



Social Security Act 1985

1985 CHAPTER 53

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

26 Regulations about occupational pensions

- (1) Section 61(2) of the Social Security Pensions Act 1975 (reference of regulations to Occupational Pensions Board) shall not apply to regulations—
- (a) made under section 44A or 52C of or Schedule 1A to the Social Security Pensions Act 1975 before the expiry of the period of six months beginning with the commencement of section 2 above ;
 - (b) made under any enactment before the expiry of the period of six months beginning with the commencement of section 2 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under section 44A or 52C of or Schedule 1A to the Social Security Pensions Act 1975 ;
 - (c) made under any of sections 56A to 56E, 56H and 56J of the Social Security Pensions Act 1975 before the expiry of the period of six months beginning with the commencement of section 3 above ;
 - (d) made under any enactment before the expiry of the period of six months beginning with the commencement of section 3 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under any of sections 56A to 56E, 56H and 56J of the Social Security Pensions Act 1975;
 - (e) made under section 35(8) of the Social Security Pensions Act 1975 before the expiry of the period of six months beginning with the commencement of section 4 above;

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- (f) made under any enactment before the expiry of the period of six months beginning with the commencement of section 4 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under section 35(8) of the Social Security Pensions Act 1975;
 - (g) made under section 41B(3) of the Social Security Pensions Act 1975 before the expiry of the period of six months beginning with the commencement of section 6(5) above; or
 - (h) made under any enactment before the expiry of the period of six months beginning with the commencement of section 6(5) above and contained in a statutory instrument which states that it contains only provisions consequential on that subsection or such provisions and regulations made under section 41B(3) of the Social Security Pensions Act 1975.
- (2) The references in subsection (1) above to the commencement of section 3 above are references, in relation to any regulations, to the commencement of that section so far as it relates to the provision under which the regulations are made.
- (3) The references in subsection (1) above to the commencement of section 4 above are references to the commencement of that section so far as it relates to Part II of Schedule 3 to this Act.

27 Other regulations

- (1) Section 141(2) of the Social Security Act 1975 (reference of regulations to Industrial Injuries Advisory Council) and section 10(1) of the Social Security Act 1980 (reference of regulations to Social Security Advisory Committee) shall not apply—
- (a) to regulations made under any of sections 45 (2A), 45A(3), 46(4), 47(1A), 49 and 66(3) and (4) of the Social Security Act 1975 before the expiry of the period of six months beginning with the commencement of section 13 above;
 - (b) subject to subsection (5) below, to regulations made under section 84(4) of that Act, before the expiry of the period of six months beginning with the passing of this Act; or
 - (c) to regulations made under section 32 below before the expiry of the period of six months beginning with the commencement of any relevant provision of this Act.
- (2) The reference in subsection (1)(a) above to the commencement of section 13 above is a reference, in relation to any regulations, to the commencement of that section so far as it relates to the provision under which the regulations are made.
- (3) Section 167(3) of the Social Security Act 1975 (negative procedure for regulations) shall not apply to the first regulations under any of the provisions of that Act mentioned in subsection (1)(a) above.
- (4) The Secretary of State shall not make any such regulations unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Subsection (1)(b) above does not apply to regulations made under section 84(4) of the Social Security Act 1975 which could have been made if that subsection had not been amended by section 13 above.

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- (6) The reference in subsection (1)(c) above to a relevant provision of this Act is a reference to a provision of this Act which the statutory instrument containing the regulations states is a provision—
- (a) in connection with the coming into force of which the Secretary of State considers it necessary or expedient to make the regulations ; or
 - (b) which repeals or amends an enactment in connection with the operation of which the Secretary of State considers it necessary or expedient to make the regulations.
- (7) Section 141(2) of the Social Security Act 1975 shall not apply to regulations—
- (a) made under section 60(1 A) of the Social Security Act 1975 before the expiry of the period of six months beginning with the commencement of section 14 above ; or
 - (b) made under any enactment before the expiry of the period of six months beginning with the commencement of section 14 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under section 60(1 A) of the Social Security Act 1975.
- (8) Section 10(1) of the Social Security Act 1980 shall not apply to regulations—
- (a) made under section 4 (6A) or (6D) or 13 (5A) of the Social Security Act 1975 or section 6(5A) of the Social Security Pensions Act 1975 before the expiry of the period of six months beginning with the commencement of section 7 above ;
 - (b) made under any enactment before the expiry of the period of six months beginning with the commencement of section 7 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under section 4(6A) or (6D) or 13(5A) of the Social Security Act 1975 or section 6(5A) of the Social Security Pensions Act 1975 ;
 - (c) made under section 15A of the Social Security Act 1975 or section 2 (3A) or 3 (4A) of the Social Security and Housing Benefits Act 1982 before the expiry of the period of six months beginning with the commencement of section 18 above ;
 - (d) made under any enactment before the expiry of the period of six months beginning with the commencement of section 18 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under any provision inserted by it in the Social Security Act 1975 or the Social Security and Housing Benefits Act 1982 ;
 - (e) made under section 9(1 A) of the Social Security and Housing Benefits Act 1982 before the expiry of the period of six months beginning with the commencement of section 19 above ;
 - (f) made under any enactment before the expiry of the period of six months beginning with the commencement of section 19 above and contained in a statutory instrument which states that it contains only provisions consequential on subsection (1) of that section or such provisions and regulations made under section 9(1 A) of the Social Security and Housing Benefits Act 1982 ;

