



Social Security Act 1986

1986 CHAPTER 50

PART VII

MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

Supplementary

83 Orders and regulations (general provisions)

- (1) Section 166(1) to (3A) of the Social Security 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) Any power conferred by this Act to make orders or regulations relating to housing benefit shall include power to make different provision for different areas.
- (3) A statutory instrument containing (whether alone or with other provisions)—
 - (a) regulations under section 5(15)(a) above ;
 - (b) regulations under Part II of this Act which are made before the coming into operation of that Part;
 - (c) orders under section 30(2) or (3) above which are made before the coming into operation of those subsections ;
 - (d) an order under section 63 above;
 - (e) an order under paragraph 2(3)(b) of Schedule 6 to this Act,shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.
- (4) All regulations and orders made under this Act, other than those to which subsection (3) above applies and orders under section 88 below, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) An order under section 30 or 63 above or section 85 below shall not be made without the consent of the Treasury.

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- (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.

84 General interpretation

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

"applicable amount" shall be construed in accordance with Part II of this Act;

" 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 Social Security Act 1973 ;
- (b) the Social Security Acts 1975 to 1986 ;
- (c) the Industrial Injuries and Diseases (Old Cases) Act 1975;
- (d) the Child Benefit Act 1975 ;

" contract of service " has the same meaning as in the Social Security Act 1975;

" dwelling " means any residential accommodation, whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

" 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;

" housing authority " means a local authority, a new town corporation, the Scottish Special Housing Association or the Development Board for Rural Wales;

" housing benefit scheme " shall be construed in accordance with Part II of this Act;

" Housing Revenue Account dwelling ", in relation to a local authority, means a dwelling which is within the authority's Housing Revenue Account (within the meaning of Part XIII of the Housing Act 1985) and is not—

- (a) a dwelling for the time being let on a long tenancy at a low rent within the meaning of the Leasehold Reform Act 1967 ; or
- (b) a dwelling no longer owned by the authority;

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" 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;

" income-related benefit" shall be construed in accordance with Part II of this Act;

" insurance company " has the meaning assigned to it by section 96(1) of the Insurance Companies Act 1982;

" local authority " means—

(a) in relation to England and Wales, the council of a district or London borough, the Common Council of the City of London or the Council of the Isles of Scilly ; and

(b) in relation to Scotland, an islands or district council;

" long-term benefit" has the meaning assigned to it by Schedule 20 to the Social Security Act 1975 ;

" 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 ;

" new town corporation " means—

(a) in relation to England and Wales, a development corporation established under the New Towns Act 1981 or the Commission for the New Towns; and

(b) in relation to Scotland, a development corporation established under the New Towns (Scotland) Act 1968;

" occupational pension scheme " has the same meaning as in section 66(1) of the 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;

" primary Class 1 contributions " and " secondary Class 1 contributions" have the same meanings as in the Social Security Act 1975 ;

" protected rights " shall be construed in accordance with Schedule 1 to this Act;

" qualifying benefit" has the meaning assigned to it by Schedule 6 to this Act;

" rate rebate ", " rent rebate " and " rent allowance " shall be construed in accordance with section 28 above ;

" rates " and " rating authority "—

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- (a) in relation to England and Wales, have the same meaning as in the General Rate Act 1967 ; and
 - (b) in relation to Scotland, have respectively the same meanings as " rate " has in section 379 of the Local Government (Scotland) Act 1947 and "rating authority" has in section 109 of the Local Government (Scotland) Act 1973 ;
- " regulations " means regulations made by the Secretary of State under this Act;
- " social fund payment " means a payment under Part III of this Act;
- " 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;
- " trade dispute " has the same meaning as in the Social Security Act 1975 ;
- " war disablement pension " means—
- (a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, or Part VII or section 151 of the Reserve Forces Act 1980;
 - (b) without prejudice to paragraph (a) of this definition, any retired pay or pension to which subsection (1) of section 365 of the Income and Corporation Taxes Act 1970 applies ;
- " war widow's pension " means any widow's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the preceding definition or a pension or allowance for a widow granted under any scheme mentioned in subsection (2)(e) of the said section 365.
- (2) Expressions used in Part I of this Act and in the Social Security Pensions Act 1975 have the same meanings in that Part as they have in that Act.
- (3) References in this Act to the general rate fund of an authority shall be construed—
- (a) in relation to the Council of the Isles of Scilly, as references to their general fund ; and
 - (b) in relation to the Common Council of the City of London, as references to their general rate.
- (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.

