



# Social Security Act 1998

## 1998 CHAPTER 14

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

#### 77 Pilot schemes

- (1) Any regulations to which this subsection applies may be made so as to have effect for a specified period not exceeding 12 months.
- (2) Any regulations which, by virtue of subsection (1) above, are to have effect for a limited period are referred to in this section as “a pilot scheme”.
- (3) A pilot scheme may provide that its provisions are to apply only in relation to—
  - (a) one or more specified areas or localities;
  - (b) one or more specified classes of person;
  - (c) persons selected—
    - (i) by reference to prescribed criteria; or
    - (ii) on a sampling basis.
- (4) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.
- (5) A pilot scheme (“the previous scheme”) may be replaced by a further pilot scheme making the same, or similar, provision (apart from the specified period) to that made by the previous scheme.
- (6) In so far as a pilot scheme would, apart from this subsection, have the effect of—
  - (a) treating as capable of work any person who would not otherwise be so treated; or
  - (b) reducing the total amount of benefit that would otherwise be payable to any person,it shall not apply in relation to that person.
- (7) Subsection (1) above applies to—

*Status: Point in time view as at 22/04/2011.*

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- (a) regulations made under section 171D of the Contributions and Benefits Act (incapacity for work: persons treated as incapable of work); and
  - (b) in so far as they are consequential on or supplementary to any such regulations, regulations made under any of the provisions mentioned in subsection (8) below.
- (8) The provisions are—
- (a) subsection (5)(a) of section 22 of the Contributions and Benefits Act (earnings factors);
  - (b) section 30C of that Act (incapacity benefit);
  - <sup>F1</sup>(c) . . . . .
  - (d) subsection (1)(e) of section 124 of that Act (income support) and, so far as relating to income support, subsection (1) of section 135 of that Act (the applicable amount);
  - (e) Part XIIA of that Act (incapacity for work);
  - (f) section 61A of the Administration Act and section 31 above (incapacity for work).
- (9) A statutory instrument containing (whether alone or with other provisions) a pilot scheme shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

#### **Textual Amendments**

- F1** S. 77(8)(c) repealed (3.11.2000 for specified purposes, 6.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 13 Pt. IV](#); S.I. 2000/2958, art. 2(3) (g)(4)(5) (with arts. 3, 4)

## **78 Expenditure for facilitating transfer of functions etc**

- (1) The Secretary of State and the Commissioners of Inland Revenue may incur expenditure in doing anything which in his or their opinion is appropriate for the purpose of facilitating either of the following things, namely—
- (a) the transfer to the Commissioners of such of the functions of the Secretary of State as are exercisable by the Contributions Agency; and
  - (b) the exercise by the Commissioners of those functions.
- (2) The powers conferred by subsection (1) above—
- (a) shall be exercisable whether or not Parliament has given any approval on which either of the things there mentioned depends; and
  - (b) shall be without prejudice to any power conferred otherwise than by virtue of that subsection.
- (3) Any expenditure incurred under this section shall be defrayed out of money provided by Parliament.
- (4) In its application to Northern Ireland, this section shall have effect with the following modifications, namely—
- (a) for the first reference to the Secretary of State there shall be substituted a reference to the Department of Health and Social Services for Northern Ireland;

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- (b) for the reference to such of the functions of the Secretary of State as are exercisable by the Contributions Agency there shall be substituted a reference to such of the functions of that Department as correspond to those functions; and
- (c) for the reference to money provided by Parliament there shall be substituted a reference to money appropriated by Measure of the Northern Ireland Assembly.

## 79 Regulations and orders

(1) [<sup>F2</sup>Subject to subsection (2A) below,] regulations under this Act shall be made by the Secretary of State.

[<sup>F3</sup>(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; and where the Lord Chancellor proposes to make regulations under this Act it shall be his duty to consult the Lord Advocate with respect to the proposal.]

[<sup>F4</sup>(2A) Subsection (1) has effect subject to any provision providing for regulations to be made by the Treasury or the Commissioners of Inland Revenue.]

(3) Powers under this Act to make regulations or orders are exercisable by statutory instrument.

(4) Any power conferred by this Act to make regulations or orders 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.

(5) Powers to make regulations for the purposes of any one provision of this Act are without prejudice to powers to make regulations for the purposes of any other provision.

(6) Without prejudice to any specific provision in this Act, a power conferred by this Act to make regulations includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations to be expedient for the purposes of those regulations.

(7) Without prejudice to any specific provisions in this Act, a power conferred by any provision of this Act to make regulations includes power to provide for a person to exercise a discretion in dealing with any matter.

