

Social Security Contributions and Benefits Act 1992

CHAPTER 4

Note: The material reproduced or annotated below is limited to what is relevant to this volume, comprising ss.123, 130–137 and 172–177.

For other provisions of this Act, see volume 2.

The abridged Arrangements of Sections below lists the sections and Schedules relevant to this volume. The full Arrangement of Sections is reproduced in volume 2.

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PART VII

INCOME-RELATED BENEFITS

General

Income-related benefits

123.—(1) Prescribed schemes shall provide for the following benefits (in this Act referred to as “income-related benefits”)—

- (a) income support;
- (b) [...¹]
- (c) [...¹]
- (d) housing benefit; and
- [²(e) council tax benefit.]

(2) The Secretary of State shall make copies of schemes prescribed under subsection (1)(a), (b) or (c) above available for public inspection at local offices of the Department of Social Security at all reasonable hours without payment.

(3) Every authority granting housing benefit—

- (a) shall take such steps as appear to them appropriate for the purpose of securing that persons who may be entitled to housing benefit from the authority become aware that they may be entitled to it; and
- (b) shall make copies of the housing benefit scheme, with any modifications adopted by them under the Administration Act, available for public inspection at their principal office at all reasonable hours without payment.

¹ S. 123(1)(b) & (c) repealed (8.4.03) by the Tax Credits Act 2002 (c. 21), Sch. 6.

² S. 123(1)(e) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 1(1), for purposes of council tax benefit from 1.4.93.

- [¹(4) [²Each billing authority and in Scotland each local authority]
- (a) shall take such steps as appear to it appropriate for the purpose of securing that any person who may be entitled to council tax benefit in respect of council tax payable to the authority becomes aware that he may be entitled to it; and
 - (b) shall make copies of the council tax benefit scheme, with any modifications adopted by it under the Administration Act, available for public inspection at its principal office at all reasonable hours without payment.]

Housing benefit

Housing benefit

- 130.**—(1) A person is entitled to housing benefit if—
- (a) he is liable to make payments in respect of a dwelling in Great Britain which he occupies as his home;
 - (b) there is an appropriate maximum housing benefit in his case; and
 - (c) either—
 - (i) he has no income or his income does not exceed the applicable amount; or
 - (ii) his income exceeds that amount, but only by so much that there is an amount remaining if the deduction for which subsection (3)(b) below provides is made.

(2) In subsection (1) above “payments in respect of a dwelling” means such payments as may be prescribed, but the power to prescribe payments does not include power to prescribe

- [²(a) payments to a billing or to a local authority in Scotland in respect of council tax;
- (b) mortgage payments, or, in relation to Scotland, payments under heritable securities.]

- (3) Where a person is entitled to housing benefit, then—
- (a) if he has no income or his income does not exceed the applicable amount, the amount of the housing benefit shall be the amount which is the appropriate maximum housing benefit in his case; and
 - (b) if his income exceeds the applicable amount, the amount of the housing benefit shall be what remains after the deduction from the appropriate maximum housing benefit of prescribed percentages of the excess of his income over the applicable amount.

(4) Regulations shall prescribe the manner in which the appropriate maximum housing benefit is to be determined in any case.

(5) Regulations under subsection (4) above may provide for benefit to be limited by reference to determinations made by rent officers in exercise of functions conferred under section 121 of the Housing Act 1988 or section 70 of the Housing (Scotland) Act 1988.

1988 c. 50.
1988 c. 43.

[³**130A**—(1) For the purposes of section 130 above, the appropriate maximum housing benefit (in this section referred to as “the AMHB”) is determined in accordance with this section.

Appropriate maximum housing benefit

(2) Regulations must prescribe the manner in which the AMHB is to be determined.

(3) The regulations may provide for the AMHB to be ascertained in the prescribed manner by reference to rent officer determinations.

¹ S.123(4) substituted for s. 123(4)–(6) (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 1(2) for purposes of council tax and council tax benefit from 1.4.93.

² Words substituted in s. 123(4) & s. 130(2)(a) substituted (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 1.

³ S. 130A inserted (1.10.07 for reg. making purposes & 7.4.08 for all other purposes) by the Welfare Reform Act 2007 (c. 5), s. 30.

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Ss. 130A-130B

(4) The regulations may require an authority administering housing benefit in any prescribed case—

- (a) to apply for a rent officer determination, and
- (b) to do so within such time as may be specified in the regulations.

(5) The regulations may make provision as to the circumstances in which, for the purpose of determining the AMHB, the amount of the liability mentioned in section 130(1)(a) above must be taken to be the amount of a rent officer determination instead of the actual amount of that liability.

(6) Regulations under subsection (5) may also make provision for the liability of a person who, by virtue of regulations under section 137(2)(j) below, is treated as having a liability mentioned in section 130(1)(a) above to be the amount of a rent officer determination.

(7) A rent officer determination is a determination made by a rent officer in the exercise of functions under section 122 of the Housing Act 1996.]

Loss of housing benefit following eviction on certain grounds

[¹**130B.**—(1) If the following conditions are satisfied, then housing benefit is payable in the case of a person ("the former occupier") subject to subsection (4)—

- (a) a court makes a relevant order for possession of a dwelling occupied by him as his home;
- (b) in consequence of the order he ceases to occupy the dwelling;
- (c) either of the conditions in subsections (2) and (3) is satisfied; and
- (d) the conditions for entitlement to housing benefit are or become satisfied with respect to him.

(2) The condition in this subsection is that the former occupier fails, without good cause, to comply with a warning notice served on him by a relevant local authority in England and Wales after he has ceased to occupy the dwelling.

