



# Social Security Act 1986

## 1986 CHAPTER 50

### PART I

#### PENSIONS

##### *Personal pension schemes*

#### **1 Minimum contributions to personal pension schemes.**

- (1) Subject to the following provisions of this Part of this Act, the Secretary of State shall pay, except in such circumstances as may be prescribed, minimum contributions in respect of an employed earner for any period during which the earner—
  - (a) is over the age of 16 but has not attained pensionable age;
  - (b) is not a married woman or widow who has made an election which is still operative that her liability in respect of primary Class 1 contributions shall be a liability to contribute at a reduced rate; and
  - (c) is a member of an appropriate personal pension scheme which is for the time being the earner's chosen scheme.
- (2) Regulations may make provision as to the manner in which, and time at which or period within which, minimum contributions are to be paid.
- (3) Subject to subsection (4) below, the Secretary of State shall pay minimum contributions in respect of an earner to the trustees or managers of the earner's chosen scheme.
- (4) In such circumstances as may be prescribed the Secretary of State shall pay minimum contributions to a prescribed person.
- (5) Where any of the conditions mentioned in subsections above ceases to be satisfied in the case of an earner in respect of whom the Secretary of State is required to pay minimum contributions, the duty of the Secretary of State to pay them shall cease as from a date determined in accordance with regulations.

*Status: Point in time view as at 01/02/1991.*

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- (6) If the Secretary of State pays an amount by way of minimum contributions which he is not required to pay, he may recover it from the person to whom he paid it or from any person in respect of whom he paid it.
- (7) If he pays in respect of an earner an amount by way of minimum contributions which he is required to pay, but does not pay it to the trustees or managers of the earner's chosen scheme, he may recover it from the person to whom he paid it or from the earner.
- (8) A personal pension scheme is an appropriate scheme if there is in force a certificate (in this Act referred to as an "appropriate scheme certificate") issued by the Occupational Pensions Board in accordance with section 2 below that it is such a scheme.
- (9) Where an earner and the trustees or managers of an appropriate personal pension scheme have jointly given notice to the Secretary of State, in such manner and form and with such supporting evidence as may be prescribed—
  - (a) that the earner is, or intends to become, a member of the scheme and wishes minimum contributions in respect of him to be paid to the scheme;
  - (b) that the trustees or managers have agreed to accept him as a member of the scheme and to receive minimum contributions in respect of him,
 that scheme is the earner's chosen scheme as from a date determined in accordance with regulations and specified in the notice, unless at that date some other appropriate scheme is the earner's chosen scheme.
- (10) Either an earner or the trustees or managers of a scheme may cancel a notice under subsection (9) above by giving notice to that effect to the Secretary of State at such time and in such manner and form as may be prescribed.
- (11) Where a notice under subsection (10) above is given, the scheme ceases to be the earner's chosen scheme as from a date determined in accordance with regulations and specified in the notice.

## 2 **Appropriate schemes.**

- (1) Regulations shall provide—
  - (a) for the issue of appropriate scheme certificates by the Occupational Pensions Board;
  - (b) for the cancellation, variation or surrender of any such certificate, or the issue of an amended certificate, on any relevant change of circumstances; and
  - (c) that any question whether a personal pension scheme is or at any time was an appropriate scheme shall be determined by the Board.
- (2) A scheme can be an appropriate scheme only if the requirements imposed by or by virtue of Schedule 1 to this Act are satisfied in its case.
- (3) An appropriate scheme certificate may be withheld or cancelled by the Board if they consider that there are circumstances which make it inexpedient that it should be or continue to be an appropriate scheme, notwithstanding that they would otherwise issue such a certificate or not cancel such a certificate.
- (4) Where by or by virtue of any provision of Schedule 1 to this Act a scheme's being an appropriate scheme depends on the satisfaction of a particular condition, the scheme's continuing to be an appropriate scheme shall be dependent on continued satisfaction of the condition; and if the condition ceases to be satisfied that shall be a ground

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(without prejudice to any other) for the cancellation or variation of an appropriate scheme certificate.

- (5) Except in prescribed circumstances, no appropriate scheme certificate and no cancellation, variation or surrender of such a certificate shall have effect from a date earlier than that on which the certificate is issued or the cancellation, variation or surrender is made.
- (6) An appropriate scheme certificate for the time being in force in relation to a scheme shall be conclusive that the scheme is an appropriate scheme.
- (7) Every assignment of or charge on and every agreement to assign or charge protected rights or payments giving effect to protected rights shall be void.
- (8) On the bankruptcy of a person who is entitled to protected rights or a payment giving effect to protected rights, any protected rights or payment the assignment of which is or would be made void by subsection (7) above shall not pass to any trustee or person acting on behalf of his creditors.
- (9) In the application of this section to Scotland—
  - (a) references to assignment shall be construed as references to assignation and “assign” shall be construed accordingly; and
  - (b) the reference to a person’s bankruptcy shall be construed as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 41 of the <sup>M1</sup>Solicitors (Scotland) Act 1980.

#### Marginal Citations

M1 1980 c. 46.

### 3 Amount of minimum contributions.

- (1) Subject to subsection (2) below, in relation to any tax week falling within a period for which the Secretary of State is required to pay minimum contributions in respect of an earner, the amount of those contributions shall be the aggregate of—
  - (a) the rebate percentage of so much of any earnings paid to or for the benefit of the earner with respect to any employment which is not contracted-out employment in relation to him as exceeds the lower earnings limit but does not exceed the upper earnings limit; and
  - (b) where the tax week ends before 6th April 1993, 2 per cent. of any such earnings or, if 2 per cent. of any such earnings is less than £1.00 and the prescribed person applies within such time, in such form and manner and with such supporting evidence as may be prescribed, £1.00.
- (2) In relation to earnings paid with respect to any such employment as may be prescribed, subsection (1) above shall have effect as if the words “the aggregate of” and paragraph (b) and the word “and” immediately preceding it were omitted.
- (3) In subsection (1) above—

“employment” means employed earner’s employment; and  
“rebate percentage” means the percentage arrived at by adding—

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- (a) the percentage by which for the time being under section 27(2) of the <sup>M2</sup>Social Security Pensions Act 1975 the contracted-out percentage of primary Class 1 contributions is less than the normal percentage; and
  - (b) the percentage by which for the time being under that subsection the contracted-out percentage of secondary Class 1 contributions is less than the normal percentage.
- (4) The references to the upper and lower earnings limits in subsection (1)(a) above are references, in the case of an earner who is paid otherwise than weekly, to their prescribed equivalents under [<sup>F1</sup>sections 6(1) and 8(3) of the Social Security Contributions and Benefits Act 1992].
- (5) Regulations may provide—
- (a) that earnings shall be calculated or estimated in such manner and on such basis as may be prescribed for the purpose of determining whether any, and if so what, minimum contributions are payable in respect of them;
  - (b) for the adjustment of the amount which would otherwise be payable by way of minimum contributions so as to avoid the payment of trivial or fractional amounts;
  - (c) for the intervals at which, for the purposes of minimum contributions, payments of earnings are to be treated as made;
  - (d) for this section to have effect, in prescribed cases, as if for any reference to a tax week there were substituted a reference to a prescribed period and as if in any case so prescribed for the references to £1.00 in subsection (1)(b) above there were substituted references to such other sum as may be prescribed.

#### Textual Amendments

**F1** Words in s. 3(4) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2 para. 76](#)

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

**C1** [S. 3\(1\)\(a\)](#) and head (a) of the definition of “rebate percentage” in s. 3(3), are modified by s. 649(1)(2) of the [Income and Corporation Taxes Act 1988 \(c. 1\)](#) (grossing up)

#### Marginal Citations

**M2** [1975 c. 60.](#)

## 4 Effect of payment of minimum contributions on rate of certain benefits.

- (1) Where for any period minimum contributions have been paid in respect of an earner, [<sup>F2</sup>sections 34(4) and 47(2) of the Social Security Contributions and Benefits Act 1992, paragraph 3(2) of Schedule 7 to that Act and sections 29 to 29C] of the <sup>M3</sup>Social Security Act 1975 shall have effect—
- (a) in relation to him, as from the date on which he reaches pensionable age, as if he were entitled to a guaranteed minimum pension at a prescribed weekly rate arising from that period;
  - (b) in prescribed circumstances, in relation to any widow or widower of the earner—

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- (i) if the earner died after reaching pensionable age, as if the widow or widower were entitled to a guaranteed minimum pension at a rate equal to one-half of the rate prescribed under paragraph (a) above; and
  - (ii) if the earner died before reaching pensionable age, as if the widow or widower were entitled to a guaranteed minimum pension at a prescribed weekly rate arising from that period.
- (2) The power to prescribe a rate conferred by subsection (1)(a) above includes power to prescribe a nil rate.

