



Social Security Act 1986

1986 CHAPTER 50

PART VII

MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

Miscellaneous

66 Pensioners' Christmas bonus

Schedule 6 to this Act (which makes provision relating to payments for pensioners) shall have effect.

67 Rates of payments of statutory sick pay and provisions as to recovery

(1) The following subsections shall be inserted after subsection (1) of section 7 of the Social Security and Housing Benefits Act 1982 (rate of payment of statutory sick pay)

—
“(1A) The Secretary of State may by regulations—

- (a) substitute alternative provisions for subsection (1)(a) to (c) above ;
and
- (b) make such consequential amendments of any provision contained in this Act as appear to him to be required.

(1B) A statutory instrument containing (whether alone or with other provisions) regulations under subsection (1A) above shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.”.

(2) The following paragraph shall be substituted for subsection (1A)(a) of section 9 of that Act (recovery by employers of amounts paid by way of statutory sick pay)—

- “(a) giving any employer who has made a payment of statutory sick pay a right, except in prescribed circumstances, to an amount, determined in such manner as may be prescribed—

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- (i) by reference to secondary Class 1 contributions paid in respect of statutory sick pay; or
- (ii) by reference to the aggregate of secondary Class 1 contributions so paid and secondary Class 1 contributions paid in respect of statutory maternity pay;”.

68 Liability of Secretary of State to pay statutory sick pay in prescribed circumstances

The following subsections shall be added at the end of section 1 of the Social Security and Housing Benefits Act 1982—

- “(5) Circumstances may be prescribed in which, notwithstanding the foregoing provisions of this section, the liability to make payments of statutory sick pay is to be a liability of the Secretary of State.
- (6) Any sums paid under regulations made by virtue of subsection (5) above shall be paid out of the National Insurance Fund.”.

69 Repeal of section 92 of Social Security Act 1975

Section 92 of the Social Security Act 1975 (which relates to arrangements to forgo benefit in return for unabated sick pay) shall cease to have effect.

70 Child benefit in respect of children educated otherwise than at educational establishments

- (1) In section 2 of the Child Benefit Act 1975 (meaning of " child ")—
 - (a) in paragraph (b) of subsection (1), for the words " by attendance at a recognised educational establishment" there shall be substituted the words " either by attendance at a recognised educational establishment or, if the education is recognised by the Secretary of State, elsewhere " ; and
 - (b) the following subsections shall be inserted after that subsection—
 - “(1A) The Secretary of State may recognise education provided otherwise than at a recognised educational establishment for a person who, in the opinion of the Secretary of State, could reasonably be expected to attend such an establishment only if the Secretary of State is satisfied that education was being so provided for that person immediately before he attained the age of sixteen.
 - (1B) Regulations may prescribe the circumstances in which education is or is not to be treated for the purposes of this Act as full-time.”.
- (2) Regulations purporting to be made under section 24(1) of that Act and made before the passing of this Act shall be treated as validly made.

71 Entitlement to mobility allowance-general

- (1) In paragraph (a) of section 37A(2) of the Social Security Act 1975 (duration of inability or virtual inability to walk for the purposes of entitlement to mobility allowance) for the words " time when a claim for the allowance is received by the Secretary of State " there shall be substituted the words " relevant date ".

Status: This is the original version (as it was originally enacted).

- (2) The following subsections shall be inserted after that subsection—
- “(2A) Subject to subsection (2B) below, in subsection (2)(a) above " the relevant date " means the date on which the claimant's inability or virtual inability to walk commenced or the date on which his claim was received or treated as received by the Secretary of State, whichever is the later.
- (2B) Where—
- (a) a claimant is awarded an allowance for a period; and
 - (b) he subsequently claims an allowance for a further period,
- the relevant date is the first date not earlier than the end of the period for which the allowance was awarded on which the claimant was unable or virtually unable to walk.
- (2C) Regulations may make provision—
- (a) for permitting an award on a claim for a mobility allowance to be made either as from the date on which the claim is received or treated as received by the Secretary of State or for a period beginning after that date subject to the condition that the person in respect of whom the claim is made satisfies the prescribed requirements for entitlement when benefit becomes payable under the award;
 - (b) for the review of any such award if those requirements are found not to have been satisfied.”.

(3) Section 37A(7) (under which, except so far as may be provided by regulations, the question of a person's entitlement to a mobility allowance falls to be determined as at the time when a claim for the allowance is received by the Secretary of State) shall cease to have effect.

(4) Where—

 - (a) it has been determined that a person was entitled to mobility allowance; and
 - (b) the claim should have been determined as at the date when it was received by the Secretary of State, but was determined as at a later date, the fact that the claim was determined as at that date shall not invalidate the determination.

(5) Where the Secretary of State has made a payment to a person who has claimed mobility allowance on the ground that, if the person's claim had been received by the Secretary of State at a date later than that on which it was in fact received, the person would have been entitled to mobility allowance—

 - (a) the payment shall be treated as a payment of mobility allowance; and
 - (b) the person shall be treated as having been entitled to mobility allowance for the period in respect of which the payment was made.