(3) The condition in this subsection is that—

- (a) the former occupier was, after he ceased to occupy the dwelling, required by a relevant local authority in Scotland to take specified action with the aim mentioned in subsection (10),
- (b) the former occupier was warned by the relevant local authority that if he failed to comply with the requirement the amount of housing benefit payable to him would be affected,
- (c) the former occupier fails, without good cause, to comply with the requirement, and
- (d) the relevant local authority recommends that housing benefit be payable to the former occupier subject to subsection (4).

(4) During the restriction period or such part of it as may be prescribed, one or both of the following applies—

- (a) the rate of the benefit is reduced in such a manner as may be prescribed;
- (b) the benefit is payable only if the circumstances are such as may be prescribed.

(5) The restriction period begins with the earliest date on which the conditions set out in subsections (1) to (3) are satisfied.

(6) That period stops running if the relevant local authority considers that the restriction set out in subsection (4) should no longer apply (whether because the former occupier is taking action to improve his behaviour or for any other reason), but starts running again if—

¹ Ss. 130B-130G inserted ((14.6.07) for reg. making purposes (1.11.07) for all other purposes and will cease to have effect after 31.12.2010) by the Welfare Reform Act (c. 5), s. 31.

- (a) in England and Wales, the former occupier fails to comply with a further warning notice served on him;
- (b) in Scotland, the condition in subsection (7) is satisfied.

(7) The condition is that—

- (a) the former occupier fails to comply with a further requirement such as is mentioned in paragraph (a) of subsection (3), having been warned as mentioned in paragraph (b) of that subsection, and
- (b) the relevant local authority recommends that the restriction period starts running again.

(8) The restriction period shall not include any period which falls more than five years after the date on which the order for possession was made.

(9) A former occupier may not be subject to more than one restriction period in respect of one order for possession.

(10) A relevant local authority is—

- (a) in England and Wales, a local authority within the meaning of section 1 of the Local Government Act 2000, or
- (b) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994,

which provides or may provide services to a former occupier with the aim of ending, or preventing repetition of, the conduct which may lead or has led to the making of a relevant order for possession.

(11) A warning notice is a notice in the prescribed form—

- (a) requiring the former occupier to take specified action with the aim mentioned in subsection (10),
- (b) specifying the time when, or within which, that action must be taken, and
- (c) warning the former occupier that if he fails to take the action the amount of housing benefit payable to him would be affected.

130C.—(1) In section 130B a relevant order for possession is, in England and Wales—

Relevant orders for
possession

- (a) an order made under section 84 of the Housing Act 1985 (secure tenancies) on Ground 2 set out in Schedule 2 to that Act;
- (b) an order made under section 7 of the Housing Act 1988 (assured tenancies) on Ground 14 set out in Schedule 2 to that Act;
- (c) an order made under section 98 of the Rent Act 1977 (protected or statutory tenancies) in the circumstances specified in Case 2 in Schedule 15 to that Act.

(2) In that section a relevant order for possession is, in Scotland—

- (a) an order made under section 16(2) of the Housing (Scotland) Act 2001 (secure tenancies) on one of the grounds set out in paragraphs 2 and 7 in Part 1 of Schedule 2 to that Act;
- (b) an order made in accordance with section 18 of the Housing (Scotland) Act 1988 (assured tenancies) on Ground 15 in Part 2 of Schedule 5 to that Act;
- (c) an order made in accordance with section 11 of the Rent (Scotland) Act 1984 (protected or statutory tenancies) in the circumstances specified in Case 2 in Part 1 of Schedule 2 to that Act.

(3) For the purposes of subsections (1) and (2) it does not matter whether the order is made on the grounds or in the circumstances there mentioned alone or together with other grounds or circumstances.

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Ss. 130C-130F

(4) Subsections (5) and (6) apply if the court—

- (a) stays (in Scotland, sists) or suspends the execution of a relevant order for possession, or postpones the date of possession under it, and
- (b) imposes a condition (or conditions) on that stay, sist, suspension or postponement.

(5) If a condition relates to the behaviour of a person or persons occupying the dwelling, section 130B(4) applies only if the order takes effect as a result of a breach of that condition.

(6) Section 130B(4) does not apply if the condition (or, if there is more than one, each of them) relates only to matters other than the behaviour of a person or persons occupying the dwelling.

Loss of housing benefit:
supplementary

130D.—(1) Regulations may provide that, where housing benefit has been paid subject to the restriction set out in section 130B(4), in prescribed circumstances—

- (a) the former occupier must be paid some or all of the amount of the benefit which, by virtue of that subsection, has not been payable to him, and
- (b) such other adjustments must be made as are prescribed.

(2) The Secretary of State may by order vary the definition of relevant order for possession by—

- (a) adding to or removing from it orders of a specified description;
- (b) specifying circumstances in which it includes orders of a specified description.

(3) Regulations may prescribe—

- (a) matters which are, or are not, to be taken into account in determining whether a person has, or does not have, good cause for failing to take action specified in a warning notice or failing to comply with a requirement such as is mentioned in section 130B(3)(a);
- (b) circumstances in which a person is, or is not, to be regarded as having, or not having, such good cause.

(4) Expressions used in this section and in section 130B have the meaning given in that section.

Couples

130E.—(1) This section applies where at any time the conditions for entitlement to housing benefit are satisfied with respect to a person who is a member of a couple.

(2) Where paragraphs (a) and (b) of section 130B(1) are satisfied in relation to both members of the couple (whether or not in respect of the same dwelling), then for the purposes of subsection (2) or (3) of that section, the failure by one member of the couple to comply with a warning notice or with a requirement such as is mentioned in section 130B(3)(a) must be treated also as a failure by his partner to comply with it.

(3) Where paragraph (a) of section 130B(1) is not satisfied in relation to one member of the couple, then subsection (4) of that section does not apply to his partner (even if paragraphs (a), (b) and (c) of section 130B(1) are satisfied in relation to the partner).

(4) References to a person's partner are to the other member of the couple concerned.