#### Textual Amendments

- F2** Words in s. 4(1) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2 para. 77](#)

#### Marginal Citations

- M3** [1975 c. 60.](#)

## 5 Personal pension protected rights premium.

- (1) In the case of a personal pension scheme which is or has been an appropriate scheme the Occupational Pensions Board may, for the event of, or in connection with, its ceasing to be an appropriate scheme, approve any arrangements made or to be made in relation to the scheme, or for its purposes, for the preservation or transfer of protected rights under the scheme.
- (2) If the scheme ceases to be an appropriate scheme (whether by being wound up or otherwise) and the Board either—
  - (a) have withdrawn their approval of previously approved arrangements relating to it; or
  - (b) have declined to approve arrangements relating to it,the Board may issue a certificate to that effect.
- (3) A certificate issued under subsection (2)(a) or (b) above shall be cancelled by the Board if they subsequently approve the arrangements.
- (4) If the scheme ceases to be an appropriate scheme (whether by being wound up or otherwise), a state scheme premium shall be payable, except in prescribed circumstances—
  - (a) in respect of each earner whose protected rights under the scheme are not subject to approved arrangements; and
  - (b) in respect of each person who has become entitled to receive a pension under the scheme giving effect to protected rights which are not subject to approved arrangements.
- (5) A premium under subsection (4) above may be referred to as a “personal pension protected rights premium”.
- (6) If at any time regulations are in force by virtue of which section 52C of or paragraph 16 of Schedule 1A to the <sup>M4</sup>Social Security Pensions Act 1975 has effect in relation to personal pension schemes, subsection (4)(a) above shall have effect as if after the word “arrangements” there were inserted the words “and have not been disposed of

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so as to discharge the trustees or managers of the scheme under section 52C of or paragraph 16 of Schedule 1A to the Social Security Pensions Act 1975”.

- (7) A personal pension protected rights premium shall be paid by the prescribed person, within the prescribed period, to the Secretary of State.
- (8) The amount of a personal pension protected rights premium payable in respect of any person shall be the cash equivalent of the protected rights in question, calculated and verified in the prescribed manner.
- (9) Where a personal pension protected rights premium is paid in respect of a person—
- (a) the rights whose cash equivalent is included in the premium shall be extinguished; and
  - (b) section 4 above and section 29(2) and (2A) of the <sup>M5</sup>Social Security Pensions Act 1975 shall have effect in relation to that person and a widow or widower of that person as if any guaranteed minimum pension to which that person or any such widow or widower is treated as entitled under those provisions and which derives from the minimum contributions, minimum payments (within the meaning of the Social Security Pensions Act 1975) or transfer payment or payments from which those rights derive were reduced by the appropriate percentage.
- (10) In subsection (9) above “the appropriate percentage” means, subject to the following provisions of this section,

$$\frac{X}{Y} \times 100$$

, where—

- (a) X = the amount of the premium together with, if the person in respect of whom it falls to be paid gives notice to the prescribed person within the prescribed period—
    - (i) the cash equivalent, calculated and verified in the prescribed manner and paid to the Secretary of State within the prescribed period, of any other rights which he has under the scheme and specifies in the notice; and
    - (ii) the amount of any voluntary contribution paid to the Secretary of State within the prescribed period by, or in respect of, the person concerned; and
  - (b) Y = the cost of providing any guaranteed minimum pension such as is mentioned in subsection (9) above.
- (11) If the appropriate percentage, as calculated under subsection (10) above, would fall between two whole numbers, it is to be taken to be the lower number.
- (12) If it would be over 100, it is to be taken to be 100.
- (13) The remainder after the reduction for which subsection (9) above provides—
- (a) if it would contain a fraction of 1p, is to be treated as the nearest lower whole number of pence; and
  - (b) if it would be less than a prescribed amount, is to be treated as nil.

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- (14) The power to make regulations conferred by subsections (8) and (10) above includes power to provide that cash equivalents are to be calculated and verified in such manner as may be approved in particular cases—
- (a) by prescribed persons;
  - (b) by persons with prescribed professional qualifications or experience; or
  - (c) by persons approved by the Secretary of State,
- and power to provide that they shall be calculated and verified in accordance with guidance prepared by a prescribed body.
- (15) The cost of providing the appropriate percentage of the guaranteed minimum pension shall be certified by the Secretary of State, and in calculating and certifying it the Secretary of State—
- (a) shall apply whichever of the prescribed actuarial tables (as in force at the time when the scheme ceases to be appropriate) is applicable in accordance with the regulations prescribing the tables; and
  - (b) may make such adjustments as he thinks necessary for avoiding fractional amounts.

**Marginal Citations**

**M4** 1975 c. 60.

**M5** 1975 c. 60.

*Occupational pension schemes*

**6 Money purchase contracted-out schemes.**

Schedule 2 to this Act has effect to make amendments of the <sup>M6</sup>Social Security Pensions Act 1975 in relation to the contracting-out of schemes which provide money purchase benefits.

**Marginal Citations**

**M6** 1975 c. 60.

**7 Schemes becoming contracted-out between 1986 and 1993.**

- (1) Subject to subsection (3) below and except in such cases as may be prescribed, where an occupational pension scheme becomes a contracted-out scheme under Part III of the Social Security Pensions Act 1975 during the period beginning on 1st January 1986 and ending on 5th April 1993, having not previously been contracted-out during any part of that period, the Secretary of State shall make in relation to any tax week falling within the period beginning on 6th April 1988 and ending on 5th April 1993 a payment under this section in respect of each earner who is in employment which—
- (a) is contracted-out by reference to the scheme during that tax week; and
  - (b) has not previously been contracted-out employment by reference to any other scheme during any part of the period beginning on 1st January 1986 and ending on 5th April 1993.

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- (2) The Secretary of State shall make a payment under this section to the trustees or managers of the scheme except that in such circumstances as may be prescribed he shall make such a payment to a prescribed person.
- (3) A payment under this section shall not be made unless the prescribed person makes a claim for it in such manner and form, and at such time or within such period, as may be prescribed.
- (4) The amount of a payment under this section in respect of a tax week is—
  - (a) 2 per cent. of so much of any earnings paid to or for the benefit of the earner in respect of the employment which is contracted-out by reference to the scheme in the tax week as exceeds the lower earnings limit for that week but does not exceed the upper earnings limit for it; or
  - (b) if 2 per cent. of any such earnings is less than £1.00, £1.00.
- (5) The references to the upper and lower earnings limits in subsection (4) above are references, in the case of an earner who is paid otherwise than weekly, to their prescribed equivalents under [<sup>F3</sup>sections 6(1) and 8(3) of the Social Security Contributions and Benefits Act 1992].
- (6) Regulations may make provision—
  - (a) for earnings to be calculated or estimated in such manner and on such basis as may be prescribed for the purpose of determining whether any, and if so what, payments under this section are to be made in respect of them;
  - (b) for the adjustment of amounts which would otherwise be the amounts of payments under this section so as to avoid the payment of fractional amounts;
  - (c) for the intervals at which, for the purposes of payments under this section, payments of earnings are to be treated as made;
  - (d) for this section to have effect, in prescribed cases, as if for any reference to a tax week there were substituted a reference to a prescribed period and as if in any case so prescribed for the references to £1.00 in subsection (4)(b) above there were substituted references to such other sum as may be prescribed; and
  - (e) as to the manner in which, and time at which or period within which, payments under this section are to be made.
- (7) Where in the case of a scheme a payment has been made under this section in relation to an earner—
  - (a) if a premium is paid under section 42 of the <sup>M7</sup>Social Security Pensions Act 1975 in relation to him, the amount of the premium shall be increased by the amount of the payment; and
  - (b) if a premium is paid under section 44 or 44A of that Act in relation to him, the amount of the premium shall be increased by the amount of the payment and by a further amount representing interest on the payment and calculated in accordance with regulations.
- (8) If the Secretary of State makes a payment under this section which he is not required to make, he may recover the amount of the payment from the person to whom he paid it, or from any person in respect of whom he paid it.
- (9) If he makes in respect of an earner a payment under this section which he is required to make, but does not make it to the trustees or managers to whom he is required to make it, he may recover the amount of the payment from the person to whom he paid it or from the earner.