72 Entitlement of certain women to mobility allowance

In relation to women born after 6th June 1918 but before 21st December 1919 sections 22 and 65(1) of the Social Security Pensions Act 1975, paragraphs 47, 49 and 51 to 53 of Schedule 4 to that Act and section 3(3) of the Social Security Act 1979 shall be deemed to have come into force—

- (a) for the purposes of the making of claims for, and the determination of claims and questions relating to, mobility allowance, on 29th March 1979 ; and
- (b) for all other purposes, on 6th June 1979.

Status: This is the original version (as it was originally enacted).

73 Application of provisions of Act to supplementary benefit etc.

Schedule 7 to this Act shall have effect for the purpose of making provision in relation to the benefits there mentioned.

74 National Insurance contributions

(1) The subsection set out in subsection (2) below shall be inserted in the Social Security Act 1975—

- (a) in section 4 (Class 1 contributions) after subsection (6H), as subsection (6HH) ; and
- (b) in section 123A (further power to alter certain contributions) after subsection (6), as subsection (6A).

(2) The subsection is—

“Where the Secretary of State lays before Parliament a draft of an order under this section he shall lay with it a copy of a report by the Government Actuary on the effect which, in the Actuary's opinion, the making of such an order may be expected to have on the National Insurance Fund.”.

(3) In section 134 of that Act (appropriate employment protection allocation) the following subsections shall be inserted after subsection (5)—

“(5A) Without prejudice to section 122(3) and (4) above, the Secretary of State may, with the consent of the Treasury, by order amend this section, in relation to any tax year beginning after the tax year 1986-87—

- (a) by substituting a different percentage for the percentage for the time being specified in paragraph (i) or (ii) of subsection (4) above or for each of the percentages specified in those paragraphs ;
- (b) by directing that there shall be no appropriate employment protection allocation; or
- (c) by directing that there shall be an appropriate employment protection allocation only in the case of primary Class 1 contributions or only in the case of secondary Class 1 contributions.

(5B) At any time when an order under subsection (5A) above containing a direction under paragraph (b) of that subsection is in force, the Secretary of State may, with the consent of the Treasury, by order direct that there shall be an appropriate employment protection allocation of such percentage in the case of primary Class 1 contributions or secondary Class 1 contributions, or both, as may be specified in the order.

(5C) At any time when an order under subsection (5A) above containing a direction under paragraph (c) of that subsection is in force, the Secretary of State may, with the consent of the Treasury, by order direct that there shall be an appropriate employment protection allocation of such percentage as may be specified in the order in the case of the description of contributions in whose case there is, by virtue of the direction, no such allocation.

(5D) Any percentage specified as an allocation by an order under subsection (5B) or (5C) above shall be deemed to be inserted at the appropriate place in subsection (4) above and an order under subsection (5A)(a) above may accordingly be made in respect of it.”.

- (4) In section 167(1)(b) of that Act (orders subject to affirmative procedure) after " 134 (4A) " there shall be inserted " (5A), (5B) or (5C) ".
- (5) The powers to prescribe equivalents of a limit or bracket under section 4 of and paragraph 1(1C) of Schedule 1 to that Act include power to prescribe an amount not more than £1.00 more than the amount which is the arithmetical equivalent of the limit or bracket
- (6) In section 1(2) of the Social Security Pensions Act 1975 (lower earnings limit) for " 49p " there shall be substituted " 99p ".

75 Earnings factors

The Social Security Acts 1975 and the Social Security (Miscellaneous Provisions) Act 1977 shall be amended in accordance with Schedule 8 to this Act in relation to earnings factors for the tax year in which this section comes into force and subsequent tax years.

76 Amendments relating to forfeiture of benefits

- (1) The Forfeiture Act 1982 shall be amended as follows.
- (2) The following subsections shall be inserted after subsection (1) of section 4 (Social Security Commissioner to determine whether forfeiture rule applies to social security benefits)—
 - “(1A) Where a Commissioner determines that the forfeiture rule has precluded a person (in this section referred to as " the offender ") who has unlawfully killed another from receiving the whole or part of any such benefit or advantage, the Commissioner may make a decision under this subsection modifying the effect of that rule and may do so whether the unlawful killing occurred before or after the coming into force of this subsection.
 - (1B) The Commissioner shall not make a decision under subsection (1A) above modifying the effect of the forfeiture rule in any case unless he is satisfied that, having regard to the conduct of the offender and of the deceased and to such other circumstances as appear to the Commissioner to be material, the justice of the case requires the effect of the rule to be so modified in that case.
 - (1C) Subject to subsection (1D) below, a decision under subsection (1A) above may modify the effect of the forfeiture rule in either or both of the following ways—
 - (a) so that it applies only in respect of a specified proportion of the benefit or advantage;
 - (b) so that it applies in respect of the benefit or advantage only for a specified period of time.
 - (1D) Such a decision may not modify the effect of the forfeiture rule so as to allow any person to receive the whole or any part of a benefit or advantage in respect of any period before the commencement of this subsection.
 - (1E) If the Commissioner thinks it expedient to do so, he may direct that his decision shall apply to any future claim for a benefit or advantage under a relevant enactment, on which a question such as is mentioned in subsection (1) above arises by reason of the same unlawful killing.