Information provision

130F.—(1) The Secretary of State may by regulations require—

- (a) a court which makes a relevant order for possession, or
 - (b) any other person or description of person who the Secretary of State thinks is or may be aware of the making of such an order,
- to notify him of the making of the order and to provide him with such details of matters in connection with the order as may be prescribed.

- (2) The Secretary of State may provide—
- (a) information obtained under subsection (1), or
 - (b) information which is relevant to the exercise by him of any function relating to housing benefit,
- to a relevant local authority, or a person authorised to exercise any function of such an authority relating to services mentioned in section 130B(10), for use in the provision of such services.
- (3) The Secretary of State may by regulations require—
- (a) a relevant local authority, or
 - (b) a person authorised to exercise any function of such an authority relating to services mentioned in section 130B(10),
- to supply relevant information held by the authority or other person to, or to a person providing services to, the Secretary of State for use for any purpose relating to the administration of housing benefit.
- (4) The Secretary of State may by regulations require—
- (a) an authority administering housing benefit,
 - (b) a person authorised to exercise any function of such an authority relating to such a benefit,
 - (c) a relevant local authority, or
 - (d) a person authorised to exercise any function of such an authority relating to services mentioned in section 130B(10),
- to provide relevant information held by that authority or person to an authority or person mentioned in paragraph (a) or (b) for use for any purpose relating to the administration of housing benefit.
- (5) The Secretary of State may by regulations require—
- (a) an authority administering housing benefit,
 - (b) a person authorised to exercise any function of such an authority relating to such a benefit,
 - (c) a relevant local authority, or
 - (d) a person authorised to exercise any function of such an authority relating to services mentioned in section 130B(10),
- to provide relevant information held by that authority or person to an authority or person mentioned in paragraph (c) or (d) for use in the provision of those services.
- (6) Relevant information is—
- (a) if the information is held by an authority administering housing benefit or a person authorised to exercise any function of such an authority, information which is relevant to the exercise of any function relating to housing benefit by the authority or person;
 - (b) if the information is held by a relevant local authority or a person authorised to exercise any function of such an authority, information which is relevant to the exercise of any function relating to the provision of services mentioned in section 130B(10).

(7) Information must be supplied under subsection (1), (3), (4) or (5) in such circumstances, in such manner and form, and in accordance with such requirements, as may be prescribed.

(8) "Relevant order for possession" and "relevant local authority" have the same meaning as in section 130B.

(9) Subsections (1) and (5) do not extend to Scotland.

130G.—(1) Regulations to which this section applies may be made so as to have effect for a prescribed period.

Pilot schemes relating to loss of housing benefit

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Ss. 130G-131

(2) Any regulations which, by virtue of subsection (1), have effect for a limited period are referred to in this section as a "pilot scheme".

(3) A pilot scheme may provide that it applies only in relation to—

- (a) one or more prescribed areas;
- (b) one or more prescribed classes of person;
- (c) persons selected by reference to prescribed criteria.

(4) A pilot scheme may make consequential or transitional provision.

(5) A pilot scheme ("the previous scheme") may be replaced by a further pilot scheme making the same, or similar, provision (apart from the prescribed period) to that made by the previous scheme.

(6) A pilot scheme may be amended or revoked by regulations under this section.

(7) This section applies to—

- (a) regulations made under any of sections 130B to 130F above;
- (b) regulations made under any other enactment, so far as they relate to, or are made for purposes which relate to, loss or restriction of housing benefit in pursuance of section 130B above.

(8) This section does not extend to Scotland.]

Council tax benefit.

[¹*Council tax benefit*

131.—(1) A person is entitled to council tax benefit in respect of a particular day falling after 31st March 1993 if the following are fulfilled, namely the condition set out in subsection (3) below and either—

- (a) each of the two conditions set out in subsections (4) and (5) below; or
- (b) the condition set out in subsection (6) below.

(2) Council tax benefit—

- (a) shall not be allowed to a person in respect of any day falling before the day on which his entitlement is to be regarded as commencing for that purpose by virtue of paragraph (1) of section 6(1) of the Administration Act; but
- (b) may be allowed to him in respect of not more than 6 days immediately following the day on which his period of entitlement would otherwise come to an end, if his entitlement is to be regarded by virtue of that paragraph as not having ended for that purpose.

(3) The main condition for the purposes of subsection (1) above is that the person concerned—

- (a) is for the day liable to pay council tax in respect of a dwelling of which he is a resident; and
- (b) is not a prescribed person or a person of a prescribed class.

(4) The first condition for the purposes of subsection (1)(a) above is that there is an appropriate maximum council tax benefit in the case of the person concerned.

(5) The second condition for the purposes of subsection (1)(a) above is that—

- (a) the day falls within a week in respect of which the person concerned has no income;
- (b) the day falls within a week in respect of which his income does not exceed the applicable amount; or

¹ S. 131 substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 4, for purposes of council tax and council tax benefit from 1.4.93.

