



# Social Security Act 1986

## 1986 CHAPTER 50

### PART VII

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

##### *Miscellaneous*

66— .....<sup>F1</sup>  
69.

#### **Textual Amendments**

**F1** The following sections and schedules are repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51,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) .....<sup>F2</sup>

(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.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Part VII. (See end of Document for details)*

**Textual Amendments**

**F2** The following sections and schedules are repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); [ss. 56\(2\)\(b\)\(3\)\(b\)\(4\)–\(4B\)](#), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); [ss. 62–69, 70\(1\), 73, 74, 79\(3\)\(4\)](#); words in s. 80(1); [ss. 81, 83\(2\)\(3\)\(b\)–\(e\)](#); words in s. 83(5); words in s. 84(1); [ss. 84\(3\), 85\(1\)\(a\)–\(c\)\(f\)\(3\)\(c\)\(d\)\(4\)](#); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); [Sch. 3](#) except para. 17; [Sch.4](#); [Sch. 5 paras 2–20](#) and Pt. II paras (b) (c); [Sch. 6](#); [Sch. 7](#); [Sch. 8 paras 1–3, 5–7](#); [Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68\(2\), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103\(a\)\(b\), 104–107, 108\(a\)](#)

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

**C1** [S. 70\(2\): Child Benefit Act 1975 \(c. 61\)](#)

**71, 72.** ..... **F3**

**Textual Amendments**

**F3** [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](#)

**73, 74.** ..... **F4**

**Textual Amendments**

**F4** The following sections and schedules are repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); [ss. 56\(2\)\(b\)\(3\)\(b\)\(4\)–\(4B\)](#), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); [ss. 62–69, 70\(1\), 73, 74, 79\(3\)\(4\)](#); words in s. 80(1); [ss. 81, 83\(2\)\(3\)\(b\)–\(e\)](#); words in s. 83(5); words in s. 84(1); [ss. 84\(3\), 85\(1\)\(a\)–\(c\)\(f\)\(3\)\(c\)\(d\)\(4\)](#); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); [Sch. 3](#) except para. 17; [Sch.4](#); [Sch. 5 paras 2–20](#) and Pt. II paras (b) (c); [Sch. 6](#); [Sch. 7](#); [Sch. 8 paras 1–3, 5–7](#); [Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68\(2\), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103\(a\)\(b\), 104–107, 108\(a\)](#)

**75 Earnings factors.**

The Social Security Acts 1975 and the <sup>M1</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**

**M1** [1977 c. 5.](#)

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

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Part VII. (See end of Document for details)*

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

- (1) The <sup>M2</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;
    - (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”.

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

*Changes to legislation: There are currently no known outstanding effects  
for the Social Security Act 1986, Part VII. (See end of Document for details)*

- (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)**

- C2** 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**

- M2** 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>M3</sup>Education Act 1980; and
  - (b) after “management” in subsection (1)(a) of section 53 of the <sup>M4</sup>Education (Scotland) Act 1980.
- (2) The following subsections shall be substituted for subsections (2) and (3) of each of those sections—
- “(2) Subject to subsection (3) below, an authority must charge for anything provided by them under subsection (1)(a) above and must charge every pupil the same price for the same quantity of the same item.
- (3) In relation to a pupil whose parents are in receipt of income support or who is himself in receipt of it an authority shall so exercise the power conferred by subsection (1)(a) above as to ensure that such provision is made for him in the middle of the day as appears to the authority to be requisite and shall make that provision for him free of charge.”.

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

- C3** 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**

- M3** 1980 c. 20.  
**M4** 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—

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- (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) ..... F5
- (5) ..... F6
- (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.