Status: This is the original version (as it was originally enacted).

- (1F) It is immaterial for the purposes of subsection (1E) above whether the claim is in respect of the same or a different benefit or advantage.
- (1G) For the purpose of obtaining a decision whether the forfeiture rule should be modified the Secretary of State may refer to a Commissioner for review any determination of a question such as is mentioned in subsection (1) above that was made before the commencement of subsections (1A) to (1F) above (whether by a Commissioner or not) and shall do so if the offender requests him to refer such a determination.
- (1H) Subsections (1A) to (1F) above shall have effect on a reference under subsection (1G) above as if in subsection (1A) the words " it has been determined " were substituted for the words " a Commissioner determines".”.
- (3) In subsection (2) of that section, after the words " that subsection " there shall be inserted the words " or any decision under subsection (1A) above".
- (4) In section 5 (exclusion of murderers) after the word " Act ", in the second place where it occurs, there shall be inserted the words " or in any decision made under section 4(1A) of this Act ".

77 Refreshments for school pupils

- (1) The words " and may do so either on the premises or at any place other than the school premises where education is being provided " shall be inserted—
 - (a) after "refreshment" in subsection (1)(a) of section 22 of the Education Act 1980; and
 - (b) after "management" in subsection (1)(a) of section 53 of the Education (Scotland) Act 1980.
- (2) The following subsections shall be substituted for subsections (2) and (3) of each of those sections—
 - “(2) Subject to subsection (3) below, an authority must charge for anything provided by them under subsection (1)(a) above and must charge every pupil the same price for the same quantity of the same item.
 - (3) In relation to a pupil whose parents are in receipt of income support or who is himself in receipt of it an authority shall so exercise the power conferred by subsection (1)(a) above as to ensure that such provision is made for him in the middle of the day as appears to the authority to be requisite and shall make that provision for him free of charge.”.

78 Travelling expenses

The Secretary of State may pay such travelling expenses as, with the consent of the Treasury, he may determine—

- (a) to persons required by him to attend an interview in connection with the operation of any of the benefit Acts;
- (b) to persons attending local offices in connection with the operation—
 - (i) of any of those Acts; or
 - (ii) of any prescribed enactment.

General

79 Crown employment

- (1) A person who is employed by or under the Crown shall be treated as an employed earner for the purposes of sections 1 to 17 above.
- (2) A person who is serving as a member of Her Majesty's forces shall, while he is so serving, be treated for the purposes of sections 1 to 16 above as an employed earner in respect of his membership of those forces.
- (3) The provisions of this Act relating to family credit apply in relation to persons employed by or under the Crown as they apply in relation to persons employed otherwise than by or under the Crown.
- (4) Subject to subsection (5) below, the provisions of Part V of this Act apply in relation to persons employed by or under the Crown as they apply in relation to persons employed otherwise than by or under the Crown.
- (5) The provisions of that Part of this Act do not apply in relation to persons serving as members of Her Majesty's forces, in their capacity as such.
- (6) For the purposes of this section Her Majesty's forces shall be taken to consist of such establishments and organisations as may be prescribed, being establishments and organisations in which persons serve under the control of the Defence Council.

80 Application of Parts I and V to special cases

- (1) Regulations may modify Parts I and V of this Act, in such manner as the Secretary of State thinks proper, in their application to any person who is, or has been, or is to be—
 - (a) employed on board any ship, vessel, hovercraft or air craft ;
 - (b) outside Great Britain at any prescribed time or in any prescribed circumstances; or
 - (c) in prescribed employment in connection with continental shelf operations.
- (2) Regulations under subsection (1) above may in particular provide—
 - (a) for any provision of either of those Parts of this Act to apply to any such person, notwithstanding that it would not otherwise apply;
 - (b) for any such provision not to apply to any such person, notwithstanding that it would otherwise apply;
 - (c) for excepting any such person from the application of any such provision where he neither is domiciled nor has a place of residence in any part of Great Britain ;
 - (d) for the taking of evidence, for the purposes of the determination of any question arising under any such provision, in a country or territory outside Great Britain, by a British consular official or such other person as may be determined.
- (3) In this section " continental shelf operations " means any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982 (application of civil law to certain off-shore activities) were omitted, would nevertheless fall within subsection (2) of that section.

Northern Ireland

81 Orders in Council making corresponding provision for Northern Ireland

An Order in Council under paragraph 1(1) (b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House.

82 Amendments of enactments relating to social security in Northern Ireland

The enactments relating to social security in Northern Ireland specified in Schedule 9 to this Act shall have effect subject to the amendments there specified.

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.
- (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;

" 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;

Status: This is the original version (as it was originally enacted).

" 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 "—

(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 ;

Status: This is the original version (as it was originally enacted).

" 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;

(iii) rate rebate subsidy;

(iv) rent rebate subsidy ;

(v) rent allowance subsidy;

(b) payments by the Secretary of State into the social fund;

Status: This is the original version (as it was originally enacted).

- (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.
- (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.

Status: This is the original version (as it was originally enacted).

- (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—
 - (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;

Status: This is the original version (as it was originally enacted).

- (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.