- (c) neither paragraph (a) nor paragraph (b) above is fulfilled in his case but amount A exceeds amount B where—
- (i) amount A is the appropriate maximum council tax benefit in his case; and
 - (ii) amount B is a prescribed percentage of the difference between his income in respect of the week in which the day falls and the applicable amount.
- (6) The condition for the purposes of subsection (1)(b) above is that—
- (a) no other resident of the dwelling is liable to pay rent to the person concerned in respect of the dwelling; and
 - (b) there is an alternative maximum council tax benefit in the case of that person which is derived from the income or aggregate incomes of one or more residents to whom this subsection applies.
- (7) Subsection (6) above applies to any other resident of the dwelling who—
- (a) is not a person who, in accordance with Schedule 1 to the Local Government Finance Act 1992, falls to be disregarded for the purposes of discount; and
 - (b) is not a prescribed person or a person of a prescribed class.
- (8) Subject to subsection (9) below, where a person is entitled to council tax benefit in respect of a day, the amount to which he is entitled shall be—
- (a) if subsection (5)(a) or (b) above applies, the amount which is the appropriate maximum council tax benefit in his case;
 - (b) if subsection (5)(c) above applies, the amount found by deducting amount B from amount A, where “amount A” and “amount B” have the meanings given by that subsection; and
 - (c) if subsection (6) above applies, the amount which is the alternative maximum council tax benefit in his case.
- (9) Where a person is entitled to council tax benefit in respect of a day, and both subsection (5) and subsection (6) above apply, the amount to which he is entitled shall be whichever is the greater of—
- (a) the amount given by paragraph (a) or, as the case may be, paragraph (b) of subsection (8) above; and
 - (b) the amount given by paragraph (c) of that subsection.
- (10) Regulations shall prescribe the manner in which—
- (a) the appropriate maximum council tax benefit;
 - (b) the alternative maximum council tax benefit,
- are to be determined in any case.
- (11) In this section “dwelling” and “resident” have the same meaning as in Part I or II of the Local Government Finance Act 1992.]

132.—(1) As regards any case where a person is a member of a [¹couple] throughout a particular day, regulations may make such provision as the Secretary of State sees fit as to—

- (a) the entitlement of the person to [²council tax benefit] in respect of the day, and
- (b) the amount to which he is entitled.

Couples.

(2) Nothing in subsections (3) to (8) below shall prejudice the generality of subsection (1) above.

(3) The regulations may provide that prescribed provisions shall apply instead of prescribed provisions of this Part of this Act, or that prescribed provision of this Part of this Act shall not apply or shall apply subject to prescribed amendments or adaptations.

¹ Words substituted in s. 132(1) (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 45.

² Words in s. 132(1)(a) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 5(1), for purposes of council tax and council tax benefit from 1.4.93.

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Ss. 132-133

(4) The regulations may provide that, for the purpose of calculating in the case of the person concerned in matters mentioned in subsection (5) below, prescribed amounts relating to the person and his partner are to be aggregated and the aggregate is to be apportioned.

(5) The matters are income, capital, the applicable amount, [¹the appropriate maximum council tax benefit and the alternative maximum council tax benefit].

(6) The regulations say—

- (a) amend section 139(6) of the Administration Act so as to allow for disregarding the whole or part of any pension payable to the partner of the person concerned in determining the latter's income;
- (b) amend section 139(7) of that Act accordingly.

(7) The regulations may contain different provision as to the following different cases—

- (a) cases where the [¹main] condition is fulfilled on the day concerned by the person concerned but not by his partner;
- (b) cases where the [¹main] condition is fulfilled on the day concerned by the person concerned and by his partner.

(8) The regulations may include such supplementary, incidental or consequential provisions as appear to the Secretary of State to be necessary or expedient.

(9) In this section—

- (a) references to a person's partner are to the other member of the couple concerned, and
- [²(b) references to the main condition are references to the condition mentioned in section 131(3) above.]

Polygamous marriages.

133.—(1) This section applies to any cases where—

- (a) throughout a particular day a person (the person in question) is husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
- (b) either party to the marriage has for the time being any spouse additional to the other party.

(2) For the purposes of section 132 above neither party to the marriage shall be taken to be a member of a couple on the day.

¹ Words in s. 132(5) & (7) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 5(2) & (3), for purposes of council tax and council tax benefit from 1.4.93.

² Para. (b) of s. 132(9) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 5(4), for purposes of council tax and council tax benefit from 1.4.93.

(3) Regulations under this section may make such provision as the Secretary of State sees fit as to—

- (a) the entitlement of the person in question to [1]council tax benefit in respect of the day, and
- (b) the amount to which he is entitled.

(4) Without prejudice to the generality of subsection (3) above the regulations may include provision equivalent to that included under section 132 above subject to any modifications the Secretary of State sees fit.

General

134.—(1) No person shall be entitled to an income-related benefit if his capital or a prescribed part of it exceeds the prescribed amount. Exclusions from benefit.

(2) Except in prescribed circumstances the entitlement of one member of a family to any one income-related benefit excludes entitlement to that benefit for any other member for the same period.

(3) repealed by 1992 c. 14, see Annex 1, page 8.511

(4) Where the amount of any income-related benefit would be less than a prescribed amount, it shall not be payable except in prescribed circumstances.

135.—(1) The applicable amount, in relation to any income-related benefit, shall be such amount or the aggregate of such amounts as may be prescribed in relation to that benefit. The applicable amount.

(2) The power to prescribe applicable amounts conferred by subsection (1) above includes power to prescribe nil as an applicable amount.

[2(3) In prescribing, for the purposes of income support, amounts under subsection (1) above in respect of accommodation in any area for qualifying persons in cases where prescribed conditions are fulfilled, the Secretary of State shall take into account information provided by local authorities or other prescribed bodies or persons with respect to the amounts which they have agreed to pay for the provision of accommodation in relevant premises in that area.

(4) *In subsection (3) above—*

“accommodation” includes any board or care;

“local authority”—

(a) *in relation to areas in England and Wales, has the same meaning as it has in Part III of the National Assistance Act 1948; and* 1948 c. 29.

(b) *in relation to areas in Scotland, has the meaning given by section 1(2) of the Social Work (Scotland) Act 1968;* 1968 c. 49.

¹ Words in s.133(3)(a) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 6, for purposes of council tax and council tax benefit from 1.4.93.

² S.135(3) and (4) as enacted but, in consequence of para. 4 of Schedule 4 to S.S. (C.P.) Act 1992 (c. 6), not due to come into force until a day is appointed under para. 1(3)(a) *ibid*.

