



Social Security Administration Act 1992

1992 CHAPTER 5

PART XVI

GENERAL

Subordinate legislation

189 Regulations and orders - general

- (1) Subject to subsection (2) below and to any other express provision of this Act, regulations and orders under this Act shall be made by the Secretary of State.
- (2) Regulations with respect to proceedings before the Commissioners (whether for the determination of any matter or for leave to appeal to or from the Commissioners) shall be made by the Lord Chancellor.
- (3) Powers under this Act to make regulations or orders are exercisable by statutory instrument.
- (4) Except in the case of regulations under section 24 or 175 above and in so far as this Act otherwise provides, any power conferred by this Act to make an Order in Council, 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;

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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 an Order in Council, 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.

- (5) Without prejudice to any specific provision in this Act, a power conferred by this Act to make an Order in Council, regulations or an order (other than the power conferred by section 24 above) includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to Her Majesty, or the authority making the regulations or order, as the case may be, to be expedient for the purposes of the Order in Council, regulations or order.
- (6) Without prejudice to any specific provisions in this Act, a power conferred by any provision of this Act, except sections 14, 24, 130 and 175, to make an Order in Council, regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- (7) 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 provision for different areas.
- (8) An order under section 135, 140, 150, 152, 165(4) or 169 above and regulations prescribing relevant benefits for the purposes of Part IV of this Act or under section 85 above shall not be made without the consent of the Treasury.
- (9) Any power of the Secretary of State under any provision of this Act, except under sections 80, 154, 175 and 178, 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.
- (10) Where the Lord Chancellor proposes to make regulations under this Act, other than under section 24 above, it shall be his duty to consult the Lord Advocate with respect to the proposal.
- (11) A power under any of sections 177 to 179 above to make provision by regulations or Order in Council for modifications or adaptations of the Contributions and Benefits Act or this Act shall be exercisable in relation to any enactment passed after this Act which is directed to be construed as one with them, except in so far as any such enactment relates to a benefit in relation to which the power is not exercisable; 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.
- (12) Any reference in this section or section 190 below to an Order in Council, or an order or regulations, under this Act includes a reference to an Order in Council, 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.

190 Parliamentary control of orders and regulations

- (1) Subject to the provisions of this section, a statutory instrument containing (whether alone or with other provisions)—
 - (a) an order under section 141, 143, 145, 146, 150, 152 or 162(7) above; or

- (b) regulations under section 102(2) or 154 above,
shall not be made unless a draft of the instrument has been laid before Parliament and
been approved by a resolution of each House of Parliament.
- (2) Subsection (1) above does not apply to a statutory instrument by reason only that it
contains regulations under section 154 above which are to be made for the purpose of
consolidating regulations to be revoked in the instrument.
- (3) A statutory instrument—
- (a) which contains (whether alone or with other provisions) orders or regulations
made under this Act by the Secretary of State; 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.
- (4) A statutory instrument—
- (a) which contains (whether alone or with other provisions) regulations made
under this Act by the Lord Chancellor; 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.

Supplementary

191 Interpretation - general

In this Act, unless the context otherwise requires—

- “the 1975 Act” means the Social Security Act 1975;
- “the 1986 Act” means the Social Security Act 1986;
- “benefit” means benefit under the Contributions and Benefits Act;
- “chargeable financial year” and “charging authority” have the same
meanings as in the Local Government Finance Act 1988;
- “Christmas bonus” means a payment under Part X of the Contributions and
Benefits Act;
- “claim” is to be construed in accordance with “claimant”;
- “claimant” (in relation to contributions under Part I and to benefit under Parts
II to IV of the Contributions and Benefits Act) means—
 - (a) a person whose right to be excepted from liability to pay, or to have his
liability deferred for, or to be credited with, a contribution, is in question;
 - (b) and includes, in relation to an award or decision a beneficiary under the
award or affected by the decision;
- “claimant” (in relation to industrial injuries benefit) means a person who has
claimed such a benefit and includes—
 - (a) an applicant for a declaration under section 44 above that an accident was
or was not an industrial accident; and
 - (b) in relation to an award or decision, a beneficiary under the award or
affected by the decision;

