



# Supplementary Benefits Act 1976

## 1976 CHAPTER 71

### PART I

#### SUPPLEMENTARY BENEFITS

##### *Right to and amount of supplementary benefits*

#### **1 Right to supplementary benefits**

- (1) Subject to the provisions of this Act, every person in Great Britain of or over the age of 16 whose resources are insufficient to meet his requirements shall be entitled to benefit as follows—
  - (a) a supplementary pension if he has attained pensionable age, that is to say, in the case of a man, the age of 65 and, in the case of a woman, the age of 60; or
  - (b) a Supplementary allowance if he has not attained pensionable age;and to such benefit by way of a single payment to meet an exceptional need as may be determined under section 3 of this Act.
- (2) Where, under the provisions of this Act, the requirements and resources of any person fall to be aggregated with, and treated as, those of another person, that other person only shall be entitled to supplementary benefit.
- (3) The requirements of any person to be taken into account for the purposes of this Act do not include any medical, surgical, optical, aural or dental requirements.

#### **2 Determination of right to and amount of supplementary benefits**

- (1) Subject to section 15 of this Act (appeals), the question whether any person is entitled to supplementary benefit, and the amount of any such benefit, shall be determined by the Supplementary Benefits Commission.
- (2) Entitlement to, and the amount of, any supplementary benefit shall be determined in accordance with:—
  - (a) the provisions of this Part of this Act and Schedule 1 to this Act; and

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(b) any regulations made by the Secretary of State, with the consent of the Treasury, under this subsection.

(3) Regulations so made may vary the provisions of Part II of Schedule 1 to this Act (calculation of requirements) but shall not reduce any amount specified in those provisions.

### **3 Supplementary benefit to meet exceptional needs**

(1) Where it appears to the Commission reasonable in all the circumstances they may determine that supplementary benefit shall be paid to a person by way of a single payment to meet an exceptional need.

(2) In determining whether supplementary benefit shall be paid under this section, and the amount of any such benefit, the Commission may have regard to any resources which would otherwise fall to be disregarded under Part III of Schedule 1 to this Act (calculation of resources).

### **4 Overriding discretion in cases of urgent need**

(1) Nothing in sections 6 to 8 of this Act (persons in full-time employment, persons completing secondary education and persons affected by trade disputes), nor any determination under section 10(3) or (4) of this Act (attendance for instruction or training, or maintenance in a centre), shall prevent the payment of supplementary benefit in an urgent case.

(2) In determining whether any supplementary benefit is payable by virtue of this section, and the amount or nature of any such benefit, the Commission shall not be bound by anything in Schedule 1 to this Act, or in any regulations made under this Act, which appears to them inappropriate in the circumstances of the case.

(3) Where, by virtue only of this section, any sums are paid to a person engaged in remunerative full-time work, the Commission may determine that the whole or part of those sums shall be recoverable from him by the Secretary of State, if (they are satisfied that the circumstances are such that the recovery would be equitable.

### **5 Power to require registration for employment**

The Commission may determine that the right of any person to a supplementary allowance shall be subject to the condition that he is registered for employment in such manner as may be prescribed by regulations made by the Secretary of State under this section.

### **6 Exclusion from supplementary benefit of persons in fulltime employment**

(1) Except as provided in the following provisions of this section and in section 9(1) of this Act (supplementary benefit paid after a return to full-time employment following a trade disputes), for any period during which a person is engaged in remunerative full-time work he shall not be entitled to supplementary benefit.

(2) The Secretary of State may, by regulations made under this subsection, make provision for postponing the exclusion of persons becoming engaged in remunerative full-time work from a right to supplementary benefit under subsection (1) above for such period from the beginning of their engagement as may be specified in the regulations.

- (3) There is no exclusion from a right to supplementary benefit under subsection (1) above where the earning power of a self-employed person is, by reason of a disability, substantially reduced in comparison with that of other persons similarly occupied.