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- (g) made under section 22(8) of the Social Security Act 1975 before the expiry of the period of six months beginning with the commencement of paragraph 2 of Schedule 4 to this Act;
- (h) made under any enactment before the expiry of the period of six months beginning with the commencement of paragraph 2 of Schedule 4 to this Act and contained in a statutory instrument which states that it contains only provisions consequential on the exercise of the power conferred by virtue of that paragraph or such provisions and regulations made under section 22(8) of the Social Security Act 1975 ;
- (j) made under section 165A(1) of the Social Security Act 1975 before the expiry of the period of six months beginning with the commencement of section 17 above ;
- (k) made under any enactment before the expiry of the period of six months beginning with the commencement of section 17 above and contained in a statutory instrument which states that it contains only provisions consequential on that section or such provisions and regulations made under section 165A(1) of the Social Security Act 1975;
- (l) made under section 17(2A) of the Social Security and Housing Benefits Act 1982 before the expiry of the period of six months beginning with the commencement of section 20 above ;
- (m) made under any enactment before the expiry of the period of six months beginning with the commencement of section 20 above and contained in a statutory instrument which states that it contains only provisions consequential on the exercise of the power conferred by virtue of that section or such provisions and regulations made under section 17 (2A) of the Social Security and Housing Benefits Act 1982.

28 Financial provision

- (1) Any expenses of a Minister of the Crown incurred in consequence of the provisions of this Act, including any increase attributable to those provisions in sums payable under any other Act, shall be defrayed out of money provided by Parliament.
- (2) All fees paid to the registrar of occupational pension schemes shall be paid into the Consolidated Fund.

29 Minor and consequential amendments and repeals

- (1) The enactments mentioned in Schedule 5 to this Act shall have effect with the amendments there specified.
- (2) The enactments mentioned in Schedule 6 to this Act are repealed to the extent specified in the third column of that Schedule.

30 Northern Ireland

An Order in Council under paragraph 1(1) (5) of Schedule I 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.

31 Extent

- (1) Section 3 above extends to Northern Ireland so far as it relates to sections 56B and 56N of the Social Security Pensions Act 1975.
- (2) Section 29 above extends to Northern Ireland so far as it relates—
 - (a) to paragraphs 1, 2, 35, 37 and 39 of Schedule 5 to this Act; and
 - (b) to the repeal in Schedule 6 to this Act of paragraph 6 of Schedule 7 to the Health and Social Security Act 1984.
- (3) Section 30 above, this section, and sections 32 and 33 below extend to Northern Ireland.
- (4) Section 23 above extends to Northern Ireland and the Isle of Man.
- (5) Except as provided by subsections (1) to (4) above, this Act extends to England and Wales and Scotland only.

32 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) The following provisions of this Act—
 - section 4, so far as it relates to Part I of Schedule 3 ;
 - section 6(5) and (6);
 - section 8;
 - sections 10 and 11;
 - section 13(6) and (7);
 - section 15;
 - section 19;
 - section 22(1)(b) and (c) and (2);
 - sections 23 to 28 ;
 - section 29(1) so far as it relates to paragraphs 22, 34, 36 and 37 of Schedule 5 ;
 - section 29(2), so far as it relates to the repeals in—
 - section 41D of the Social Security Pensions Act 1975;
 - section 22(7) of the Social Security (Miscellaneous Provisions) Act 1977;
 - the Social Security Act 1981; and
 - the Health and Social Security Act 1984;
 - sections 30 and 31;
 - this section; and
 - section 33,shall come into force on the day this Act is passed.
- (3) The following provisions of this Act—
 - section 17;
 - section 29(1), so far as it relates to paragraphs 7, 8 and 14 of Schedule 5;
 - section 29(2), so far as it relates to the repeals in sections 79, 82 and 90 of the Social Security Act 1975,

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shall come into force at the end of the period of 6 weeks beginning with the day on which this Act is passed.

- (4) If a person—
- (a) was entitled to benefit (as defined in Schedule 20 to the Social Security Act 1975) in respect of a period before the date on which the provisions mentioned in subsection (3) above come into force or was treated as having been so entitled; and
 - (b) would not have been so entitled or, as the case may be, treated as so entitled, if those provisions had then been in force; and
 - (c) claims benefit in respect of a period beginning on or after the date on which those provisions come into force,
- and the question of his entitlement to the benefit which he claims depends on whether he was previously entitled or treated as entitled to that or some other benefit, the provisions mentioned in subsection (3) above shall be disregarded for the purpose of determining whether he is entitled to the benefit which he claims.
- (5) Sections 18 and 20 above shall come into force on 6th April 1986.
- (6) The Secretary of State may by regulations made by statutory instrument make such transitional and consequential provision (including provision modifying any enactment contained in this or any other Act) or saving as he considers necessary or expedient 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.
- (7) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Subsections (2) and (3) of section 166 of the Social Security Act 1975 (which among other things make provision about the extent of powers to make regulations) shall apply to the power to make regulations conferred by this section as they apply to any power to make regulations conferred by that Act.

33 Citation

- (1) This Act may be cited as the Social Security Act 1985.
- (2) This Act may be cited together with—
- (a) the Social Security Acts 1975 to 1984 ; and
 - (b) section 25 of the Health and Social Services and Social Security Adjudications Act 1983 and Schedule 8 to that Act,
- as the Social Security Acts 1975 to 1985.