



Social Security Act 1988

1988 CHAPTER 7

1–8^{F1} **E+W+S**

Textual Amendments

F1 Ss. 1–8, 10, 11, 17, words in s. 18(2); Sch. 1; Sch. 2 para. 1(1), Sch. 3; Sch. 4 paras. 3–20, 23–30 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6)

Earnings factors etc.

^{F2}9 **E+W+S**

Textual Amendments

F2 S. 9 repealed (7.2.1994) by 1993 c. 48, ss. 188, Sch. 5 Pt.I (with s. 6(8)); S.I. 1994/86, art. 2

10, 11.^{F3} **E+W+S**

Textual Amendments

F3 Ss. 1–8, 10, 11, 17, words in s. 18(2); Sch. 1; Sch. 2 para. 1(1), Sch. 3; Sch. 4 paras. 3–20, 23–30 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6)

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1988. (See end of Document for details)

Up-rating

12 Up-rating Orders. E+W+S

- (1) It is hereby declared that the orders to which this section applies were validly made and that the Secretary of State is under no duty to revoke them.
- (2) The orders to which this section applies are—
 - (a) the ^{M1}Social Security Benefits Up-rating (No. 2) Order 1987;
 - (b) the ^{M2}Occupational Pensions (Revaluation) Order 1987.

Marginal Citations

- M1** S.I. 1987, No. 1978.
M2 S.I. 1987, No. 1981.

Welfare foods

[^{F4}13 Benefits under schemes for improving nutrition: pregnant women, mothers and children E+W+S

- (1) Regulations may establish one or more schemes to provide benefits for prescribed descriptions of—
 - (a) pregnant women,
 - (b) mothers, and
 - (c) children,
 with a view to helping and encouraging them to have access to, and to incorporate in their diets, food of a prescribed description.
- (2) Before establishing, or varying, a scheme the Secretary of State must consult ^{F5}... the National Assembly for Wales (“the Assembly”).
- (3) A scheme may, in particular, specify requirements that must be satisfied—
 - (a) before a person may become entitled to a benefit;
 - (b) for a beneficiary to remain entitled to a continuing benefit.
- (4) A scheme may also include provision—
 - (a) for a benefit to consist of food of a prescribed description being provided by—
 - (i) a person who supplies, or arranges for the supply of, food of that description for beneficiaries under the scheme;
 - (ii) a person providing a service (such as day care) for the recipient of the benefit; or
 - (iii) a health service body;
 - (b) for the use of vouchers, or similar arrangements, in connection with the provision of benefits;
 - (c) that a person taking part in the scheme, otherwise than as a beneficiary, must be registered under the scheme;
 - (d) for the payment by the Secretary of State of sums to persons registered in accordance with a provision of a kind mentioned in paragraph (c), in respect of things provided or done by them in accordance with the scheme;

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- (e) for the making of payments to such persons entitled to receive benefits as may be determined by or under the scheme;
 - (f) for the delegation, in accordance with provisions of the scheme, of prescribed functions under the scheme;
 - (g) for the scheme, or prescribed provisions of the scheme, to be administered on behalf of the Secretary of State by such health service body, or other description of body, as may be prescribed;
 - (h) requiring prescribed categories of persons to take reasonable steps to provide—
 - (i) to a person authorised for the purpose in accordance with the scheme,
 - (ii) on production, if required, of evidence of his authority,such information or evidence as may be reasonably needed in connection with administering the scheme.
- (5) Provision of a kind mentioned in subsection (4)(h) may, in particular—
- (a) require information or evidence to be provided in a legible form;
 - (b) authorise the taking of copies or making of extracts;
 - (c) require an explanation by the information provider of anything which he has provided;
 - (d) require an information provider to state, to the best of his knowledge and belief, where information or evidence that he has failed to provide is held.
- (6) The power to prescribe descriptions of food (conferred by subsection (1)) is to be exercised, in relation to the operation of a scheme in Wales, by regulations made by the Assembly.
- (7) The Secretary of State may give such directions—
- (a) to a body administering a scheme (or part of a scheme),
 - (b) in relation to matters relating to the operation of the scheme (or that part of the scheme),
- as he considers appropriate.
- (8) The Assembly may, with the agreement of the Secretary of State, give such directions—
- (a) to a body administering a scheme (or part of a scheme),
 - (b) in relation to matters relating to the operation of the scheme (or that part of the scheme) in Wales,
- as it considers appropriate.
- (9) A scheme may direct that prescribed enactments relating to the administration of benefit under the Social Security Administration Act 1992 (c. 5) (including enactments relating to offences and criminal proceedings) are to have effect for the purpose of administering the scheme subject to such modifications (if any) as may be prescribed.
- (10) The Secretary of State may not make a statutory instrument containing the first set of regulations made under subsection (1) unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (11) In this section—
- “benefit”, in relation to a scheme, means a benefit under the scheme;
 - “children” has such meaning as may be prescribed;

