



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART XIII

GENERAL

Interpretation

172 Application of Act in relation to territorial waters

In this Act—

- (a) any reference to Great Britain includes a reference to the territorial waters of the United Kingdom adjacent to Great Britain;
- (b) any reference to the United Kingdom includes a reference to the territorial waters of the United Kingdom.

173 Age

For the purposes of this Act a person—

- (a) is over or under a particular age if he has or, as the case may be, has not attained that age; and
- (b) is between two particular ages if he has attained the first but not the second; and in Scotland (as in England and Wales) the time at which a person attains a particular age expressed in years is the commencement of the relevant anniversary of the date of his birth.

174 References to Acts

In this Act—

“the 1975 Act” means the Social Security Act 1975;

Status: This is the original version (as it was originally enacted).

“the 1986 Act” means the Social Security Act 1986;

“the Administration Act” means the Social Security Administration Act 1992;

“the Consequential Provisions Act” means the Social Security (Consequential Provisions) Act 1992;

“the Northern Ireland Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“the Old Cases Act” means the Industrial Injuries and Diseases (Old Cases) Act 1975; and

“the Pensions Act” means the Social Security Pensions Act 1975.

Subordinate legislation

175 Regulations, orders and schemes

- (1) Subject to section 145(5) above, regulations and orders under this Act shall be made by the Secretary of State.
- (2) Powers under this Act to make regulations, orders or schemes shall be exercisable by statutory instrument.
- (3) Except in the case of an order under section 145(3) above and in so far as this Act otherwise provides, any power under this Act to make regulations or an order may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

- (4) Without prejudice to any specific provision in this Act, any power conferred by this Act to make regulations or an order (other than the power conferred in section 145(3) above) includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the Secretary of State to be expedient for the purposes of the regulations or order.
- (5) Without prejudice to any specific provisions in this Act, a power conferred by any provision of this Act except—

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- (a) sections 30, 47(6), 57(9)(a) and 145(3) above and paragraph 3(9) of Schedule 7 to this Act;
 - (b) section 122(1) above in relation to the definition of “payments by way of occupational or personal pension”; and
 - (c) Part XI,
- to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- (6) Any power conferred by this Act to make orders or regulations relating to housing benefit or community charge benefits shall include power to make different provisions for different areas.
 - (7) Any power of the Secretary of State under any provision of this Act, except the provisions mentioned in subsection (5)(a) and (b) above and Part IX, 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.
 - (8) Any power under any of sections 116 to 120 above to modify provisions of this Act or the Administration Act extends also to modifying so much of any other provision of this Act or that Act as re-enacts provisions of the 1975 Act which replaced provisions of the National Insurance (Industrial Injuries) Acts 1965 to 1974.
 - (9) A power to make regulations under any of sections 116 to 120 above shall be exercisable in relation to any enactment passed after this Act which is directed to be construed as one with this Act; but this subsection applies only so far as a contrary intention is not expressed in the enactment so passed, and is without prejudice to the generality of any such direction.
 - (10) Any reference in this section or section 176 below to an order or regulations under this Act includes a reference to an order or regulations made under any provision of an enactment passed after this Act and directed to be construed as one with this Act; but this subsection applies only so far as a contrary intention is not expressed in the enactment so passed, and without prejudice to the generality of any such direction.

176 Parliamentary control

- (1) Subject to the provisions of this section, a statutory instrument containing (whether alone or with other provisions)—
 - (a) regulations made by virtue of—
 - section 11(3);
 - section 18;
 - section 19(4) to (6);
 - section 28(3);
 - section 32(2);
 - section 59(2);
 - section 104(3);
 - section 117;
 - section 118;
 - section 145;
 - section 158(2) or (3);

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- (b) regulations prescribing payments for the purposes of the definition of “payments by way of occupational or personal pension” in section 122(1) above;
 - (c) an order under—
 - section 28(2);
 - section 57(8);
 - section 148(3)(b);
 - section 157(2);
 - section 159(1),
 shall not be made unless a draft of the instrument has been laid before Parliament and been approved by a resolution of each House.
- (2) Subsection (1) above does not apply to a statutory instrument by reason only that it contains—
- (a) regulations under section 117 which the instrument states are made for the purpose of making provision consequential on the making of an order under section 141, 143, 145, 146 or 162 of the Administration Act;
 - (b) regulations under powers conferred by any provision mentioned in paragraph (a) of that subsection (other than section 158(2) or (3)) which are to be made for the purpose of consolidating regulations to be revoked in the instrument;
 - (c) regulations which, in so far as they are made under powers conferred by any provision mentioned in paragraph (a) of that subsection (other than section 145 or 158(2) or (3)), only replace provisions of previous regulations with new provisions to the same effect.
- (3) A statutory instrument—
- (a) which contains (whether alone or with other provisions) any order, regulations or scheme made under this Act by the Secretary of State, other than an order under section 145(3) above; and
 - (b) which is not subject to any requirement that a draft of the instrument shall 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.

Short title, commencement and extent

177 Short title, commencement and extent

- (1) This Act may be cited as the Social Security Contributions and Benefits Act 1992.
- (2) This Act is to be read, where appropriate, with the Administration Act and the Consequential Provisions Act.
- (3) The enactments consolidated by this Act are repealed, in consequence of the consolidation, by the Consequential Provisions Act.
- (4) Except as provided in Schedule 4 to the Consequential Provisions Act, this Act shall come into force on 1st July 1992.
- (5) The following provisions extend to Northern Ireland—

section 16 and Schedule 2;
section 116(2); and
this section.

(6) Except as provided by this section, this Act does not extend to Northern Ireland.