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“qualifying person” means any person who falls within—

- (a) subsection (1) of section 26A of the National Assistance Act 1948 (which is inserted by the National Health Service and Community Care Act 1990 and relates to persons ordinarily resident in residential care or nursing homes immediately before the commencement of that section); or 1990 c. 19.
- (b) subsection (1) of section 86A of the Social Work (Scotland) Act 1968 (the corresponding provision for Scotland), 1968 c. 49.

or who would fall within either of those subsections apart from any regulations under subsection (3) of the section in question;

“relevant premises”—

- (a) in relation to areas in England and Wales, has the meaning given by section 26A(2) of the National Assistance Act 1948; and 1948 c. 29.
- (b) in relation to areas in Scotland, has the meaning given by section 86A(2) of the Social Work (Scotland) Act 1968.]

(5) [...] the applicable amount for a severely disabled person shall include an amount in respect of his being a severely disabled person.

(6) Regulations may specify circumstances in which persons are to be treated as being or as not being severely disabled.

136.—(1) Where a person claiming an income-related benefit is a member of a family, the income and capital of any member of that family shall, except in prescribed circumstances, be treated as the income and capital of that person. Income and capital.

(2) Regulations may provide that capital not exceeding the amount prescribed under section 134(1) above but exceeding a prescribed lower amount shall be treated, to a prescribed extent, as if it were income of a prescribed amount.

(3) Income and capital shall be calculated or estimated in such manner as may be prescribed.

(4) A person’s income in respect of a week shall be calculated in accordance with prescribed rules; and the rules may provide for the calculation to be made by reference to an average over a period (which need not include the week concerned).

(5) Circumstances may be prescribed in which—

- (a) a person is treated as possessing capital or income which he does not possess;
- (b) capital or income which a person does possess is to be disregarded;
- (c) income is to be treated as capital;
- (d) capital is to be treated as income.

[²**136A.**—(1) Subsections (2) and (3) below apply in relation to housing benefit and council tax benefit in the case of any person who has attained the qualifying age for state pension credit. Effect of attaining qualifying age for state pension credit.

(2) Regulations may make provision for section 134(1) or any provision of section 136 above not to have effect in relation to those benefits in the case of any such person.

¹ Words repealed in s. 135(5) (8.4.03) by the Tax Credit Act 2002 (c. 21), Sch. 6.

² S. 136A inserted (27.1.03) for the purpose only of exercising power to make regulations by the State Pension Credit Act 2002) c. 16), Sch. 2, para. 3.

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(3) In relation to those benefits, regulations may make provision for the determination of the income and capital of any such person; and any such regulations may include provision applying (with such modifications as the Secretary of State thinks fit)–

- (a) section 5 of the State Pension Credit Act 2002 (provision for treating income of spouse as income of claimant, etc), and
- (b) section 15 of that Act (determination of income and capital for purposes of state pension credit).

(4) Regulations under subsection (3) above may also include provision–

- (a) authorising or requiring the use of any calculation or estimate of a person's income or capital made by the Secretary of State for the purposes of the State Pension Credit Act 2002; or
- (b) requiring that, if and so long as an assessed income period is in force under section 6 of that Act in respect of a person falling within subsection (1) above,–
 - (i) the assessed amount of any element of his retirement provision shall be treated as the amount of that element for the purposes of housing benefit or council tax benefit; and
 - (ii) his income shall be taken for those purposes not to include any element of retirement provision which it is taken not to include for the purposes of state pension credit by virtue of a determination under subsection (5) of section 7 of that Act.

(5) In subsection (4) above “assessed amount”, “element” and “retirement provision” have the same meaning as in the State Pension Credit Act 2002.

(6) The Secretary of State may by regulations make provision for the preceding provisions of this section to apply with modifications in cases to which section 12 of the State Pension Credit Act 2002 (polygamous marriages) applies.

(7) The provision that may be made by regulations under subsection (6) above includes any provision that may be made by regulations under section 133 above.]

Interpretation of Part VII and supplementary provisions.

137.—(1) In this Part of this Act, unless the context otherwise requires—
[¹“billing authority” has the same meaning as in Part I of the Local Government Finance Act 1992;]
“child” means a person under the age of 16;
[...²],
[³“couple” means—
(a) a man and woman who are married to each other and are members of the same household;
(b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
(c) two people of the same sex who are civil partners of each other and are members of the same household; or
(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;]

¹ Defn. of “billing authority” substituted (6.3.92) for defn. of “charging authority” in s. 137(1) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 9(a), for purposes of council tax and council tax benefit from 1.4.93.

² Defns. of “contribution period”, “the 1987 Act” and “the 1988 Act” in s. 137(1) repealed except for purposes of community charge and community charge benefits for any day before 1.4.93 (L.G.F. Act 1992 (c. 14), Sch. 9, para. 9(b) and Sch. 14).

³ In S. 137(1) defn. of “couple” inserted, words substituted in defn. of “family”, defns. of “married couple” & “unmarried couple” omitted, & SS(1A) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 46.

“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;

“family” means—

- (a) a [¹couple];
- (b) a [¹couple] and a member of the same household for whom one of them is or both are responsible and who is a child or a person of a prescribed description;
- (c) except in prescribed circumstances, a person who is not a member of [¹couple] and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

[²“income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;]

“industrial injuries scheme” means a scheme made under Schedule 8 to this Act or section 159 of the 1975 Act or under the Old Cases Act;

[...³];

[⁴“local authority” in relation to Scotland means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;]

[...¹]

“war pension scheme” means a scheme under which war pensions (as defined in section 25 of the Social Security Act 1989) are provided;

1989 c. 24.

“week”, in relation to [⁵council tax benefit], means a period of 7 days beginning with a Monday.