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- “enactment” includes an Act of the Scottish Parliament and a provision made under an enactment;
- “food” includes vitamins, minerals and other dietary supplements;
- “health service body” has such meaning as may be prescribed;
- “information provider” means the person who is required to provide information or, where that person is a body corporate, any person who is, or at any time has been, an officer or employee of the body corporate;
- “pregnant” includes recently pregnant;
- “prescribed” means prescribed by regulations;
- “regulations”, except in subsection (6), means regulations made by the Secretary of State;
- “scheme” means a scheme made under this section;
- “women” includes persons under the age of 18.]

Subordinate Legislation Made

- P1** S. 13: for exercises of this power see Index to Government Orders.

Textual Amendments

- F4** S. 13 substituted (20.11.2003 for specified purposes, 12.8.2005 for specified purposes, 7.10.2005 for specified purposes, 27.10.2006 in so far as not already in force) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), **ss. 185(1)**, 199(1), 199(4); S.I. 2005/2278, art. 2(1)(2); S.I. 2006/2817, art. 2(a)
- F5** Words in s. 13(2) omitted (8.2.2019) by virtue of [Scotland Act 2016 \(c. 11\)](#), **ss. 27(5)**, 72(4)(b); S.I. 2018/1364, reg. 2

Modifications etc. (not altering text)

- C1** S. 13 savings for effects of 2003 c. 43, s. 185 (7.10.2005) by [The Health and Social Care \(Community Health and Standards\) Act 2003 \(Savings\) Order 2005 \(S.I. 2005/2279\)](#), arts. 1(1), 2
- C2** S. 13(1) transfer of functions (16.12.2006 for specified purposes, 29.1.2007 in so far as not already in force) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) \(No.3\) Order 2006 \(S.I. 2006/3258\)](#), art. 1(1)(3)2, **Sch.** (with art. 5)
- C3** S. 13(7) transfer of functions (16.12.2006 for specified purposes, 29.1.2007 in so far as not already in force) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) \(No.3\) Order 2006 \(S.I. 2006/3258\)](#), art. 1(1)(3)2, **Sch.** (with art. 5)

Remission of Health Service charges and payment of travelling expenses

14 National Health Service—remission of charges and payment of travelling expenses. **E+W+S**

^{F6}(1)

- (2) The following section shall be inserted after section 75 of the ^{M3}National Health Service (Scotland) Act 1978—

“75A Remission and repayment of charges and payment of travelling expenses.