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- (8) Any power conferred by this Act to make regulations relating to housing benefit or council tax benefit shall include power to make different provision for different areas or different authorities.

[<sup>F5</sup>(9) In this section “Commissioner” has the same meaning as in Chapter II of Part I.]

#### Textual Amendments

- F2** Words in s. 79(1) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 168(a)**
- F3** S. 79(2) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 168(b)**
- F4** S. 79(2A) inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 4 para. 13(3)**; S.I. 2003/392, art. 2
- F5** S. 79(9) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 168(b)**

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

- C1** S. 79 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), **15**
- C2** S. 79(1) modified (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), s. 20(2), **Sch. 2 para. 20(g)** (with s. 19)
- C3** S. 79(3)-(7) applied (1.11.2000 for specified purposes, 2.7.2001 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(c)(2), **Sch. 7 para. 20(3)** (with s. 83(6)); S.I. 2000/2950, art. 3(c); S.I. 2001/1252, art. 2(2)(a)(iii)
- C4** S. 79(4)-(7) applied (21.1.2005 for specified purposes, 22.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Appeal Tribunals Act 1943 \(c. 39\)](#), s. **11A(3)** (as inserted by [Armed Forces \(Pensions and Compensation\) Act 2004 \(c. 32\)](#), s. 8, Sch. 1 para. 6; S.I. 2005/116, art. 2, Sch.; S.I. 2005/356, art. 2(1)(2), Sch. 1, Sch. 2)

## 80 Parliamentary control of regulations

- (1) Subject to the provisions of this section, a statutory instrument containing (whether alone or with other provisions) regulations under—

- (a) section [<sup>F67</sup>] 12(2) or 72 above; or  
(b) [<sup>F7</sup>paragraph 12 of Schedule 1,] paragraph 9 of Schedule 2 [<sup>F8</sup>or paragraph 2 of Schedule 5] to this Act,

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) A statutory instrument—

- (a) which contains (whether alone or with other provisions) regulations made under this Act by the Secretary of State [<sup>F9</sup>, the Treasury or the Commissioners of Inland Revenue]; 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.

- [<sup>F10</sup>(3) A statutory instrument—

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- (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.

[<sup>F11</sup>(4) No order shall be made by the Lord Chancellor under section 7(6A) above unless a draft of the statutory instrument containing the order has been laid before Parliament and been approved by a resolution of each House of Parliament.]]

#### Textual Amendments

- F6** Word in s. 80(1)(a) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 169(a)**
- F7** Words in s. 80(1)(b) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 169(b)(i)**
- F8** Words in s. 80(1)(b) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 169(b)(ii)**
- F9** Words in s. 80(2) inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 4 para. 14**; [S.I. 2003/392](#), art. 2
- F10** S. 80(3)(4) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 169(c)**
- F11** S. 80(4) inserted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 29(5)**; [S.I. 2008/1653](#), art. 2(d) (with arts. 3, 4)

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

- C5** S. 80 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), **15**
- C6** S. 80(2) modified (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), s. 20(2), **Sch. 2 para. 20(h)** (with s. 19)

## 81 Reports by Secretary of State

(1) The Secretary of State shall prepare, either annually or at such times or intervals as may be prescribed, a report on the standards achieved by the Secretary of State in the making of decisions against which an appeal lies to [<sup>F12</sup>the First-tier Tribunal].

[<sup>F13</sup>(1A) In its application to decisions against which an appeal lies under the Child Support Act 1991 or regulations made under section 6(5) of the Child Maintenance and Other Payments Act 2008, subsection (1) shall have effect as if the references to the Secretary of State were references to the Child Maintenance and Enforcement Commission.]

(2) A copy of every such report shall be laid before each House of Parliament.

#### Textual Amendments

- F12** Words in s. 81(1) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 170**

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**F13** S. 81(1A) inserted (6.4.2010) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 3\(3\); S.I. 2010/697, art. 2\(b\)](#)

## 82 Financial provisions

- (1) There shall be paid out of money provided by Parliament—
- (a) any expenditure incurred by the Secretary of State or the Lord Chancellor under or by virtue of this Act; and
  - (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.
- (2) There shall be paid out of or into the Consolidated Fund any increase attributable to this Act in the sums which under any other Act are payable out of or into that Fund.

## 83 Transitory provisions

Schedule 6 to this Act (which contains transitory provisions) shall have effect.

## 84 Interpretation: general

In this Act—

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

“the Child Support Act” means the Child Support Act 1991;

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

“the Jobseekers Act” means the Jobseekers Act 1995;

“the Vaccine Damage Payments Act” means the Vaccine Damage Payments Act 1979;

“prescribe” means prescribe by regulations.