[²(1A) For the purposes of this Part, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]

(2) Regulations may make provision for the purposes of this Part of this Act—

- (a) as to circumstances in which a person is to be treated as being or not being in Great Britain;
- (b) continuing a person’s entitlement to benefit during periods of temporary absence from Great Britain;
- (c) as to what is or is not to be treated as remunerative work or as employment;
- [⁶(d) as to circumstances in which a person is or is not to be treated as engaged or normally engaged in remunerative work;]
- (e) as to what is or is not to be treated as relevant education;
- (f) as to circumstances in which a person is or is not to be treated as receiving relevant education;
- (g) specifying the descriptions of pension increases under war pension schemes or industrial injuries schemes that are analogous to the benefits mentioned in section 129(2)(b)(i) to (iii) above;
- (h) as to circumstances in which a person is or is not to be treated as occupying a dwelling as his home;
- (i) for treating any person who is liable to make payments in respect of a dwelling as if he were not so liable;

¹ In S. 137(1) defn. of “couple” inserted, words substituted in defn. of “family”, defns. of “married couple” & “unmarried couple” omitted, & ss. (1A) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 46.

² Defn. of “income-based jobseeker’s allowance” inserted (7.10.96) in s. 137(1) by para. 35(2) of Sch. 2 to Jobseekers Act 1995 (c. 18).

³ Defn. of “levying authority” in s. 137(1) repealed (1.4.96) by para. 174(5) of Sch. 13 to, and by Sch. 14 to, Local Government etc. (Scotland) Act 1994 (c. 39).

⁴ Defn. of “local authority” inserted (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 5, para. 1.

⁵ Words in defn. of “week” in s. 137(1) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 9(d), for purposes of council tax and council tax benefit from 1.4.93.

⁶ S.137(2)(d) substituted (7.10.96) by para. 35(3) of Sch.2 to Jobseekers Act 1995 (c. 18).

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- (j) for treating any person who is not liable to make payments in respect of a dwelling as if he were so liable;
- (k) for treating as included in a dwelling any land used for the purposes of the dwelling;
- (l) as to circumstances in which persons are to be treated as being or not being members of the same household;
- (m) as to circumstances in which one person is to be treated as responsible or not responsible for another.

PART XIII

GENERAL

Interpretation

Application of Act in relation to territorial waters.

172. 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.

Age.

173. 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.

References to Acts.

1975 c. 14.

1986 c. 50.

1992 c. 5.

1992 c. 6.

1992 c. 7.

1975 c. 16.

1993 c. 48.

174. In this Act—

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

“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 [¹Pensions Schemes Act 1993].

Subordinate legislation

Regulations, orders and schemes.

175.—(1) Subject to [²subsection (1A) below], regulations and orders under this Act shall be made by the Secretary of State.

[²(1A) Subsection (1) above has effect subject to—

- (a) any provision [...³] providing for regulations or an order to be made by the Treasury or by the Commissioners of Inland Revenue, and

¹ Words in defn. of “the Pensions Act” in s. 174 substituted (7.2.94) by Pension Schemes Act 1993 (c. 48), Sch. 8, para. 41.

² Words inserted and substituted in s. 175 (1.4.99) by Social Security Contributions (Transfer of Functions Act etc.) 1999 (c. 2) Sch. 3, para. 29.

³ Words in s. 175(1A)(a) revoked (1.4.03) by Sch. 6 to the Tax Credits Act 2002 (c. 21). *See* S.I. 2003/938 at page 3.3731 for details as to savings & transitional provisions.

(b) [...¹]

(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.

S. 175(2)–(4) above extended (18.11.94) by ss. 4(11), 7(4) and 12(3) of S.S. (Incapacity for Work) Act 1994 (c. 18).

(5) Without prejudice to any specific provisions in this Act, a power conferred by any provision of this Act except—

- (a) sections 30, 47(6), [25B(2)(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 [3council tax benefit] 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.

¹ Words in para. (b) revoked (1.4.03) by Sch. 6 to the Tax Credits Act 2002 (c. 21). See S.I. 2003/938 at page 3.3731 for details as to savings & transitional provisions.

² Ref. in s. 175(5)(a) substituted (13.4.95) by para. 36 of Sch. 1 to S.S. (Incapacity for Work) Act 1994 (c. 18).

³ Words in s. 175(6) substituted (6.3.92) by L.G.F. Act 1992 (c. 14), Sch. 9, para. 10, for purposes of council tax and council tax benefit from 1.4.93.

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(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 provisions 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.

Parliamentary control.

176.—(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);
[¹section 30DD(5)(b) or (c)]
[...²];
section 104(3);
section 117;
section 118;
section 145;
[...³];
[⁴section 171ZE(1);
section 171ZN(1).]

(b) regulations prescribing payments for the purposes of the definition of “payments by way of occupational or personal pension” in section 112(1) above;

(c) an order under–

[⁵section 25B(1)]
section 28(2);
[⁶section 35A(7)];
[...²];
[⁷section 122(8)];
section 148(3)(b);
section 157(2);
[...³];

¹ Ref. inserted in s. 176(1)(a) (3.11.00) by Welfare Reform & Pensions Act 1999 (c. 30), s. 70.

² Sec. refs. in s. 176(1)(a) and (c) repealed (13.4.95) by S.S. (Incapacity for Work) Act 1994 (c. 18), Sch. 1, para. 37 and Sch. 2.

³ Words in section 176 deleted (6.4.95) by art. 6(1)(a) of S.I. 1995/512.

⁴ Words inserted in s. 176(1)(a) (8.12.02) by the Employment Act 2002 (c. 22), Sch. 7, para. 7.

⁵ Sec. Ref. inserted (13.4.95) into s. 176(1)(c) by para. 37(b) of Sch. 1 to S.S. (Incapacity for Work) Act 1994 (c. 18).

⁶ Words inserted (12.1.00 for reg. making purposes, 2.4.00 for all other purposes) by the Welfare Reform & Pensions Act 1999 (c. 30), Sch. 8, para. 32.