- (1) Regulations may provide in relation to prescribed descriptions of persons—

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1988. (See end of Document for details)

- (a) for the remission or repayment of the whole or any part of any charges which would otherwise be payable by them in pursuance of section 69(1) above, section 70(1) above or section 71 above;
 - (b) for the payment by the Secretary of State in such cases as may be prescribed of travelling expenses (including the travelling expenses of a companion) incurred or to be incurred for the purpose of their availing themselves of any services provided under this Act; and
 - (c) where they are persons whose travelling expenses are payable by virtue of paragraph (b) above, for the payment by the Secretary of State in such cases as may be prescribed of expenses necessarily incurred by them (and by any companion whose travelling expenses are so payable) in obtaining overnight accommodation for the purpose mentioned in that paragraph.
- (2) Descriptions of persons may be prescribed for the purposes of paragraph (a), (b) or (c) of subsection (1) above by reference to any criterion and, without prejudice to the generality of this subsection, by reference to any of the following criteria—
- (a) their age;
 - (b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition;
 - (c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances;
 - (d) their receipt of benefit in money or in kind under any enactment or their entitlement to receive any such benefit;
 - (e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits; and
 - (f) the relationship, as calculated in accordance with the regulations by a prescribed person, between their resources and their requirements.
- (3) Regulations under this section may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this subsection, may direct that they shall be calculated—
- (a) by a method set out in the regulations;
 - (b) by a method described by reference to a method of calculating or estimating income or capital specified in an enactment other than this section or in an instrument made under an Act of Parliament or by reference to such a method but subject to prescribed modifications;
 - (c) by reference to an amount applicable for the purposes of a payment under an Act of Parliament or an instrument made under an Act of Parliament; or
 - (d) by reference to the person's being or having been entitled to payment under an Act of Parliament or an instrument made under an Act of Parliament.
- (4) Regulations under this section which refer to an Act of Parliament or an instrument made under an Act of Parliament may direct that the reference is to be construed as a reference to that Act or instrument—
- (a) as it has effect at the time when the regulations are made; or

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(b) both as it has effect at that time and as amended subsequently.”

Textual Amendments

F6 S. 14(1) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Modifications etc. (not altering text)

C4 The text of s. 14(1) and (2), Sch. 2 paras. 2 and 3, Sch. 4 paras. 1, 2, 21 and 22 and Sch. 5 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 1.7.1992

Marginal Citations

M3 1978 c. 29.

General and supplementary

15 Financial provision. **E+W+S**

- (1) There shall be paid out of money provided by Parliament—
 - (a) any expenses incurred under this Act by a Minister of the Crown; and
 - (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.
- (2) 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 under [^{F7}section 9] above, excluding any category of expenses which the Treasury may direct, or any enactment may require, to be excluded from the Secretary of State’s estimates under this subsection.
- (3) There shall be paid into the Consolidated Fund any increase by virtue of this Act in sums so payable by virtue of any other Acts.

Textual Amendments

F7 Words in s. 15(2) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2 para. 95](#)

[^{F8}15A. Regulations and orders etc. **E+W+S**

- (1) [^{F9}Section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992] (regulations and orders: general provisions) shall apply in relation to any power conferred by any provision of this Act to make orders or regulations under this Act as they apply in relation to any power conferred by that Act to make orders or regulations, but as if for references to that Act there were substituted references to this Act.

^{F10}(2) A statutory instrument [^{F10}made by the Secretary of State]—

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- (a) which contains (whether alone or with other provisions) any orders or regulations under this Act, other than orders under section 18 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.

^{F11}(3)]

Subordinate Legislation Made

- P2** S. 15A: s. 13(3)(4) (with s. 15A) power exercised by [S.I.1991/585](#).
- P3** S. 15A: power exercised by [S.I. 1990/2012](#).

Textual Amendments

- F8** S. 15A inserted (13.7.1990) by [Social Security Act 1990 \(c. 27\)](#), **Sch. 6 para. 8(10)**
- F9** Words in s. 15A(1) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), **Sch. 2 para. 96**
- F10** Words in s. 15A(2) inserted (20.11.2003 for specified purposes, 7.10.2005 for specified purposes, 27.10.2006 in so far as not already in force) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), **ss. 185(2)(a)**, 199(1), 199(4); [S.I. 2005/2278](#), art. 2(2); [S.I. 2006/2817](#), art. 2(a)
- F11** [S. 15A\(3\)](#) repealed (20.11.2003 for specified purposes, 7.10.2005 for specified purposes, 27.10.2006 in so far as not already in force) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), **ss. 185(2)(b)**, 199(1), 199(4), **Sch. 14 Pts. 5**; [S.I. 2005/2278](#), art. 2(2); [S.I. 2006/2817](#), art. 2(a)

16 Minor and consequential amendments and repeals. E+W+S

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect with the amendments there specified (being minor amendments and amendments consequential on the foregoing provisions of this Act).
- (2) The enactments mentioned in Schedule 5 to this Act (which include enactments already obsolete or unnecessary) are repealed to the extent specified in the third column of that Schedule.

