



# Social Security Act 1975

## 1975 CHAPTER 14

### PART IV

#### GENERAL PROVISIONS AS TO OPERATION AND ADMINISTRATION OF THIS ACT

##### *Enforcement*

#### **147 General provisions as to prosecutions**

- (1) Proceedings in England and Wales for an offence under this Act shall not be instituted except by or with the consent of the Secretary of State or by an inspector or other officer authorised for that purpose by special or general directions of the Secretary of State.
- (2) An inspector or other officer so authorised may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court any proceedings for such an offence.
- (3) Notwithstanding any enactment prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may in England and Wales be commenced at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to his knowledge, or within the period of 12 months after the commission of the offence, whichever period last expires.
- (4) In Scotland, proceedings for an offence under this Act may be commenced at any time within the period of 3 months from the date on which evidence sufficient in the opinion of the Secretary of State to justify a report to the Lord Advocate with a view to consideration of the question of prosecution comes to the knowledge of the Secretary of State, or within the period of 12 months after the commission of the offence, whichever period last expires.

Section 23(2) of the Summary Jurisdiction (Scotland) Act 1954 (time limits) shall apply for the purposes of this subsection as it applies for the purposes of that section.

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*Status: This is the original version (as it was originally enacted). This  
item of legislation is currently only available in its original format.*

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- (5) For the purposes of subsections (3) and (4) above, a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which the evidence in question came to his knowledge is conclusive evidence of the date on which it did so.
- (6) In proceedings for an offence under this Act, the wife or husband of the accused is competent to give evidence, whether for or against the accused:
- Provided that the wife or husband is not compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.
- (7) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this subsection applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.