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“Commissioner” means the Chief Social Security Commissioner or any other Social Security Commissioner and includes a tribunal of 3 Commissioners constituted under section 57 above;

“compensation payment” and “compensator” have the meanings assigned to them respectively by sections 81 and 82 above;

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

“contribution card” has the meaning assigned to it by section 114(6) above;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;

“disablement benefit” is to be construed in accordance with section 94(2)(a) of the Contributions and Benefits Act;

“the disablement questions” is to be construed in accordance with section 45 above;

“dwelling” means any residential accommodation, whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

“5 year general qualification” is to be construed in accordance with section 71 of the Courts and Legal Services Act 1990;

“housing authority” means a local authority, a new town corporation, Scottish Homes or the Development Board for Rural Wales;

“housing benefit scheme” is to be construed in accordance with section 134(1) above;

“income-related benefit” means—

- (a) income support;
- (b) family credit;
- (c) disability working allowance;
- (d) housing benefit; and
- (e) community charge benefits;

“industrial injuries benefit” means benefit under Part V of the Contributions and Benefits Act, other than under Schedule 8;

“invalidity benefit” has the meaning assigned to it by section 20(1)(c) of that Act;

“levying authority” has the same meaning as in the Abolition of Domestic Rates Etc. (Scotland) Act 1987;

“local authority” means—

- (a) in relation to England and Wales, the council of a district or London borough, the Common Council of the City of London or the Council of the Isles of Scilly; and
- (b) in relation to Scotland, an islands or district council;

“medical examination” includes bacteriological and radiographical tests and similar investigations, and “medically examined” has a corresponding meaning;

“medical practitioner” means—

- (a) a registered medical practitioner; or
- (b) a person outside the United Kingdom who is not a registered medical practitioner, but has qualifications corresponding (in the Secretary of State’s opinion) to those of a registered medical practitioner;

“medical treatment” means medical, surgical or rehabilitative treatment (including any course of diet or other regimen), and references to a person receiving or submitting himself to medical treatment are to be construed accordingly;

“new town corporation” means—

- (a) in relation to England and Wales, a development corporation established under the New Towns Act 1981 or the Commission for the New Towns; and
- (b) in relation to Scotland, a development corporation established under the New Towns (Scotland) Act 1968;

“the Northern Ireland Department” means the Department of Health and Social Services for Northern Ireland;

“the Northern Ireland Administration Act” means the Social Security (Northern Ireland) Administration Act 1992;

“occupational pension scheme” has the same meaning as in section 66(1) of the Pensions Act;

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

“Old Cases payments” means payments under Part I of Schedule 8 to the Contributions and Benefits Act;

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

“personal pension scheme” has the meaning assigned to it by section 84(1) of the 1986 Act;

“prescribe” means prescribe by regulations;

“President” means the President of social security appeal tribunals, disability appeal tribunals and medical appeal tribunals;

“rate rebate”, “rent rebate” and “rent allowance” shall be construed in accordance with section 134 above;

“rates”, in relation to England and Wales, has the same meaning as in the General Rate Act 1967 and, in relation to Scotland, the meaning given to “rate” by section 26(2)(a) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987;

“rating authority”, in relation to England and Wales, has the same meaning as in the the General Rate Act 1967 and, in relation to Scotland, the meaning given by section 109 of the Local Government (Scotland) Act 1973;

“tax year” means the 12 months beginning with 6th April in any year;

“10 year general qualification” is to be construed in accordance with section 71 of the Courts and Legal Services Act 1990; and

“widow’s benefit” has the meaning assigned to it by section 20(1)(e) of the Contributions and Benefits Act.

192 Short title, commencement and extent

- (1) This Act may be cited as the Social Security Administration Act 1992.
- (2) This Act is to be read, where appropriate, with the Contributions and Benefits 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.

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- (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 24;
section 101;
section 170 (with Schedule 5);
section 177 (with Schedule 8); and
this section.
- (6) Except as provided by this section, this Act does not extend to Northern Ireland.