### Textual Amendments

- F5** 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\(a\)](#)
- F6** [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>F7</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—
  - (a) employed on board any ship, vessel, hovercraft or aircraft;
  - (b) outside Great Britain at any prescribed time or in any prescribed circumstances; or
  - (c) in prescribed employment in connection with continental shelf operations.
- (2) Regulations under subsection (1) above may in particular provide—
  - (a) for any provision of either of those Parts of this Act to apply to any such person, notwithstanding that it would not otherwise apply;

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*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Part VII. (See end of Document for details)*

- (b) for any such provision not to apply to any such person, notwithstanding that it would otherwise apply;
  - (c) for excepting any such person from the application of any such provision where he neither is domiciled nor has a place of residence in any part of Great Britain;
  - (d) for the taking of evidence, for the purposes of the determination of any question arising under any such provision, in a country or territory outside Great Britain, by a British consular official or such other person as may be determined.
- (3) In this section “continental shelf operations” means any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the <sup>M5</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**

**F7** The following sections and schedules are repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); [ss. 56\(2\)\(b\)\(3\)\(b\)\(4\)–\(4B\)](#), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); [ss. 62–69, 70\(1\), 73, 74, 79\(3\)\(4\)](#); words in s. 80(1); [ss. 81, 83\(2\)\(3\)\(b\)–\(e\)](#); words in s. 83(5); words in s. 84(1); [ss. 84\(3\), 85\(1\)\(a\)–\(c\)\(f\)\(3\)\(c\)\(d\)\(4\)](#); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); [Sch. 3](#) except para. 17; [Sch.4](#); [Sch. 5 paras 2–20](#) and Pt. II paras (b) (c); [Sch. 6](#); [Sch. 7](#); [Sch. 8 paras 1–3, 5–7](#); [Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68\(2\), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103\(a\)\(b\), 104–107, 108\(a\)](#)

**Marginal Citations**

**M5** 1982 c. 23.

*Northern Ireland*

**81** ..... **F8**

**Textual Amendments**

**F8** 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.

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

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Part VII. (See end of Document for details)*

## Supplementary

### 83 Orders and regulations (general provisions).

- (1) [<sup>F9</sup>Section 61B(1) to (4) of the Social Security Pensions Act 1975] (extent of powers) shall apply to powers conferred by this Act to make regulations or orders as they apply to any power to make regulations or orders conferred by that Act but as if for references to that Act there were substituted references to this Act.
- (2) ..... <sup>F10</sup>
- (3) A statutory instrument containing (whether alone or with other provisions)—
  - (a) regulations under section 5(15)(a) above;
  - (b) ..... <sup>F10</sup>
- [<sup>F11</sup>(4) A statutory instrument—
  - (a) which contains (whether alone or with other provisions) orders or regulations under this Act, other than orders under section 88 below, and
  - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (5) An order under section . . . <sup>F10</sup> 85 below shall not be made without the consent of the Treasury.
- (6) A power conferred by this Act to make any regulations or order, where the power is not expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.

#### Textual Amendments

- F9** Words substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 84](#)
- F10** 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\(a\)](#)
- F11** [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>F12</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—

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

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Part VII. (See end of Document for details)*

- (a) the <sup>M6</sup>Social Security Act 1973;
- (b) [<sup>F13</sup>the Social Security Acts 1975 to 1991];
- (c) the <sup>M7</sup>Industrial Injuries and Diseases (Old Cases) Act 1975;
- (d) the <sup>M8</sup>Child Benefit Act 1975;
  - “contract of service” has the same meaning as in the <sup>M9</sup>Social Security Act 1975;
  - ..... <sup>F12</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>F12</sup>;
  - ..... <sup>F12</sup>;
  - ..... <sup>F12</sup>;
  - ..... <sup>F12</sup>;
  - “Housing Revenue Account rebate”, in relation to a local authority in England and Wales, means a rent rebate for a tenant of a Housing Revenue Account dwelling of that authority;
  - ..... <sup>F12</sup>;
  - “insurance company” has the meaning assigned to it by section 96(1) of the <sup>M10</sup>Insurance Companies Act 1982;
  - ..... <sup>F12</sup>;
  - ..... <sup>F12</sup>;
  - “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;
  - ..... <sup>F12</sup>;
  - “occupational pension scheme” has the same meaning as in section 66(1) of the <sup>M11</sup>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



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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;

..... F12,  
.....

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

..... F12,  
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..... F12,  
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..... F12,  
.....

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

..... F14,  
.....

“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;

..... F12,  
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..... F12,  
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..... F12,  
.....

