- (b) [<sup>F5</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;

“contract of service” has the same meaning as in the <sup>M4</sup>Social Security Act 1975;

..... <sup>F4.</sup>;  
 “employed earner” has the same meaning as in the Social Security Act 1975;

“employee” means a person gainfully employed in Great Britain either under a contract of service or in an office (including an elective office) with emoluments chargeable to income tax under Schedule E;

“employer” means—

- (a) in the case of an employed earner employed under a contract of service, his employer;
- (b) in the case of an employed earner employed in an office with emoluments—
  - (i) such person as may be prescribed in relation to that office; or
  - (ii) if no person is prescribed, the government department, public authority or body of persons responsible for paying the emoluments of the office;

..... <sup>F4.</sup>;  
 ..... <sup>F4.</sup>;  
 ..... <sup>F4.</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;

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..... F4.  
; “insurance company” has the meaning assigned to it by section 96(1) of the  
M5 Insurance Companies Act 1982;  
..... F4  
..... F4.  
; “minimum contributions” shall be construed in accordance with Part I of this  
Act;  
“modifications” includes additions, omissions and amendments, and related  
expressions shall be construed accordingly;  
“money purchase benefits”, in relation to a member of a personal or occupational  
pension scheme or the widow or widower of a member of such a scheme, means  
benefits the rate or amount of which is calculated by reference to a payment or  
payments made by the member or by any other person in respect of the member  
and which are not average salary benefits;  
..... F4.  
; “occupational pension scheme” has the same meaning as in section 66(1) of the  
M6 Social Security Pensions Act 1975;  
“personal pension scheme” means any scheme or arrangement which is  
comprised in one or more instruments or agreements and which has, or is capable  
of having, effect so as to provide benefits, in the form of pensions or otherwise,  
payable on death or retirement to or in respect of employed earners who have  
made arrangements with the trustees or managers of the scheme for them to  
become members of the scheme;  
“prescribed” means specified in or determined in accordance with regulations;  
..... F4.  
; “protected rights” shall be construed in accordance with Schedule 1 to this Act;  
..... F4.  
; ..... F4.  
; ..... F4.  
; ..... F4.  
; “regulations” means regulations made by the Secretary of State under this Act;  
..... F6.  
; “tax-exemption” and “tax-approval” mean respectively exemption from tax and  
approval of the Inland Revenue in either case under any such provision of the  
Income Tax Acts as may be prescribed;  
“tax year” means the 12 months beginning with 6th April in any year;  
..... F4.  
; ..... F4.  
; ..... F4.  
; ..... F4.  
; .....

(2) Expressions used in Part I of this Act and in the M7 Social Security Pensions Act 1975  
have the same meanings in that Part as they have in that Act.

(3) ..... F4

- (4) In this Act—
- (a) references to the United Kingdom include references to the territorial waters of the United Kingdom; and
  - (b) references to Great Britain include references to the territorial waters of the United Kingdom adjacent to Great Britain.

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### Textual Amendments

- F4** 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\(a\)](#)
- F5** Words in s. 84(1) substituted (12.2.1991) by [Statutory Sick Pay Act 1991 \(c. 3, SIF 113:1\)](#), [s. 3\(1\)\(e\)](#)
- F6** Definition repealed (11.4.1988) by [Social Security Act 1988 \(c. 7\)](#), [Sch. 5](#)

### Marginal Citations

- M1** 1973 c. 38.  
**M2** 1975 c. 16.  
**M3** 1975 c. 61.  
**M4** 1975 c. 14.  
**M5** 1982 c. 50.  
**M6** 1975 c. 60.  
**M7** 1975 c. 60.

## 85 Financial provision.

- (1) There shall be paid out of money provided by Parliament—
- (a) .....
  - (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) .....
  - (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.
- (3) There shall be paid out of the National Insurance Fund—
- (a) minimum contributions paid by the Secretary of State under Part I of this Act;
  - (b) payments by him under section 7 above;
  - (c) .....
- (4) .....
- (5) Subject to subsections (6) . . . <sup>F7</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) .....

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(8) There shall also be paid into the National Insurance Fund sums recovered under section 1(6) or (7) or 7(8) or (9) above any personal pension protected rights premium . . . <sup>F7</sup>

[<sup>F8</sup>(8A) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct, such sums as the Secretary of State may estimate (in accordance with any directions given by the Treasury) to be the amount of the administrative expenses incurred by him in exercising his functions relating to—

- (a) minimum contributions paid by him under Part I of this Act; and
- (b) payments by him under section 7 above.]

(9) . . . . . <sup>F7</sup>

(13) In this section “Act” includes an Act of the Parliament of Northern Ireland.

#### Textual Amendments

**F7** 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\(a\)](#)

**F8** [S. 85\(8A\)](#) inserted (E.W.S) (retrospective to 25.7.1986) by 1993 c. 3, [ss. 1\(3\), 5\(3\)](#)

#### 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—
  - (a) [<sup>F9</sup>section 17(1) and (2)] above, so far as relating to Acts which extend to Northern Ireland;
  - (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.

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- (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**

**F9** Words substituted (21.7.89) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 6](#), para. 18

## **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.
- (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—

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- (a) to section 37(3) of the <sup>M8</sup>Social Security Act 1975 and the reference to paragraph (b) of that subsection in section 22(2) of the <sup>M9</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>M10</sup>Social Security Pensions Act 1975 and paragraph 12 of Schedule 1A to that Act;
- (d) to section 10 of the <sup>M11</sup>Social Security Act 1980; and
- (e) to section 29 of the <sup>M12</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.

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

**C1** 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

**Marginal Citations**

**M8** 1975 c. 14.

**M9** 1977 c. 5.

**M10** 1975 c. 60.

**M11** 1980 c. 30.

**M12** 1982 c. 24.

**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>F10</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 (1B) 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 (1A)(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—

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- (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**

**F10** 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.



**Status:**

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**Changes to legislation:**

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