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#### Textual Amendments

- F3** Words in s. 7(5) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2 para. 78](#)

#### Marginal Citations

- M7** [1975 c. 60.](#)

### 8 Abolition of requirement relating to requisite benefits.

The requirement of the <sup>M8</sup>Social Security Pensions Act 1975 that for an occupational pension scheme to be contracted-out in relation to an earner's employment it must provide requisite benefits shall cease except so far as it relates to guaranteed minimum pensions and except to that extent shall be treated for the purposes of section 50 of that Act (requirement of consent of Occupational Pensions Board to alterations of rules of schemes) as if it had never existed.

#### Marginal Citations

- M8** [1975 c. 60.](#)

### 9 Guaranteed minimum pensions.

- (1) The following subsection shall be substituted for subsection (3) of section 35 of the Social Security Pensions Act 1975 (earner's guaranteed minimum)—

“(3) In subsection (2) above—

“the appropriate percentage” means—

- (a) in respect of the earner's earnings factors for any tax year not later than the tax year 1987–88—
- (i) if the earner was not more than 20 years under pensionable age on 6th April 1978, 1¼ per cent.;
- (ii)

in any other case  $\frac{25}{N}$  per

- (b) in respect of the earner's earnings factors for the tax year 1988–89 and for subsequent tax years—
- (i) if the earner was not more than 20 years under pensionable age on 6th April 1978, 1 per cent.;
- (ii)

in any other case  $\frac{20}{N}$  per

where N is the number of years in the earner's working life (assuming he will attain pensionable age) which fall after 5th April 1978; and—

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“derived” means derived in accordance with the rules to be embodied in regulations.”.

(2) The following subsections shall be inserted after subsection (6) of that section—

“(6A) Where an earner’s guaranteed minimum pension is increased under subsection (6) above, the increase of that part of it which is attributable to earnings factors for the tax year 1987–88 and earlier tax years shall be calculated separately from the increase of the rest.

(6B) Where one or more orders have come into force under section 37A below during the period for which the commencement of a guaranteed minimum pension is postponed, the amount of the pension for any week in that period shall be determined as if the order or orders had come into force before the beginning of the period.”.

(3) In section 36 of that Act (widows)—

(a) the following subsections shall be substituted for subsection (1)—

“(1) Subject to the provisions of this Part of this Act, for an occupational pension scheme to be contracted-out in relation to an earner’s employment it must provide, in the event of the earner dying (whether before or after attaining pensionable age) and leaving a widow or widower, for the widow or widower to be entitled to a guaranteed minimum pension under the scheme.

(1A) A scheme need not provide for widowers of earners who die before 6th April 1989 to be entitled to guaranteed minimum pensions.”;

(b) the following subsection shall be substituted for subsection (3)—

“(3) To comply with this section the scheme must also contain a rule to the effect that—

(a) if the earner is a man who had a guaranteed minimum under section 35 above, the weekly rate of the widow’s pension will be not less than her guaranteed minimum, which shall be half that of the earner;

(b) if the earner is a woman who had such a guaranteed minimum, the weekly rate of the widower’s pension will be not less than his guaranteed minimum, which shall be one-half of that part of the earner’s guaranteed minimum which is attributable to earnings factors for the tax year 1988–89 and subsequent tax years.”; and

(c) the following subsections shall be inserted after subsection (7)—

“(7A) The scheme must provide for the widower’s pension to be payable in prescribed circumstances and for the prescribed period.

(7B) The trustees or managers of the scheme shall supply to the Secretary of State any such information as he may require relating to the payment of pensions under the scheme to widowers.”.

(4) The following provisions of that Act shall be construed as if the references to “widow” included references to “widower”—

(a) section 26(2);

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- (b) section 32(2)(a);
  - (c) section 36(8);
  - (d) section 38(3);
  - (e) section 39(4)(b);
  - (f) section 41B(1)(c) [<sup>F4</sup>and (i)], (2)(a) and (b) and (3);
  - (g) section 44(9);
  - (h) section 52D,
  - [<sup>F5</sup>(i) paragraphs [<sup>F6</sup>2(2)(e),] 8(b) and 13(6) of Schedule 1A]
- and with consequential modifications.
- (5) The reference in section 29(1) of that Act to a person entitled to a guaranteed minimum pension shall be construed as including a reference to a person so entitled by virtue of being the widower of an earner in any case where he is entitled to a widower's invalidity pension, but that reference shall be so construed where he is entitled to any other benefit only if—
- (a) at the time of the earner's death she and her husband had both attained pensionable age; or
  - (b) he is also entitled to a Category A retirement pension by virtue of [<sup>F7</sup>section 41(7) of the Social Security Contributions and Benefits Act 1992].
- (6) The following provisions of that Act shall be construed as if the references to a person entitled to receive a guaranteed minimum pension included references to a person so entitled by virtue of being the widower of an earner only in such cases as may be prescribed—
- (a) section 44(1)(b) and (2)(b); and
  - (b) section 49(1); and
  - (c) section 50(3);
- and the references to “widow” in section 44(5) of that Act shall be construed as including references to “widower”, and the reference in section 49(6) of that Act to guaranteed minimum pensions as including a reference to the guaranteed minimum pension of such a person, only in those cases.
- (7) The following section shall be inserted after section 37 of that Act—

**“37A Annual increases of guaranteed minimum pensions.**

- (1) The Secretary of State shall in the tax year 1989–90 review the general level of prices obtaining in Great Britain for a period of twelve months commencing in the previous tax year.
- (2) The Secretary of State shall in each subsequent tax year review the general level of prices obtaining in Great Britain for the period of twelve months commencing at the end of the period last reviewed under this section.
- (3) Where it appears to the Secretary of State that the general level of prices is greater at the end of the period under review than it was at the beginning of that period, he shall lay before Parliament the draft of an order specifying a percentage by which there is to be an increase of the rate of that part of guaranteed minimum pensions which is attributable to earnings factors for the tax year 1988–89 and subsequent tax years for—
  - (a) earners who have attained pensionable age; and

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- (b) widows and widowers.
- (4) The percentage shall be—
- (a) the percentage by which the general level of prices is greater at the end of the period under review than it was at the beginning of that period; or
  - (b) 3 per cent.,
- whichever is less.
- (5) If a draft order laid before Parliament in pursuance of this section is approved by a resolution of each House, the Secretary of State shall make the order in the form of the draft.
- (6) An order under this section shall be so framed as to bring the alterations to which it relates into force on the first day of the tax year next following the making of the order.
- (7) Where the benefits mentioned in sections 16(2B), 28(7A) and 59(1A) of the Social Security Act 1975 and section 29(1) above are not increased on the day on which an order under this section takes effect, the order shall be treated for the purposes of those subsections as not taking effect until the day on which the benefits mentioned in them are next increased.
- (8) Except as permitted by subsection (13), (14) or (15) below, the trustees or managers of a scheme may not make an increase in a person's pension which is required by virtue of this section out of money which would otherwise fall to be used for the payment of benefits under the scheme to or in respect of that person unless—
- (a) the payment is to an earner in respect of the tax year in which he attains pensionable age and the increase is the one required to be made in the following year; or
  - (b) the payment is to a person as the widow or widower of an earner who died before attaining pensionable age in respect of the tax year in which the person became a widow or widower and the increase is the one required to be made in the next following tax year.
- (9) Subsection (8) above overrides any provision of a scheme to the extent that it conflicts with it.
- (10) The Occupational Pensions Board may at any time, and shall if requested by the trustees and managers of a scheme, advise on any question whether or not subsection (8) above overrides any provision of the scheme.
- (11) On an application made to them in respect of a scheme (other than a public service pension scheme) by persons competent to make such an application in respect of it, the Board shall issue a determination on any such question as is mentioned in subsection (10) above.
- (12) The persons competent to make an application under subsection (11) above in respect of a scheme are—
- (a) the trustees or managers of the scheme;
  - (b) any person other than the trustees or managers who has power to alter any of the rules of the scheme;

