



# Social Security Act 1986

## 1986 CHAPTER 50

### PART VI

#### COMMON PROVISIONS

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

- C1** 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** ..... <sup>F1</sup>

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- F1** The following sections and schedules are repealed (1.7.1992) by the [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51,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

#### **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;

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- (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;
- (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>F2</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>F3</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;

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- (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.

**Textual Amendments**

- F2** S. 51A(kk) inserted (21.7.1989) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 8 para. 9\(6\)\(a\)](#)
- F3** 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>F4</sup>  
<sup>F5</sup>51C ..... <sup>F6</sup>

**Textual Amendments**

- F4** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10](#), para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10](#), para. 8
- F6** S. 51C repealed (1.7.1992) by [Social Security \(Mortgage Interest Payments\) Act 1992 \(c. 33\)](#), [s. 1\(2\)](#)

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**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>F7</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>F8</sup>

**Textual Amendments**

- F7** Words substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), **Sch. 2**, para. 82
- 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\(a\)](#)

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

- C2** 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** ..... <sup>F9</sup>

**Textual Amendments**

- F4** [Sections 51A, 51B](#) inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8
- F5** [Sections 51A, 51B](#) inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), **Sch. 10**, para. 8
- F9** 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—

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- (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) ..... F10

**Textual Amendments**

- F4** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8
- 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)

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

- C3** 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 ..... F11

**Textual Amendments**

- F4** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8
- F11** 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—

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- (a) proceedings for an offence under the benefit Acts . . . <sup>F12</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>F12</sup>
- (b) . . . . . <sup>F12</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>F12</sup>
- (b) . . . . . <sup>F12</sup>
- (4) . . . . . <sup>F12</sup>
- (5) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) to [<sup>F13</sup>(4A)] above—
- (a) proceedings for an offence under the benefit Acts may, notwithstanding anything in section 331 of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975, 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

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

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

**C4** [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

**M1** 1975 c. 21.

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

## 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

- F4** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10](#), para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10](#), para. 8

### Modifications etc. (not altering text)

- C5** 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]] ..... <sup>F14</sup>

### Textual Amendments

- F4** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10](#), para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by [Local Government Finance Act 1988 \(c. 41\)](#), [Sch. 10](#), para. 8
- 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)

## 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>F15</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.

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- (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 [F16, 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 [F17 sections 17 to 62 of the Social Security Administration Act 1992], and any corresponding provisions of Northern Ireland legislation.

#### Textual Amendments

- F15** Words inserted (21.7.1989) by [Social Security Act 1989 \(c. 24\), s. 20\(a\)](#)
- F16** Words inserted (21.7.1989) by [Social Security Act 1989 \(c. 24\), s. 20\(b\)](#)
- F17** Words substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 83](#)

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

- C6** [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)

- C7** [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).



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

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### *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>F18</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>F19</sup>(3) Where the Secretary of State has referred proposals to . . . <sup>F18</sup>the Board, he may make the proposed regulations before they have made their report, . . . <sup>F18</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.]
- (4) Where by virtue of this section regulations are made before a report of the . . . <sup>F18</sup>Board has been made, the . . . <sup>F18</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>F18</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>F20</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>F18</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,

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unless the Act containing the enactment by virtue of which the regulations are made excludes this subsection in respect of the regulations.

(7) ..... F18

(10) In this section—

“the Board” means the Occupational Pensions Board;

..... F18  
 ..... F18

[<sup>F21</sup>“regulations” means regulations under this Act or under any other enactment, whenever passed.]

**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** S. 61(3) substituted (1.10.1989) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 7, para. 27](#)
- F20** S. 61(5) substituted (21.7.1989) for subsections (5)(6) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 8, para. 12\(3\)](#)
- F21** Definition added (21.7.1989) by [Social Security Act 1989 \(c. 24\)](#), [Sch. 8, para. 12\(4\)](#)

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

- C8** 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 ..... F22

**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\(a\)](#)

*General provisions as to operation of social security*

63— ..... F23

65.

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### 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) (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))

**Status:**

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**Changes to legislation:**

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