⁷ Ref. inserted in s. 176(1)(c) (27.9.07) by the Pensions Act 2007 (c. 22) Sch. 1, para. 35.

[¹section 159A(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 [...²] 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 [...²]), 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, [³the Treasury or the Commissioners of Inland Revenue] 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.

[⁴(4) Subsection (3) above does not apply to a statutory instrument by reason only that it contains an order appointing the first or second appointed year [⁵or designating the flat rate introduction year] (within the meaning given by section 122(1) above).]

Short title, commencement and extent

177.—(1) This Act may be cited as the Social Security Contributions and Benefits Act 1992.

Short title,
commencement and
extent.

(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.

¹ Words inserted (10.2.94) by Statutory Sick Pay Act 1994 (c. 2), s. 3(2).

² Words in section 176(2) deleted (6.4.95) by art. 6(1)(a) of S.I. 1995/512.

³ Words inserted in s. 176(3)(a) (1.4.99) by the Social Security Contributions (Transfer of Function Act, etc.) 1999 (c. 2) Sch. 3, para. 30.

⁴ Subsection (4) inserted in s. 176 (8.1.01 for regulation or order making purposes, 25.1.01 for certain purposes in art. 2(a)(i) of S.I. 2001/153 page 1.5907, 6.4.02 for all other purposes) by the Child Support, Pensions & Social Security Act 2000 (c. 19), s. 35(15).

⁵ Words inserted in s. 176(4) (27.9.07) by the Pensions Act 2007 (c. 22), Sch. 1, para. 35.

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Annex 1

LIST OF OMISSIONS

The following provisions have been omitted from the text for the reasons stated:-

s.134(3)..... ...repealed, except for purposes of community charge benefit for any period before 1.4.93, by L. G. F. Act 1992 (c.14), Sch. 9, para. 7, and Sch.14

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Annex 1

Annex 2

This Act, a consolidating one, came into force on 1 July 1992 under s.177(4).

TABLE OF DERIVATIONS

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Annex 3

Note:

1. The following abbreviations are used in this Table:—

1975(1) =	Social Security Act 1975 (c.14)
1975(2) =	Social Security Pensions Act 1975 (c.60)
1975(3) =	Child Benefit Act 1975 (c.61)
1975 (Old Cases) =	Industrial Injuries and Diseases (Old Cases) Act 1975 (c.16)
1977 =	Social Security (Miscellaneous Provisions) Act 1977 (c.5)
1978 =	Employment Protection (Consolidation) Act 1978 (c.4)
1979 =	Social Security Act 1979 (c.18)
1980(1) =	Social Security Act 1980 (c.30)
1980(2) =	Social Security (No.2) Act 1980 (c.39)
1981(1) =	Social Security (Contributions) Act 1981 (c.1)
1981(2) =	Social Security Act 1981 (c.33)
1982(1) =	Social Security (Contributions) Act 1982 (c.2)
1982(2) =	Social Security and Housing Benefits Act 1982 (c.24)
1983 =	Health and Social Services and Social Security Adjudications Act 1983 (c.41)
1984 =	Health and Social Security Act 1984 (c.48)
1985 =	Social Security Act 1985 (c.53)
1986 =	Social Security Act 1986 (c.50)
1987 =	Social Fund (Maternity and Funeral Expenses) Act 1987 (c.7)
1988(1) =	Social Security Act 1988 (c.7)
1988(2) =	Local Government Finance Act 1988 (c.41)
1989 =	Social Security Act 1989 (c.24)
1990 =	Social Security Act 1990 (c.27)
1991(1) =	Statutory Sick Pay Act 1991 (c.3)
1991(2) =	Disability Living Allowance and Disability Working Allowance Act 1991 (c.21)
1991(3) =	Social Security (Contributions) Act 1991 (c.42)
R followed by a number =	the Law Commission recommendation of that number

SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 (c. 4)

Annex 3

2. The Table does not contain any entries in respect of section 66(2) of the Social Security Pensions Act 1975 (c.60) which provides that, with certain exceptions, that Act and the Social Security Act 1975 (c.14) shall have effect as if the provisions of the Social Security Pensions Act 1975 were contained in the Social Security Act 1975. The effect is that the general provisions of the Social Security Act 1975 apply to the provisions of the Social Security Pensions Act 1975.

3. Numerous sums specified in this Act are subject to frequent alteration by statutory instrument. There are three relevant statutory instruments in force—

- (a) The Social Security (Contributions) (Re-rating) (No. 2) Order 1991 (S.I. 1991/2909), (“the Contributions Order”);
- (b) The Social Security Benefits (Up-rating) (No. 2) Order 1991 (S.I. 1991/2910), (“the Benefits Order”);
- (c) The Statutory Sick Pay (Rate of Payment) (No. 2) Order 1991 (S.I. 1991/2911), (“the Sick Pay Order”);

The order in which the provisions amended by the Benefits Order are consolidated is not identical with the order in which they appear in the Social Security Act 1975.