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- (c) any person who was an employer of persons in service in an employment to which the scheme applies;
  - (d) any member or prospective member of the scheme; and
  - (e) such other persons as may be prescribed, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this section in respect of a scheme of that category.
- (13) Where in the tax year 1989–90 the trustees or managers of an occupational pension scheme make an increase in the rate of pensions currently payable to the members of the scheme who have attained pensionable age or to the widows or widowers of members, they may deduct the amount of the increase from any increase which, but for this subsection, they would be required to make under this section in the tax year 1990–91.
- (14) Where the trustees or managers of such a scheme make an increase otherwise than in pursuance of this section in a tax year subsequent to 1989–90, they may deduct the amount of the increase from any increase which, but for this subsection, they would be required to make under this section in the next following tax year.
- (15) Where in any tax year subsequent to 1989–90 the trustees or managers of a scheme make an increase which is partly made otherwise than in pursuance of this section, they may deduct the part of the increase made otherwise than in pursuance of this section from any increase which, but for this subsection, they would be required to make under this section in the next following year.
- (16) Where by virtue of subsection (13), (14) or (15) above guaranteed minimum pensions are not required to be increased in pursuance of this section, their amount shall be calculated for any purpose as if they had been so increased.
- (17) Where by virtue of any of those subsections guaranteed minimum pensions are required to be increased in pursuance of this section by an amount less than they otherwise would be, their amount shall be calculated for any purpose as if they had been increased by that full amount.”.
- (8) In section 59 of that Act (increase of official pensions) the following subsection shall be inserted after subsection (5)—
  - “(5A) Nothing in section 37A(13), (14) or (15) above authorises any deduction from an increase in the rate of an official pension under this section.”.
- (9) In section 59A of that Act (modification of effect of section 59(5)) the following subsection shall be inserted after subsection (2)—
  - “(2A) Where in any tax year—
    - (a) an increase is calculated in accordance with a direction under this section; and
    - (b) the amount by reference to which the increase is calculated, or any part of it, is increased in that tax year under section 37A above,the increase calculated in accordance with the direction shall be reduced by the amount of the increase under section 37A above.”.

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#### Textual Amendments

- F4** Words inserted (21.7.1989) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 6 para. 16\(a\)](#)  
**F5** [S. 9\(4\)\(i\)](#) inserted (21.7.1989) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 6 para. 16\(b\)](#)  
**F6** [S. 9\(4\)\(i\)](#) reference inserted (18.7.1990) by [Social Security Act 1990 \(c. 27\)](#), [Sch. 4 para. 14](#)  
**F7** Words substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2 para. 79](#)

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

- C2** The text of ss. 9(1)–(3)(7)–(9), 10, 11, 12(11) 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.

### 10 Short-service benefit; qualifying service.

In paragraphs 6(1)(b) and 7 of Schedule 16 to the <sup>M9</sup>Social Security Act 1973 (preservation of benefits under occupational pension scheme) for “5” wherever occurring there shall be substituted “2”.

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

- C3** The text of ss. 9(1)–(3)(7)–(9), 10, 11, 12(11) 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.

#### Marginal Citations

- M9** [1973 c. 38](#).

### 11 Auditors.

The following shall be inserted after section 56N of the <sup>M10</sup>Social Security Pensions Act 1975—

*“ Auditors*

#### **56P Regulations as to auditors.**

The Secretary of State may by regulations make provision as to—

- (a) the appointment, resignation and removal of auditors of occupational pension schemes;
- (b) the duty of employers and auditors of employers to disclose information to the trustees or managers of occupational pension schemes and the auditors of such schemes;
- (c) the duty of trustees or managers of an occupational pension scheme to disclose information and to make available documents to the auditors of the scheme.”

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

- C4** The text of ss. 9(1)–(3)(7)–(9), 10, 11, 12(11) 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.

**Marginal Citations**

- M10** 1975 c. 60.

*Provisions applying to personal and occupational pension schemes*

**12 Voluntary contributions.**

- (1) Except in such cases as may be prescribed, and except so far as is necessary to ensure that a personal or occupational pension scheme has, or may be expected to qualify for, tax-exemption or tax-approval, the rules of the scheme—
- (a) must not prohibit, or allow any person to prohibit, the payment by a member of voluntary contributions;
  - (b) must not impose, or allow any person to impose, any upper or lower limit on the payment by a member of voluntary contributions;
  - (c) must secure that any voluntary contributions paid by a member are to be used by the trustees or managers of the scheme to provide additional benefits for or in respect of him; and
  - (d) must secure that the value of the additional benefits is reasonable, having regard—
    - (i) to the amount of the voluntary contributions; and
    - (ii) to the value of the other benefits under the scheme;and the requirements specified in this subsection may be referred to as “the voluntary contributions requirements”.
- (2) Where the rules of a personal or occupational pension scheme do not comply with the voluntary contributions requirements it shall be the responsibility of—
- (a) the trustees and managers of the scheme; or
  - (b) in the case of a public service pension scheme, the Minister, government department or other person or body concerned with its administration,
- to take such steps as are open to them for bringing the rules of the scheme into conformity with those requirements.
- (3) The Occupational Pensions Board may at any time, and shall if requested by any such persons as are mentioned in subsection (2) above, advise whether the rules of a scheme do or do not in the Board’s opinion conform with the voluntary contributions requirements and, where the Board advise that the rules do not conform, they shall indicate what steps they consider should be taken with a view to securing conformity.
- (4) On application made to them in respect of a personal or occupational pension scheme (other than a public service pension scheme) by persons competent to make such an application in respect of it, the Occupational Pensions Board shall issue a determination as to whether or not the rules of the scheme conform with the voluntary contributions requirements.

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- (5) The persons competent to make an application under this section in respect of a scheme are—
- (a) the trustees or managers of the scheme;
  - (b) any person other than the trustees or managers who has power to alter any of the rules of the scheme;
  - (c) in the case of an occupational pension scheme, any person who is an employer of persons in service in an employment to which the scheme applies;
  - (d) any member or prospective member of the scheme;
  - (e) such other persons as may be prescribed, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this section in respect of a scheme of that category.
- (6) The Board may at any time of their own motion issue in respect of a scheme which has come to their notice any determination which they could issue in the case of that scheme on an application made to them under subsection (4) above.
- (7) If the Occupational Pensions Board determine under subsection (4) or (6) above that the rules of a scheme do not conform with the voluntary contributions requirements they shall, either at the time of issuing their determination or as soon thereafter as they think expedient—
- (a) by order direct the trustees or managers of the scheme, or any such persons as are referred to in subsection (5)(b) above, to exercise such powers as they possess for modifying the scheme with a view to bringing it into conformity with those requirements (for which purpose the Board shall include in their order such directions as they think appropriate to indicate the modification appearing to them to be called for); or
  - (b) if there is no person with power to modify the scheme as required by the Board, by order authorise the trustees or managers, or other persons named in the order (who in relation to an occupational pension scheme may in particular include such an employer as is specified in subsection (5)(c) above), to make that modification; or
  - (c) themselves by order modify the scheme with a view to achieving the purpose above-mentioned.
- (8) The Board may exercise their powers under subsection (7) above from time to time in relation to any scheme in respect of which they have issued a determination under subsection (4) or (6) above, and may exercise the powers together or separately.
- (9) Any modification of a scheme made in pursuance of an order of the Board under subsection (7)(b) or (c) above shall be as effective in law as if it had been made under powers conferred by or under the scheme; and such an order may be made and complied with in relation to a scheme—
- (a) notwithstanding any enactment or rule of law, or any rule of the scheme, which would otherwise operate to prevent the modification being made;
  - (b) without regard to any such enactment, rule of law or rule of the scheme as would otherwise require, or might otherwise be taken to require, the implementation of any procedure, or of the obtaining of any consent, with a view to the making of the modification.
- (10) An order of the Board under subsection (7)(a) above may require persons to exercise a power retrospectively (whether or not the power could otherwise be so exercised),



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and an order under subsection (7)(b) or (c) above may operate retrospectively; and in this subsection “retrospectively” means with effect from the date before that on which the power is exercised or, as the case may be, the order is made, not being in either case a date earlier than the coming into operation of this section.

[<sup>F8</sup>(10A) This section does not apply in relation to any pension payable under the Judicial Pensions Act 1981 or the Sheriffs’ Pensions (Scotland) Act 1961.]

(11) In section 64(3) of the <sup>M11</sup>Social Security Act 1973 (modification and winding up by order of Occupational Pensions Board) the following paragraph shall be inserted after paragraph (f)—

“(g) to comply with the voluntary contributions requirements specified in subsection (1) of section 12 of the Social Security Act 1986, but without prejudice to anything in subsections (2) to (10) of that section.”.