17^{F12} U.K.

Textual Amendments

- F12** [Ss. 1–8, 10, 11, 17](#), words in s. 18(2); [Sch. 1](#); [Sch. 2 para. 1\(1\)](#), [Sch. 3](#); [Sch. 4 paras. 3–20, 23–30](#) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

18 Commencement. U.K.

- (1) The provisions of this Act to which this subsection applies shall come into force on the day this Act is passed.
- (2) Subsection (1) above applies to the following provisions of this Act—

.....^{F13},

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section 16(2), so far as it relates—

- (a) to sections 45, 45A, 46, 47B and 66 of the Social Security Act 1975;
 - (b) to Schedule 1 to the ^{M4}Social Security Act 1980; and
 - (c) to section 13(4)(a) of the ^{M5}Social Security Act 1985;
- section 17;
this section;
sections 19 and 20.

(3) Subject to subsections (1) and (2) above, this Act shall come into force on such day as the Secretary of State may by order . . . ^{F14} appoint, and different days may be appointed in pursuance of this section for different provisions or different purposes of the same provision.

(4) The Secretary of State may by regulations . . . ^{F14} make—

- (a) such transitional provision;
- (b) such consequential provision; or
- (c) such savings,

as he 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.

(5) Regulations under subsection (4) above may make modifications of any enactment contained in this or in any other Act.

(6) In subsection (5) above “modifications” includes additions, omissions and amendments.

(7) ^{F15}

Textual Amendments

F13 Ss. 1–8, 10, 11, 17, words in s. 18(2); Sch. 1; Sch. 2 para. 1(1), Sch. 3; Sch. 4 paras. 3–20, 23–30 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6)

F14 Words in s. 18(3)(4) repealed (13.7.1990) by Social Security Act 1990 (c. 27), Sch. 6 para. 8(11)(b), Sch. 7

F15 S. 18(7)(8) repealed (13.7.1990) by Social Security Act 1990 (c. 27), Sch. 6 para. 8(11)(c), Sch. 7

Modifications etc. (not altering text)

C5 Power of appointment conferred by s. 18(3) fully exercised (except as to s. 5 which has been repealed): S.I.1988/520, 1226 and 1857

Marginal Citations

M4 1980 c. 30.

M5 1985 c. 53.

19 Extent. **U.K.**

(1) Subsection (1) of section 14 above extends only to England and Wales and subsection (2) of that section extends only to Scotland.

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1988. (See end of Document for details)

- (2) Sections 17 and 20(1) of this Act and this section extend to Northern Ireland, and section 18(1) and (2) extend there so far as they relate to those provisions.
- (3) The extent of any amendment or repeal of an enactment in Schedule 4 or 5 to this Act is the same as that of the enactment amended or repealed.
- (4) Subject to the foregoing provisions of this section, this Act does not extend to Northern Ireland.

20 Citation. **U.K.**

- (1) This Act may be cited as the Social Security Act 1988.
- (2) Sections 1 to 12 above (including Schedules 1 to 3 to this Act) and sections 15 to 19 above (including Schedules 4 and 5) and this section, so far as they have effect for the purposes of sections 1 to 12 above, may be cited together with the Social Security Acts 1975 to 1986 and the ^{M6}Social Fund (Maternity and Funeral Expenses) Act 1987 as the Social Security Acts 1975 to 1988.

Marginal Citations

M6 1987 c. 7.

Changes to legislation:

There are currently no known outstanding effects for the Social Security Act 1988.