85 Financial provision

- (1) There shall be paid out of money provided by Parliament—
- (a) any sums payable by way of the following—
 - (i) income support;
 - (ii) family credit;

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- (iii) rate rebate subsidy;
 - (iv) rent rebate subsidy ;
 - (v) rent allowance subsidy;
 - (b) payments by the Secretary of State into the social fund;
 - (c) any sum payable to a person under Schedule 6 to this Act if the relevant qualifying benefit to which he is entitled or treated as entitled is a benefit payable out of such money;
 - (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) any expenses of the Lord Chancellor attributable to this Act; and
 - (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) sums falling to be paid by or on behalf of the Secretary of State under regulations made by virtue of section 46(8)(b) above or paragraph 1(b) or (e) of Schedule 4 to this Act; and
 - (d) any sums paid to a person under Schedule 6 to this Act if the relevant qualifying benefit to which the person is entitled or treated as entitled is a benefit payable out of that fund.
- (4) 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)—
- (a) to be the amount of the administrative expenses incurred by the Secretary of State under Part V of this Act, excluding any category of expenses which the Treasury may direct, or any enactment may require, to be excluded from the Secretary of State's estimate under this subsection; and
 - (b) to be the amount of the administrative expenses incurred by a government department under Schedule 6 to this Act.
- (5) Subject to subsections (6) and (7) 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) So far as any such sum relates to a payment out of the social fund, it shall be paid into that fund.
- (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 and sums recovered by the Secretary of State by virtue of a scheme under section 2 or section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 making provision corresponding to that made by or by virtue of this Act.

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- (9) There shall be made out of the National Insurance Fund into the Consolidated Fund or out of money provided by Parliament into the National Insurance Fund such payments by way of adjustment as the Secretary of State determines (in accordance with any direction of the Treasury) to be appropriate in consequence of the operation of any enactment or regulations relating to family credit, statutory sick pay or statutory maternity pay.
- (10) Where such adjustments fall to be made, the amount of the payments to be made shall be taken to be such, in such cases or classes of case as may be specified by the Secretary of State by order, and payments on account thereof shall be made at such times and in such manner, as may be determined by the Secretary of State in accordance with any direction given by the Treasury.
- (11) There shall be made—
- (a) out of the social fund into the Consolidated Fund or the National Insurance Fund;
 - (b) into the social fund out of money provided by Parliament or the National Insurance Fund,
- such payments by way of adjustment as the Secretary of State determines (in accordance with any directions of the Treasury) to be appropriate in consequence of any enactment or regulations relating to the repayment or offsetting of a benefit under any of the benefit Acts or other payments under any of those Acts.
- (12) Where in any other circumstances payments fall to be made by way of adjustment—
- (a) out of the social fund into the Consolidated Fund or the National Insurance Fund ; or
 - (b) into the social fund out of money provided by Parliament or the National Insurance Fund,
- then, in such cases or classes of case as may be specified by the Secretary of State by order, the amount of the payments to be made shall be taken to be such, and payments on account of it shall be made at such times and in such manner, as may be determined by the Secretary of State in accordance with any direction given by the Treasury.
- (13) In this section " Act " includes an Act of the Parliament of Northern Ireland.

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) section 17(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.
- (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.

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 Social Security Act 1975 and the reference to paragraph (b) of that subsection in section 22(2) of the 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 Social Security Pensions Act 1975 and paragraph 12 of Schedule IA to that Act;
 - (d) to section 10 of the Social Security Act 1980; and
 - (e) to section 29 of the 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.

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.
- (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.

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.