#### Textual Amendments

**F8** S. 12(10A) inserted (*prosp.*) by 1990 c. 41, s. 82(2)

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

**C5** The text of ss. 9(1)–(3)(7)–(9), 10, 11, 12(11) 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.

#### Marginal Citations

**M11** 1973 c. 38.

### 13 Regulations as to form and content of advertisements.

Regulations may be made relating to the form and content of advertisements and such other material as may be prescribed issued by or on behalf of the trustees or managers of a personal or occupational pension scheme for the purposes of the scheme.

### 14 Information.

Regulations may require the furnishing by prescribed persons to the Secretary of State or the Occupational Pensions Board of such information as he or they require for the purposes of the preceding provisions of this Part of this Act.

### 15 Terms of contracts of service or schemes restricting choice to be void.

(1) Subject to such exceptions as may be prescribed—

- (a) any term of a contract of a service (whenever made) or any rule of a personal or occupational pension scheme to the effect that an employed earner must be a member of a personal or occupational pension scheme, of a particular personal or occupational pension scheme or of one or other of a number of particular personal or occupational pension schemes shall be void; and
- (b) any such term or rule to the effect that contributions shall be paid by or in respect of an employed earner to a particular personal or occupational pension scheme of which the earner is not a member, or to one or other of a number of personal or occupational pension schemes of none of which he is a member,

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shall be unenforceable for so long as he is not a member of the scheme or any of the schemes.

- (2) Subsection (1) above shall not be construed so as to have the effect that an employer is required, when he would not otherwise be—
- (a) to make contributions to a personal or occupational pension scheme; or
  - (b) to increase an employed earner's pay in lieu of making contributions to a personal or occupational pension scheme.

## 16 Actuarial tables.

- (1) Regulations prescribing actuarial tables for the purposes of any of the provisions to which this section applies—
- (a) shall be made only after consultation with the Government Actuary; and
  - (b) shall not be made unless a draft of them has been laid before Parliament and approved by a resolution of each House.
- (2) This section applies—
- (a) to sections 44, 44ZA, 44A and 45 of the <sup>M12</sup>Social Security Pensions Act 1975; and
  - (b) to section 5 above.
- (3) The tables—
- (a) shall embody whatever appears to the Secretary of State to be the best practical estimate of the average cost, expressed in actuarial terms and relative to a given period, of making such provision as is mentioned in section 44(5)(a) or (b), 44ZA(9)(b), 44A(3) or 45(2) of the Social Security Pensions Act 1975 or in section 5(10)(b) above, as the case may be; and
  - (b) shall assume for any period an average yield on investments which is not less than the average increase during that period in the general level of earnings obtaining in Great Britain,
- but the regulations may provide for them to be adjusted according to whatever is from time to time the actual yield on prescribed investments or the average yield, as shown in prescribed published indices, on prescribed classes of investments.
- (4) The Secretary of State may from time to time, and shall when required by subsection (6) below, lay before each House of Parliament—
- (a) a report by the Government Actuary [<sup>F9</sup>or the Deputy Government Actuary] on any changes in the factors affecting any of the actuarial tables prescribed for the purposes of any of the provisions to which this section applies (including changes affecting adjustments under the regulations); and
  - (b) a report by the Secretary of State stating whether he considers that the regulations ought to be altered in view of the Government Actuary's report and, if so, what alterations he proposes.
- (5) The changes referred to in subsection (4)(a) above are, in the case of the first report under that paragraph, changes since the last report under section 46(3)(a) of the <sup>M13</sup>Social Security Pensions Act 1975 and, in the case of a subsequent report under this section, changes since the preparation of the last such report.
- (6) The Secretary of State shall lay the first report under this section not later than 6th April 1987 and subsequent reports at intervals of not more than five years.

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- (7) If in a report under this section the Secretary of State proposes alterations in the regulations, he shall prepare and lay before each House of Parliament with the report draft regulations giving effect to the regulations and to be in force—
- (a) from the beginning of such tax year as may be specified in the regulations not earlier than the second tax year after that in which the regulations are made; or
  - (b) where it appears to him to be expedient for reasons of urgency, an earlier date not earlier than the date on which the regulations are made.
- (8) If the draft regulations are approved by resolution of each House, the Secretary of State shall make the regulations in the form of the draft.

#### Textual Amendments

**F9** Words inserted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2 para. 80](#)

#### Marginal Citations

**M12** 1975 c. 60.

**M13** 1975 c. 60.

## 17 General power to modify statutory provisions.

- (1) Regulations may provide that any provision which is contained in the <sup>M14</sup>Social Security Act 1973 or the Social Security Acts 1975 to 1986, other than a provision contained in this Part of this Act, and which relates to occupational pension schemes—
- (a) shall have effect in relation to personal pension schemes subject to prescribed modifications;
  - (b) shall have effect subject to such other modifications as the Secretary of State may consider necessary or expedient in consequence of this Part of this Act.
- (2) Regulations may provide that any provision contained in an Act to which this subsection applies shall have effect subject to such modifications as the Secretary of State may consider necessary or expedient in consequence of this Part of this Act or in consequence of any corresponding enactment extending to Northern Ireland.
- (3) The Acts to which subsection (2) above applies are—
- (a) the <sup>M15</sup>Fire Services Act 1947;
  - (b) the <sup>M16</sup>Sheriffs' Pensions (Scotland) Act 1961;
  - (c) the <sup>M17</sup>Superannuation Act 1972;
  - (d) the <sup>M18</sup>Parliamentary and other Pensions Act 1972;
  - <sup>F10</sup>(dd) the Water Act 1973;]
  - (e) the <sup>M19</sup>Police Pensions Act 1976;
  - (f) the <sup>M20</sup>Parliamentary Pensions Act 1978;
  - (g) the <sup>M21</sup>Judicial Pensions Act 1981.
  - <sup>F11</sup>(h) any Act which relates to the employment of persons by a harbour authority (“harbour authority” having the meaning assigned to it by section 57(1) of the Harbours Act 1964).]

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#### Textual Amendments

- F10** S. 17(3)(dd) inserted (6.4.1988) by Social Security Act 1988 (c. 7), **Sch. 4**, para. 22  
**F11** S. 17(3)(h) inserted (6.4.1988) by Social Security Act 1988 (c. 7), **Sch. 4**, para. 22

#### Marginal Citations

- M14** 1973 c. 38.  
**M15** 1947 c. 41.  
**M16** 1961 c. 42.  
**M17** 1972 c. 11.  
**M18** 1972 c. 48.  
**M19** 1976 c. 35.  
**M20** 1978 c. 56.  
**M21** 1981 c. 20.

#### [<sup>F12</sup>17A Reciprocity with other countries.

- (1) [<sup>F13</sup>Section 179 of the Social Security Administration Act 1992] (Orders in Council providing for reciprocity) shall apply as if any reference to that Act included a reference to this Part of this Act.
- (2) An order in Council made by virtue of subsection (1) above may, in particular, provide for the Secretary of State to make payments for any period beginning on or after 6th April 1987 and may make provision with respect to any matters relating to payments so made.]

#### Textual Amendments

- F12** S. 17A inserted (21.7.1989) by Social Security Act 1989 (c. 24), **Sch. 6**, para. 17  
**F13** Words substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), **Sch. 2 para. 81**

#### *State earnings-related pension scheme*

#### 18, 19. .... <sup>F14</sup>

#### Textual Amendments

- F14** 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)

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## PART II

### INCOME-RELATED BENEFITS

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

- C6** Pt. II (ss. 20-31): power to modify conferred (5.10.1999) by 1998 c. 14, s. 11(1)(3); S.I. 1999/2739, art. 2, Sch. 1 (subject to transitional provisions in Sch. 2)

#### General

- 20— ..... F15  
22.

#### Textual Amendments

- F15** 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)

#### Income support

- 23— ..... F16  
27.

#### Textual Amendments

- F16** 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)

#### Housing benefit

- 28, 29. .... F17

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**Textual Amendments**

**F17** 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\(a\)](#)

**30 Housing benefit finance.**

(1) ..... **F18**

(10) If an order made by the Secretary of State so provides—

- (a) the . . . **F19** contribution under subsection (6) above made by a local authority for any year; and
- (b) the rent allowances granted by a local authority during any year,

or such proportion of them as may be calculated in the manner specified by the order, shall not **F20** be treated for the purposes of Part VI of the Local Government, Planning and Land act 1980 (rate support grant) as relevant expenditure of the authority in relation to the year.]

