



Social Security (Recovery of Benefits) Act 1997

1997 CHAPTER 27

General

28 The Crown

This Act applies to the Crown.

29 General interpretation

In this Act—

“benefit” means any benefit under the Social Security Contributions and Benefits Act 1992, a jobseeker’s allowance or mobility allowance,

“compensation scheme for motor accidents” means any scheme or arrangement under which funds are available for the payment of compensation in respect of motor accidents caused, or alleged to have been caused, by uninsured or unidentified persons,

“listed benefit” means a benefit listed in column 2 of Schedule 2,

“payment” means payment in money or money’s worth, and related expressions are to be interpreted accordingly,

“prescribed” means prescribed by regulations, and

“regulations” means regulations made by the Secretary of State.

30 Regulations and orders

- (1) Any power under this Act to make regulations or an order is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations or an order under this Act (other than regulations under section 24 or an order under section 34) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (3) Regulations under section 20, under section 24 amending the list of benefits in column 2 of Schedule 2 or under paragraph 9 of Schedule 1 may not be made without the consent of the Treasury.
- (4) Subsections (4), (5), (6) and (9) of section 189 of the Social Security Administration Act 1992 (regulations and orders—general) apply for the purposes of this Act as they apply for the purposes of that.

31 Financial arrangements

- (1) There are to be paid out of the National Insurance Fund any expenses of the Secretary of State in making payments under section 14 or 20 to the extent that he estimates that those payments relate to sums paid out of that Fund.
- (2) There are to be paid out of money provided by Parliament—
 - (a) any expenses of the Secretary of State in making payments under section 14 or 20 to the extent that he estimates that those payments relate to sums paid out of the Consolidated Fund, and
 - (b) (subject to subsection (1)) any other expenses of the Secretary of State incurred in consequence of this Act.
- (3) Any sums paid to the Secretary of State under section 6 or 14 are to be paid—
 - (a) into the Consolidated Fund, to the extent that the Secretary of State estimates that the sums relate to payments out of money provided by Parliament, and
 - (b) into the National Insurance Fund, to the extent that he estimates that they relate to payments out of that Fund.

32 Power to make transitional, consequential etc. provisions

- (1) Regulations may make such transitional and consequential provisions, and such savings, as the Secretary of State considers necessary or expedient in preparation for, in connection with, or in consequence of—
 - (a) the coming into force of any provision of this Act, or
 - (b) the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Regulations under this section may (among other things) provide—
 - (a) for compensation payments in relation to which, by virtue of section 2, this Act does not apply to be treated as payments in relation to which this Act applies,
 - (b) for compensation payments in relation to which, by virtue of section 2, this Act applies to be treated as payments in relation to which this Act does not apply, and
 - (c) for the modification of any enactment contained in this Act or referred to in subsection (1)(b) in its application to any compensation payment.

33 Consequential amendments and repeals

- (1) Schedule 3 (which makes consequential amendments) is to have effect.
- (2) The enactments shown in Schedule 4 are repealed to the extent specified in the third column.

34 Short title, commencement and extent

- (1) This Act may be cited as the Social Security (Recovery of Benefits) Act 1997.
- (2) Sections 1 to 24, 26 to 28 and 33 are to come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different purposes.
- (3) Apart from sections 25 to 27, section 33 so far as it relates to any enactment which extends to Northern Ireland, and this section this Act does not extend to Northern Ireland.