4. The Table does not show the effect of transfer of functions orders.

<i>Provision</i>	<i>Derivation</i>
<i>Section 123</i>	
123(1)	1986 s.20(1); 1988(2) s.135, Sch.10, para.2(2); 1991(2) s.6(2)
(2)	1986 s.20(2); 1991(2) s.6(3); S.I.1988/1843 Sch.3, para.4(c)
(3)	1986 s.31(4)
(4) - (6)	1986 s.31G(4) - (6); 1988(2) s.135, Sch.10, para.6
<i>Sections 130-137</i>	
130(1), (2)	1986 s.20(7), (8)
(3)	1986 s.21(4), (5)
(4), (5)	1986 s.21(6); Housing (Scotland) Act 1988 (c.43) s.70(3); Housing Act 1988 (c.50) s.121(4)
131(1)	1986 s.20(8A); 1988(2) s.135, Sch.10, para.2(3)
(2)	1986 s.20(8AA); 1989 s.31(1), Sch.8, para.9(2)
(3) - (9)	1986 s.20(8B) - (8H); 1988(2) s.135, Sch.10, para.2(3)
(10), (11)	1986 s.21(5A), (5B); 1988(2) s.135, Sch.10, para.3(2)
(12)	1986 s.21(6)(c); 1988(2) s.135, Sch.10, para.3(3)
<i>Provision</i>	<i>Derivation</i>

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132	1986 s.22A; 1988(2) s.135, para.5
133(1)	1986 s.22B(1); 1988(2) s.135, Sch.10, para.5; 1989 s.31(1), Sch.8, para.9(3)
(2) - (4)	1986 s.22B(2) - (4); 1988(2) s.135, Sch.10, para.5
134(1)	1986 s.22(6)
(2)	1986 s.20(9)
(3)	1986 s.20(9A); 1988(2) s.1235, Sch.10, para.2(4)
(4)	1986 s.21(7)
135(1), (2)	1986 s.22(1), (2)
(3), (4)	1986 s.22(2A), (2B); 1990 s.9
(5)	1986 s.22(3); 1988(2) s.135, Sch.10, para.4(2)
(6)	1986 s.22(4)
136(1)	1986 s.22(5)
(2), (3)	1986 s.22(7), (8)
(4)	1986 s.22(8A); 1988(2) s.135, Sch.10, para.4(3)
(5)	1988 s.22(9)
137(1) "charging authority"	1986 s.20(11) "charging authority"; 1988(2) s.135, Sch.10, para.2(5)
"child"	1986 s.20(11) "child", 1989 s.5(1)
"contribution period"	1986 s.20(11) "contribution period"; 1988(2) s.135, Sch.10, para.2(5)
"dwelling"	1986 s.84(1) "dwelling"
"family"	1986 s.20(11) "family"
"industrial injuries scheme"	1986 s.20(11) "industrial injuries scheme"; 1991(2) s.6(6)(a)
"levying authority"	1986 s.20(11) "levying authority"; 1988(2) s.135, Sch.10, para.2(5)
"married couple"	1986 s.20(11) "married couple"
"the 1987 Act", "the 1988 Act"	Drafting
"prescribed"	1986 s.84(1) "prescribed"
"unmarried couple"	1986 s.20(11) "unmarried couple"
"war pension scheme"	1986 s.20(11) "war pension scheme"; 1991(2) s.6(6)(b)
"week"	1986 s.20(11) "week"; 1988(2) s.135, Sch.10, para.2(5)
(2)	1986 s.20(12); 1989 s.13(2); 1991(2) s.6(7)

SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 (c. 4)

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<i>Provision</i>	<i>Derivation</i>
<i>Sections 172-177</i>	
172	1982(2) ss.26(7), 44(1)(b), (c), (d), (2) (a), (b); 1986 s.84(4)
173	1975(1), s.168(1), Sch.20 “age”; 1980(1), s.18; 1980(2) s.5(6); 1991(1) s.3(1)(b)
174	Drafting
175(1)	1975(1) s.168(1), Sch.20 “regulations”; 1975(3) s.22(1)(b); 1977 s.24(1) “regulations”; 1980(2) ss.3(4), 5(3) “regulations”; 1982(2) s.47 “regulations”; 1986 s.84(1) “regulations”; 1989 s.30(1) “regulations”
(2)	1975(1) s.166(1); 1975 (Old Cases) ss.4(8), 8(1); 1975(3) s.22(2); 1977 s.24(3); 1980(2) s.7(3); 1982(2) s.45(2); 1986 s.83(1); 1989 s.29(1); 1990 s.21(1), Sch.6, paras. 8(7), 12
(3)	1975(1) ss.162, 166(2); 1975(3) s.22(6); 1977 s.24(3); 1980(2) s.7(3); 1982(2) s.45(1); 1986 s.83(1); 1989 s.29(1)
(4)	1975(1) s.166(3); 1975(3) s.22(7); 1977 s.24(3); 1980(2) s.7(3); 1982(2) s.45(1); 1986 s.83(1); 1989 ss.29(1), 31(1), Sch.8, para.10(1); R6
(5)	1975(1) s.166(3A); 1975(3) s.22(7A); 1977 s.24(3); 1986 ss.62(1), (2), 83(1); 1989 s.29(1)
(6)	1986 s.83(2); 1988(2) s.135, Sch.10, para.11(2)
(7)	1975(1) s.166(5); 1977 s.24(3); 1982(2) s.45(1); 1986 s.83(6); 1989 s.29(6); R7
(8)	1975(1) s.166(6)
(9)	1975(1) s.166(7)
(10)	1975(1) s.168(4)
176(1)	1975(1) s.167(1); 1975(2) s.62(1); 1975(3) s.22(3); 1980(2) s.5(4); 1982(2) ss.7(1B), 9(1F); 1986 ss.43(3)(b), 62(3), 67(1), 83(3)(e); 86, Sch.10, para.65; 1989 s.9(1); 1990 s.21(1), Sch.6, paras.8(2), (3), (5), 15(2); 1991(1) s.2(1); R15
(2)	1975(1) s.167(2); 1975(3) s.22(4); 1990 s.21(2), Sch.6, para.8(1), (3)

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Annex 3

<i>Provision</i>	<i>Derivation</i>
(3)	1975(1) s.167(3); 1975 (Old Cases) ss.4(8), 8(1); 1975(3) s.22(5); 1977 s.24(5); 1980(2) s.7(4); 1982(2) s.45(2); 1986 s.83(4); 1989 s.29(3); (4), (6), (7), (9), (12)
177(1)	Short title
(2)	Commencement
(3), (4)	1975(1) ss.9(3), 169(2)