(11) ..... **F18**

**Textual Amendments**

**F18** 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\(a\)](#)

**F19** Words “rate fund” repealed by [Local Government and Housing Act 1989 \(c. 42\)](#), [ss 81\(4\), 88\(3\)](#), for years beginning on or after 1.4.1990

**F20** Words substituted by para 11 of [Sch. 4](#) to [Local Government Finance Act 1987 \(c. 6\)](#)

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

**C7** [S. 30\(6\)](#) which was repealed by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 1](#), is re-enacted (1.7.1992), on consolidation, as s. 135(8) of [Social Security Administration Act 1992 \(c. 5\)](#)

**31** ..... **F21**

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

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**Textual Amendments**

**F21** 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\(a\)](#)

**PART III**

THE SOCIAL FUND

32— ..... <sup>F22</sup>  
35.

**Textual Amendments**

**F22** 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\(a\)](#)

**PART IV**

BENEFITS UNDER SOCIAL SECURITY ACT 1975

36 ..... <sup>F23</sup>

**Textual Amendments**

**F23** 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\(a\)](#)

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**37 Invalid care allowance for women.**

(1) ..... F24

(2) The <sup>M22</sup>Social Security Benefit (Dependency) Regulations 1977 shall have effect, and shall be treated as having had effect from 22nd December 1984, as if the following sub-paragraphs were substituted for sub-paragraphs (a) and (b) of paragraph 7 of Schedule 2 (increases of invalid care allowance)—

“(a) a spouse who is not engaged in any one or more employments from which the spouse’s weekly earnings exceed that amount; or

(b) some person (not being a child) who—

(i) has the care of a child or children in respect of whom the beneficiary is entitled to child benefit, being a child or children in respect of whom the beneficiary is entitled to an increase of an invalid care allowance or would be so entitled but for the provisions of any regulations for the time being in force under the Act relating to overlapping benefits;

(ii) is not undergoing imprisonment or detention in legal custody;

(iii) is not engaged in any one or more employments (other than employment by the beneficiary in caring for a child or children in respect of whom the beneficiary is entitled to child benefit) from which the person’s weekly earnings exceed that amount;

(iv) is not absent from Great Britain, except for any period during which the person is residing with the beneficiary outside Great Britain and for which the beneficiary is entitled to an invalid care allowance.”.

**Textual Amendments**

**F24** 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)

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

**C8** The text of s. 37(2) 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.

**Marginal Citations**

**M22** [S.I. 1977/343](#).



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**Textual Amendments**

**F25** 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\(a\)](#)

**39 Industrial injuries and diseases.**

Schedule 3 to this Act shall have effect in relation to Chapters IV and V of Part II of the Social Security Act 1975 and associated enactments.

**40—** ..... **F26**  
**45.**

**Textual Amendments**

**F26** 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\(a\)](#)

**PART V**

**MATERNITY PAY ETC.**

**46—** ..... **F27**  
**50.**

**Textual Amendments**

**F27** 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\(a\)](#)

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## PART VI

### COMMON PROVISIONS

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

- C9** Pt. VI (ss. 51-65): power to amend conferred (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 5, 7(2), **Sch. 3 Pt. II para. 22(3)(4)(b)**.

#### Administration

**51** ..... **F28**

#### Textual Amendments

- F28** 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)**

#### **51A Community charge benefits:administration.**

- (1) Regulations may provide as follows as regards any community charge benefit—
- (a) for requiring a claim for a benefit to be made by such person, in such manner and within such time as may be prescribed;
  - (b) for treating a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
  - (c) for permitting a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
  - (d) for permitting an award on a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable, or any right to a reduction or a consequential reduction becomes available, under the award;
  - (e) for a review of any award if those requirements are found not to have been satisfied;
  - (f) for the disallowance on any ground of a person's claim for a benefit to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
  - (g) for enabling one person to act for another in relation to a claim for a benefit and for enabling such a claim to be made and proceeded with in the name of a person who has died;

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- (h) for requiring any information or evidence needed for the determination of a claim or of any question arising in connection with a claim to be furnished by such person as may be prescribed in accordance with the regulations;
  - (i) for the time when and manner in which any benefit (or part) which takes the form of a payment is to be paid, and for the information and evidence to be furnished in connection with the payment;
  - (j) for the time when the right to make a reduction or consequential reduction may be exercised;
  - (k) for notice to be given of any change of circumstances affecting the continuance of entitlement to a benefit;
  - [<sup>F29</sup>(kk) for the day on which entitlement to a benefit is to begin or end];
    - (l) for calculating the amount of a benefit according to a prescribed scale or otherwise adjusting it so as to avoid fractional amounts or facilitate computation;
    - (m) for suspending (in whole or in part) any payment or right to make a reduction or consequential reduction, where it appears to the authority which allowed a benefit that a question arises whether the conditions for entitlement to the benefit are or were fulfilled or whether the award ought to be revised or whether an appeal ought to be brought against the award;
    - (n) for withholding in prescribed circumstances any payment or right to make a reduction or consequential reduction, and for subsequently making in prescribed circumstances any withheld payment or restoring in prescribed circumstances any right to make a reduction or consequential reduction;
    - (o) in the case of any benefit (or part) which takes the form of a payment, for payment or distribution to or among persons claiming to be entitled on the death of any person, and for dispensing with strict proof of their title;
  - [<sup>F30</sup>(oo) in the case of benefit (or part) which takes the form of a payment, for the circumstances and manner in which payment may be made to one person on behalf or another for any purpose, which may be to discharge, in whole or in part, an obligation of the person entitled to the benefit or any other person;]
    - (p) for making a payment on account of a benefit, or conferring a right to make a reduction or consequential reduction on account, where no claim has been made and it is impracticable for one to be made immediately;
    - (q) for making a payment on account of a benefit, or conferring a right to make a reduction or consequential reduction on account, where a claim has been made but it is impracticable for the claim or an appeal, reference, review or application relating to it to be determined immediately;
    - (r) for making a payment on account of a benefit, or conferring a right to make a reduction or consequential reduction on account, where an award has been made but it is impracticable to institute the benefit immediately;
    - (s) generally as to administration.
- (2) Regulations under this section may include provision that prescribed provisions shall apply instead of prescribed provisions of the 1987 Act or the 1988 Act, or that prescribed provisions of the 1987 Act or the 1988 Act shall not apply or shall apply subject to prescribed amendments or adaptations.
- (3) References in subsection (2) above to the 1987 Act or the 1988 Act include references to regulations made under the Act concerned.

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**Textual Amendments**

- F29** S. 51A(kk) inserted (21.7.1989) by Social Security Act 1989 (c. 24), **Sch. 8 para. 9(6)(a)**
- F30** S. 51A(oo) inserted (21.7.1989) by Social Security Act 1989 (c. 24), **Sch. 8 para. 9(6)(b)**

**51B Administration of benefits: general.**

- (1) Regulations may provide for a claim for one relevant benefit to be treated, either in the alternative or in addition, as a claim for any other relevant benefit that may be prescribed.
- (2) Regulations may provide for treating a payment made or right conferred by virtue of regulations under section 51(1)(t) above, or of regulations under section 51A(I)(p) to (r) above, as made or conferred on account of any relevant benefit that is subsequently awarded or paid.
- (3) For the purposes of subsections (1) and (2) above relevant benefits are—
  - (a) any benefit to which section 51 above applies, and
  - (b) any community charge benefit.

<sup>F31</sup> ..... <sup>F33</sup>  
<sup>F32</sup> **51C**

**Textual Amendments**

- F31** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F32** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F33** S. 51C repealed (1.7.1992) by Social Security (Mortgage Interest Payments) Act 1992 (c. 33), **s. 1(2)**

**52 Adjudication.**

- (1) Part I of Schedule 5 to this Act (which makes amendments of enactments relating to social security adjudications) shall have effect.
- (2) The questions to which [<sup>F34</sup>section 17(1) of the Social Security Administration Act 1992] (questions for determination by the Secretary of State) applies shall include any question specified in Part II of that Schedule.
- (3) ..... <sup>F35</sup>

**Textual Amendments**

- F34** Words substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), **Sch. 2**, para. 82
- F35** 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.