(2) Expressions used in Part I of this Act and in the <sup>M12</sup>Social Security Pensions Act 1975 have the same meanings in that Part as they have in that Act.

(3) ..... F12

(4) In this Act—

(a) references to the United Kingdom include references to the territorial waters of the United Kingdom; and

(b) references to Great Britain include references to the territorial waters of the United Kingdom adjacent to Great Britain.

### Textual Amendments

**F12** 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\(a\)](#)

**F13** Words in s. 84(1) substituted (12.2.1991) by [Statutory Sick Pay Act 1991 \(c. 3, SIF 113:1\)](#), [s. 3\(1\)\(e\)](#)

**F14** Definition repealed (11.4.1988) by [Social Security Act 1988 \(c. 7\)](#), [Sch. 5](#)

### Marginal Citations

**M6** 1973 c. 38.

**M7** 1975 c. 16.

**M8** 1975 c. 61.

**M9** 1975 c. 14.

**M10** 1982 c. 50.

**M11** 1975 c. 60.

**M12** 1975 c. 60.

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

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Part VII. (See end of Document for details)*

## 85 Financial provision.

- (1) There shall be paid out of money provided by Parliament—
- (a) . . . . .<sup>F15</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>F15</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>F15</sup>
- (4) . . . . .<sup>F15</sup>
- (5) Subject to subsections (6) . . . .<sup>F15</sup> below, so far as it relates to payments out of money provided by Parliament, any sum recovered by the Secretary of State under or by virtue of this Act shall be paid into the Consolidated Fund.
- (6) So far as any such sum relates to a payment out of the National Insurance Fund, it shall be paid into that Fund.
- (7) . . . . .<sup>F15</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>F15</sup>
- [<sup>F16</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>F15</sup>
- (13) In this section “Act” includes an Act of the Parliament of Northern Ireland.

### 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)

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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)

**F16** 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>F17</sup>section 17(1) and (2)] above, so far as relating to Acts which extend to Northern Ireland;
  - (b) section 61 above;
  - (c) section 66 above, so far as relating to paragraph 3(6) of Schedule 6;
  - (d) section 81 above;
  - (e) sections 83 to 86 above;
  - (f) this section;
  - (g) sections 88 to 90 below.
- (2) Section 82 above (with Schedule 9) extends to Northern Ireland only.
- (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**

**F17** 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.

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- (3) Without prejudice to the generality of subsection (1) above, different days may be appointed under that subsection for the purposes of Part III of this Act in relation to different descriptions of persons, and those descriptions of persons may be determined by any criteria that appear to the Secretary of State to be appropriate.
- (4) If an order under subsection (1) above brings paragraph 8 of Schedule 3 to this Act into force on the same day as section 36 above, the former shall be deemed to have come into force immediately before the latter.
- (5) The following provisions of this Act—  
section 30(4), (8), (9) and (10);  
section 37;  
section 38(4);  
section 45;  
section 61;  
sections 63 and 64;  
section 70;  
section 71(4) and (5);  
section 72;  
section 74;  
section 76;  
section 81;  
section 83 to 85;  
section 86(1) so far as relating to paragraphs 2, 22, 23(3), 26(1) and (2), 27, 30(b), (c) and (d)(ii), 82, 86, 94(a), 98, 99, 106 and 107 of Schedule 10;  
section 86(2) so far as relating—  
(a) to section 37(3) of the <sup>M13</sup>Social Security Act 1975 and the reference to paragraph (b) of that subsection in section 22(2) of the <sup>M14</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>M15</sup>Social Security Pensions Act 1975 and paragraph 12 of Schedule 1A to that Act;  
(d) to section 10 of the <sup>M16</sup>Social Security Act 1980; and  
(e) to section 29 of the <sup>M17</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)**

**C4** 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**

**M13** 1975 c. 14.

**M14** 1977 c. 5.

**M15** 1975 c. 60.

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**M16** 1980 c. 30.

**M17** 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>F18</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
- (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.

### **Textual Amendments**

**F18** 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:**

There are currently no known outstanding effects for the Social Security Act 1986, Part VII.