### Modifications etc. (not altering text)

**C7** S. 84 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\), regs. 1\(1\), 15](#)

## 85 Provision for Northern Ireland

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## 86 Minor and consequential amendments and repeals

- (1) The enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.
- (2) The enactments mentioned in Schedule 8 to this Act, which include some that are spent, are hereby repealed to the extent specified in the third column of that Schedule.

### Commencement Information

- I1** S. 86(1) in force at 8.9.1998 for specified purposes and 6.4.1999 for specified purposes by S.I. 1998/2209, art. 2(a)-(c), **Sch. Pts. I-III**
- I2** S. 86(1) in force at 16.11.1998 for specified purposes by S.I. 1998/2780, **art. 2(a)** (with art. 3(5))
- I3** S. 86(1) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2, **Sch.**
- I4** S. 86(1) in force at 5.4.1999 for specified purposes by S.I. 1999/1055, **art. 2(b)** (with art. 3)
- I5** S. 86(1) in force at 6.4.1999 for specified purposes by S.I. 1999/418, **art. 2(2)(3)(a)**
- I6** S. 86(1) in force at 6.4.1999 for specified purposes by S.I. 1999/526, **art. 2(3)(4)(b)**
- I7** S. 86(1) in force at 1.6.1999 for specified purposes by S.I. 1999/1510, **art. 2(e)** (with arts. 48-51)
- I8** S. 86(1) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, **art. 2(1)(a)** (with art. 5, Sch. 12)
- I9** S. 86(1) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I10** S. 86(1) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I11** S. 86(1) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I12** S. 86(1) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I13** S. 86(1) in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I14** S. 86(1) in force at 2.7.2001 for specified purposes by S.I. 2001/2316, **art. 2(a)(b)**
- I15** S. 86(2) in force at 8.9.1998 for specified purposes and 6.4.1999 for specified purposes by S.I. 1998/2209, art. 2(a)(c)(d), **Sch. Pts. I, III**
- I16** S. 86(2) in force at 5.4.1999 for specified purposes by S.I. 1999/1055, **art. 2(c)** (with art. 3)
- I17** S. 86(2) in force at 6.4.1999 for specified purposes by S.I. 1999/526, **art. 2(3)(4)(c)**
- I18** S. 86(2) in force at 6.4.1999 for specified purposes by S.I. 1999/418, **art. 2(2)(3)(b)(c)**
- I19** S. 86(2) in force at 1.6.1999 for specified purposes by S.I. 1999/1510, **art. 2(f)** (with arts. 48-51)
- I20** S. 86(2) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I21** S. 86(2) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, **art. 2(b)** (with arts. 4, 5, Sch. 14) (as amended (25.11.1999) by S.I. 1999/3178, art. 3(20), Sch. 20 para. 2(b))
- I22** S. 86(2) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I23** S. 86(2) in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I24** S. 86(2) in force at 2.7.2001 for specified purposes by S.I. 2001/2316, **art. 2(c)**

## 87 Short title, commencement and extent

- (1) This Act may be cited as the Social Security Act 1998.
- (2) This Act, except—

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- (a) sections 66, 69, 72 and 77 to 85, this section and Schedule 6 to this Act; and
- (b) subsection (1) of section 50 so far as relating to a sum which is chargeable to tax by virtue of section 313 of the Income and Corporation Taxes Act 1988, and subsections (2) to (4) of that section,

shall come into force on such day as may be appointed by order made by the Secretary of State; and different days may be appointed for different provisions and for different purposes.

- (3) An order under subsection (2) above may make such savings, or such transitional or consequential provision, as the Secretary of State considers necessary or expedient—
  - (a) in preparation for or in connection with the coming into force of any provision of this Act; or
  - (b) in connection with 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.

- (4) This Act, except—

- (a) section 2 so far as relating to war pensions;
- (b) sections 3, 15, 45 to 47, 59, 78 and 85 and this section; and
- (c) section 86 and Schedules 7 and 8 so far as relating to enactments which extend to Northern Ireland,

does not extend to Northern Ireland.

- (5) The following provisions of this Act extend to the Isle of Man, namely—

- (a) in section 4, subsections (1)(c) and (2)(c);
- (b) sections 6 and 7 and Schedule 1 so far as relating to appeals under the Vaccine Damage Payments Act;
- (c) sections 45 to 47 and this section;
- (d) paragraphs 5 to 10 of Schedule 7 and section 86(1) so far as relating to those paragraphs; and
- (e) section 86(2) and Schedule 8 so far as relating to the Vaccine Damage Payments Act.



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