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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)

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

**C10** Pt. VI (ss. 51-65) power to amend conferred (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 5, 7(2), **Sch. 3 Pt. II para. 22(3)(4)(b)**, (with savings in Sch. 3).

53

F36

**Textual Amendments**

**F31** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8

**F32** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8

**F36** 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)

54

**Breach of regulations.**

(1) Regulations under any of the benefit Acts may provide for contravention of, or failure to comply with, any provision contained in regulations made under that Act to be an offence under that Act and for the recovery, on summary conviction of any such offence, of penalties not exceeding—

- (a) for any one offence, level 3 on the standard scale; or
- (b) for an offence of continuing any such contravention or failure after conviction, £40 for each day on which it is so continued.

(2) ..... F37

**Textual Amendments**

**F31** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8

**F32** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8

**F37** 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)

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(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)

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

**C11** Pt. VI (ss. 51-65) power to amend conferred (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 5, 7(2), **Sch. 3 Pt. II para. 22(3)(4)(b)**, (with savings in Sch. 3).

55

F38

**Textual Amendments**

**F31** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8

**F32** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8

**F38** 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)

56

**Legal proceedings.**

(1) Any person authorised by the Secretary of State in that behalf may conduct any proceedings under the benefit Acts before a magistrates’ court although not a barrister or solicitor.

(2) Notwithstanding anything in any Act—

(a) proceedings for an offence under the benefit Acts . . . <sup>F39</sup> may be begun at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to his knowledge or within a period of twelve months from the commission of the offence, whichever period last expires; . . . <sup>F39</sup>

(b) . . . <sup>F39</sup>

(3) For the purposes of subsection (2) above—

(a) a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which such evidence as is mentioned in paragraph (a) of that subsection came to his knowledge shall be conclusive evidence of that date; . . . <sup>F39</sup>

(b) . . . <sup>F39</sup>

(4) . . . <sup>F39</sup>

(5) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) to [<sup>F40</sup>(4A)] above—

(a) proceedings for an offence under the benefit Acts may, notwithstanding anything in section 331 of the <sup>M23</sup>Criminal Procedure (Scotland) Act 1975,

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be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the Lord Advocate to justify proceedings comes to his knowledge, or within the period of twelve months from the commission of the offence, whichever period last expires;

- (b) for the purposes of this subsection—
- (i) a certificate purporting to be signed by or on behalf of the Lord Advocate as to the date on which such evidence as is mentioned above came to his knowledge shall be conclusive evidence thereof;
  - (ii) subsection (3) of section 331 of the said Act of 1975 (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

#### Textual Amendments

- F39** 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)
- F40** Reference substituted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10 para. 9\(5\)](#)

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

- C12** Pt. VI (ss. 51–65) power to amend conferred (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [ss. 5, 7\(2\)](#), [Sch. 3 Pt. II para. 22\(3\)\(4\)\(b\)](#), (with savings in [Sch. 3](#)).

#### Marginal Citations

- M23** 1975 c. 21.

## 57 Offences by bodies corporate.

- (1) Where an offence under any of the benefit Acts which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### Textual Amendments

- F31** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10](#), para. 8
- F32** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10](#), para. 8

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

- C13** Pt. VI (ss. 51-65) power to amend conferred (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 5, 7(2), **Sch. 3 Pt. II para. 22(3)(4)(b)**, (with savings in Sch. 3).

58]] ..... F41

#### Textual Amendments

- F31** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8
- F32** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8
- F41** 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)

#### 59 Disclosure of information.

- (1) No obligation as to secrecy imposed by statute or otherwise on a person employed in relation to the Inland Revenue shall prevent information obtained [<sup>F42</sup>or held] in connection with the assessment or collection of income tax from being disclosed to the Secretary of State, or the Department of Health and Social Services for Northern Ireland, or to an officer of either of them authorised to receive such information in connection with the operation of any of the benefit Acts or of any corresponding enactment of Northern Ireland legislation.
- (2) In relation to persons who are carrying on or have carried on a trade, profession or vocation income from which is chargeable to tax under Case I or II of Schedule D, disclosure under subsection (1) above relating to that trade, profession or vocation shall be limited to information about the commencement or cessation of [<sup>F43</sup>and employed earners engaged in,] the trade, profession or vocation, but sufficient information may also be given to identify the persons concerned.
- (3) Subsection (1) above extends only to disclosure by or under the authority of the Commissioners of Inland Revenue; and information which is the subject of disclosure to any person by virtue of that subsection shall not be further disclosed to any other person, except where the further disclosure is made—
  - (a) to a person to whom disclosure could by virtue of this section have been made by or under the authority of the Commissioners of Inland Revenue;
  - (b) for the purposes of any proceedings (civil or criminal) in connection with the operation of any of the benefit Acts or of any corresponding Northern Ireland legislation; or
  - (c) for any purposes of [<sup>F44</sup>sections 17 to 62 of the Social Security Administration Act 1992], and any corresponding provisions of Northern Ireland legislation.



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#### Textual Amendments

- F42** Words inserted (21.7.1989) by [Social Security Act 1989 \(c. 24\), s. 20\(a\)](#)  
**F43** Words inserted (21.7.1989) by [Social Security Act 1989 \(c. 24\), s. 20\(b\)](#)  
**F44** Words substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 83](#)

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

- C14** [Pt. VI \(ss. 51-65\) power to amend conferred \(1.7.1992\) by Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 5, 7\(2\), Sch. 3 Pt. II para. 22\(3\)\(4\)\(b\)](#), (with savings in Sch. 3).

### 60 Regulations as to notification of deaths.

- (1) Regulations may provide that it shall be the duty of any of the following persons—
- (a) the Registrar General for England and Wales;
  - (b) the Registrar General of Births, Deaths and Marriages for Scotland;
  - (c) each registrar of births and deaths,
- to furnish the Secretary of State, for the purpose of his functions under the benefit Acts and the functions of the Department of Health and Social Services in Northern Ireland under any corresponding Northern Ireland legislation, with the prescribed particulars of such deaths as may be prescribed.
- (2) The regulations may make provision as to the manner in which and times at which the particulars are to be furnished.

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

- C15** [Pt. VI \(ss. 51-65\) power to amend conferred \(1.7.1992\) by Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 5, 7\(2\), Sch. 3 Pt. II para. 22\(3\)\(4\)\(b\)](#), (with savings in Sch. 3).

#### *Subordinate legislation*

### 61 Consultations on subordinate legislation.

- (1) Nothing in any enactment shall require any proposals in respect of regulations to be referred to . . . <sup>F45</sup>the Board if—
- (a) it appears to the Secretary of State that by reason of the urgency of the matter it is inexpedient so to refer them; or
  - (b) the relevant advisory body have agreed that they shall not be referred.
- (2) Where by virtue only of subsection (1)(a) above the Secretary of State makes regulations without proposals in respect of them having been referred, then, unless the relevant advisory body agree that this subsection shall not apply, he shall refer the regulations to that body as soon as practicable after making them.
- [<sup>F46</sup>(3) Where the Secretary of State has referred proposals to . . . <sup>F45</sup>the Board, he may make the proposed regulations before they have made their report, . . . <sup>F45</sup>only if after the reference it appears to him that by reason of the urgency of the matter it is expedient to do so.]

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- (4) Where by virtue of this section regulations are made before a report of the . . . <sup>F45</sup>Board has been made, the . . . <sup>F45</sup>Board shall consider them and make a report to the Secretary of State containing such recommendations with regard to the regulations as the . . . <sup>F45</sup>Board think appropriate; and a copy of any report made to the Secretary of State on the regulations shall be laid by him before each House of Parliament together, if the report contains recommendations, with a statement of the extent (if any) to which the Secretary of State proposes to give effect to the recommendations and, in so far as he does not propose to give effect to them, his reasons why not.
- [<sup>F47</sup>(5) Except to the extent that this subsection is excluded by any enactment passed after this Act, nothing in any enactment shall require the reference to . . . <sup>F45</sup>the Board of any regulations contained in either—
- (a) a statutory instrument made before the end of the period of 6 months beginning with the coming into force of the enactment under which those regulations are made; or
  - (b) a statutory instrument which—
    - (i) which states that it contains only regulations made by virtue of, or consequential upon, a specified enactment, and
    - (ii) which is made before the end of the period of 6 months beginning with the coming into force of that specified enactment.]
- (6) Nothing in any enactment shall require the reference to the Committee, the Council or the Board of regulations made by virtue of an enactment contained in an Act passed after this Act, if they are—
- (a) contained in a statutory instrument made before the end of the period of 6 months from the commencement of the enactment under which it is made; or
  - (b) contained in a statutory instrument which—
    - (i) states that it contains only provisions consequential on a specified enactment or such provisions and regulations made under that enactment; and
    - (ii) is made before the end of the period of 6 months from the commencement of that enactment,
 unless the Act containing the enactment by virtue of which the regulations are made excludes this subsection in respect of the regulations.
- (7) . . . . . <sup>F45</sup>
- (10) In this section—
- “the Board” means the Occupational Pensions Board;
  - . . . . . <sup>F45</sup>
  - . . . . . <sup>F45</sup>
- [<sup>F48</sup>“regulations” means regulations under this Act or under any other enactment, whenever passed.]

