



Social Security Act 1998

1998 CHAPTER 14

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

79 Regulations and orders

- (1) Subject to [^{F1}subsections (2) and (2A)] below and paragraph 6 of Schedule 4 to this Act, regulations 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; 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.
- [^{F2}(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;

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation: Social Security Act 1998, Section 79 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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.
- (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.
- (9) In this section “Commissioner” has the same meaning as in Chapter II of Part I.

Textual Amendments

- F1** Words in s. 79(1) substituted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 4 para. 13\(2\)](#); S.I. 2003/392, art. 2
- F2** 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

Modifications etc. (not altering text)

- C1** 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)
- C2** S. 79(2) functions of Lord Advocate transferred (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), arts. 1, 2(1), **Sch.**
- C3** S. 79(2) functions treated as exercisable in or as regards Scotland (30.6.1999) by [The Scotland Act 1998 \(Functions Exercisable in or as Regards Scotland\) Order 1999 \(S.I. 1999/1748\)](#), arts. 1, 3, **Sch. 1 para. 19**
- C4** S. 79(2) functions transferred in relation to Scotland (1.7.1999) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 1999 \(S.I. 1999/1750\)](#), arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, art. 3
- C5** 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)

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