### Textual Amendments

**F45** 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.

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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)

**F46** S. 61(3) substituted (1.10.1989) by Social Security Act 1989 (c. 24), Sch. 7, para. 27

**F47** S. 61(5) substituted (21.7.1989) for subsections (5)(6) by Social Security Act 1989 (c. 24), Sch. 8, para. 12(3)

**F48** Definition added (21.7.1989) by Social Security Act 1989 (c. 24), Sch. 8, para. 12(4)

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

**C16** Pt. VI (ss. 51–65) power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5, 7(2), Sch. 3 Pt. II para. 22(3)(4)(b), (with savings in Sch. 3).

62 ..... F49

**Textual Amendments**

**F49** 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)

*General provisions as to operation of social security*

63— ..... F50  
65.

**Textual Amendments**

**F50** 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) (and s. 63 is subject to amendments by S.I. 1995/559, arts.1(d), 4(1)(4)(c), 6(1)–(4); S.I. 1998/470, arts. 1(d), 4(4)(c))

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## PART VII

### MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

#### *Miscellaneous*

**66**— ..... **F51**  
**69.**

**Textual Amendments**

**F51** 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\(a\)](#)

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

- (1) ..... **F52**
- (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.

**Textual Amendments**

**F52** 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\(a\)](#)

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

**C17** [S. 70\(2\): Child Benefit Act 1975 \(c. 61\)](#)

**71, 72.** ..... **F53**

**Textual Amendments**

**F53** [Ss. 71, 72](#) repealed (6.4.1992) by [Disability Living Allowance and Disability Working Allowance Act 1991 \(c. 21, SIF 113:1\)](#), s. 10, [Sch. 4](#)

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

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73, 74. .... F54

#### Textual Amendments

**F54** 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)

#### 75 Earnings factors.

The Social Security Acts 1975 and the <sup>M24</sup>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.

#### Marginal Citations

**M24** [1977 c. 5](#).

#### 76 Amendments relating to forfeiture of benefits.

- (1) The <sup>M25</sup>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;

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- (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.
- (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”.

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

**C18** The text of ss. 76, 77 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.

**Marginal Citations**

**M25** 1982 c. 34.

**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 <sup>M26</sup>Education Act 1980; and
- (b) after “management” in subsection (1)(a) of section 53 of the <sup>M27</sup>Education (Scotland) Act 1980.
- (2) The following subsections shall be substituted for subsections (2) and (3) of each of those sections—

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“(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.”.

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

**C19** The text of ss. 76, 77 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.

**Marginal Citations**

**M26** 1980 c. 20.

**M27** 1980 c. 44.

**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) ..... F55
- (5) ..... F56
- (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.

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### Textual Amendments

- F55** 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\(a\)](#)
- F56** [S. 79\(5\)](#) (which had disapplied Part V of this Act to serving members of H.M. forces) repealed (5.8.1990 where confinement expected on 21.10.1990 or later) by [Social Security Act 1990 \(c. 27\)](#), [Sch. 6, para. 25](#), [Sch. 7](#)

## 80 Application of Parts I and V to special cases.

- (1) Regulations may modify Parts I . . . <sup>F57</sup>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—
- employed on board any ship, vessel, hovercraft or aircraft;
  - outside Great Britain at any prescribed time or in any prescribed circumstances; or
  - in prescribed employment in connection with continental shelf operations.
- (2) Regulations under subsection (1) above may in particular provide—
- for any provision of either of those Parts of this Act to apply to any such person, notwithstanding that it would not otherwise apply;
  - for any such provision not to apply to any such person, notwithstanding that it would otherwise apply;
  - 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;
  - 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 <sup>M28</sup>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.

### Textual Amendments

- F57** 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\(a\)](#)



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**Marginal Citations**

M28 1982 c. 23.

*Northern Ireland*

81 ..... F58

**Textual Amendments**

**F58** 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)

**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) [F59 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) ..... F60

(3) A statutory instrument containing (whether alone or with other provisions)—

- (a) regulations under section 5(15)(a) above;
- (b) ..... F60

[F61(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 . . . F60 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.

**Textual Amendments**

- F59** Words substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2](#), para. 84
- F60** 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)
- F61** 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>F62.</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>M29</sup>Social Security Act 1973;
- (b) [<sup>F63</sup>the Social Security Acts 1975 to 1991];
- (c) the <sup>M30</sup>Industrial Injuries and Diseases (Old Cases) Act 1975;
- (d) the <sup>M31</sup>Child Benefit Act 1975;

“contract of service” has the same meaning as in the <sup>M32</sup>Social Security Act 1975;

..... <sup>F62.</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>F62.</sup>;  
 ..... <sup>F62.</sup>;

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..... F62,  
“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;

..... F62,  
“insurance company” has the meaning assigned to it by section 96(1) of the M33 Insurance Companies Act 1982;

..... F62,  
“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;

..... F62,  
“occupational pension scheme” has the same meaning as in section 66(1) of the M34 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;  
..... F62,

“protected rights” shall be construed in accordance with Schedule 1 to this Act;  
..... F62,  
..... F62,  
..... F62,

“regulations” means regulations made by the Secretary of State under this Act;  
..... F64,

“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;  
..... F62,  
..... F62,  
..... F62,

(2) Expressions used in Part I of this Act and in the M35 Social Security Pensions Act 1975 have the same meanings in that Part as they have in that Act.

(3) ..... F62

(4) In this Act—

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- (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.

**Textual Amendments**

- F62** 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)
- F63** Words in s. 84(1) substituted (12.2.1991) by [Statutory Sick Pay Act 1991 \(c. 3, SIF 113:1\)](#), [s. 3\(1\)\(e\)](#)
- F64** Definition repealed (11.4.1988) by [Social Security Act 1988 \(c. 7\)](#), [Sch. 5](#)

**Marginal Citations**

- M29** 1973 c. 38.  
**M30** 1975 c. 16.  
**M31** 1975 c. 61.  
**M32** 1975 c. 14.  
**M33** 1982 c. 50.  
**M34** 1975 c. 60.  
**M35** 1975 c. 60.

**85 Financial provision.**

- (1) There shall be paid out of money provided by Parliament—
  - (a) .....<sup>F65</sup>
  - (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) .....<sup>F65</sup>
  - (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) .....<sup>F65</sup>
- (4) .....<sup>F65</sup>
- (5) Subject to subsections (6) . . .<sup>F65</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.

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(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) ..... <sup>F65</sup>

(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>F65</sup>

[<sup>F66</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>F65</sup>

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

#### Textual Amendments

**F65** 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)

**F66** [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>F67</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;

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- (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.

#### **Textual Amendments**

**F67** 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;

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

*Changes to legislation: Social Security Act 1986 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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 <sup>M36</sup>Social Security Act 1975 and the reference to paragraph (b) of that subsection in section 22(2) of the <sup>M37</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>M38</sup>Social Security Pensions Act 1975 and paragraph 12 of Schedule 1A to that Act;
- (d) to section 10 of the <sup>M39</sup>Social Security Act 1980; and
- (e) to section 29 of the <sup>M40</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)**

**C20** 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**

**M36** 1975 c. 14.

**M37** 1977 c. 5.

**M38** 1975 c. 60.

**M39** 1980 c. 30.

**M40** 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>F68</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 (IB) 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 (IA)(a) above are any persons—

- (a) to whom regulations under subsection (1) above apply; or

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

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- (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—
  - (a) to regulations made by the Lord Chancellor; and
  - (b) to regulations made by the Lord Chancellor and the Secretary of State, acting jointly.

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**Textual Amendments**

**F68** 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:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

Social Security Act 1986 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.