In this subsection " self-employed person" means a person engaged in any work otherwise than under a contract of service.

## **7 Exclusion from supplementary benefit of persons completing secondary education**

- (1) A person attending a school, or receiving full-time instruction of a kind given in schools, shall not be entitled to supplementary benefit; but, where it appears to the Commission that there are exceptional circumstances justifying it, they may award supplementary benefit to a person who would be entitled to it but for this section.
- (2) The Secretary of State may, by regulations made under this section, specify the circumstances in which a person is, or is not, to be treated for the purposes of this section as attending a school or receiving full-time instruction of a kind given in schools.
- (3) This section does not prejudice the amount of any supplementary benefit to which a person who is providing for the requirements of any person attending a school, or receiving full-time instruction of a kind given in schools, may be entitled.

## **8 Persons affected by trade disputes**

- (1) Subject to subsection (2) below, where a person—
- (a) is, by reason of a stoppage of work which is due to a trade dispute at his place of employment, without employment for any period during the stoppage; and
  - (b) has not during that stoppage become bona fide employed elsewhere in the occupation which he usually follows, or become regularly engaged in some other occupation;
- his requirements for that period shall be disregarded for the purposes of supplementary benefit except so far as those requirements include the requirement to provide for any other person.
- (2) Subsection (1) above does not apply in the case of a person who proves that he is not participating in or directly interested in the trade dispute which caused the stoppage of work.
- (3) Until section 111(2) of the Employment Protection Act 1975 has effect (in accordance with an order under section 129(3) of that Act), for subsection (2) above there shall be substituted the following—
- “(2) Subsection (1) above does not apply in the case of a person who proves—
- (a) that he is not participating in, or financing, or directly interested in, the trade dispute which caused the stoppage of work ; and
  - (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in, or financing, or directly interested in, the dispute.”.

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## **9 Recovery of supplementary benefit paid after return to full-time employment following trade dispute**

- (1) Where a person—
- (a) has, by reason of a stoppage of work which was due to a trade dispute at his place of employment, been without employment for any period during the stoppage ; and
  - (b) is a person whose requirements for that period (except so far as those requirements included the requirement to provide for any other person) fall to be disregarded for the purposes of supplementary benefit by virtue of section 8 of this Act (persons affected by trade disputes); and
  - (c) becomes engaged in remunerative full-time work again in consequence of the ending of the stoppage ;
- section 6 of this Act (exclusion of persons in full-time employment) shall not apply in his case until the expiration of the period of fifteen days from the beginning of the engagement mentioned in paragraph (c) above ; but subsection (2) below shall have effect in such a case.
- (2) Any sum paid to a person on an award of supplementary benefit made to him during the period of fifteen days specified in subsection (1) above by virtue of that subsection shall be recoverable from him in accordance with the provisions of Part II of Schedule 2 to this Act.
- (3) Regulations made under section 6(2) of this Act (postponement of exclusion from benefit in the case of persons becoming engaged in remunerative full-time work) shall not apply to a person to whom subsection (1) above applies as regards the engagement mentioned in paragraph (c) of that subsection.
- (4) Where, on a claim for supplementary benefit made by a person engaged in remunerative full-time work, the Commission determine that the claimant is, by virtue of subsection (1) above, entitled to supplementary benefit, and award benefit to him accordingly, they shall—
- (a) determine, in accordance with subsection (5) below, the claimant's protected earnings for the purposes of Part II of Schedule 2 to this Act (that is to say, the amount below which the earnings actually paid to him for any week in respect of that remunerative full-time work must not be reduced by any deduction made under that Part); and
  - (b) give to him and to the Secretary of State notice in writing—
    - (i) stating that they have made an award of supplementary benefit to the claimant as a person entitled thereto by virtue of subsection (1) above and that accordingly any sum paid to him on that award will be recoverable from him as provided in subsection (2) above; and
    - (ii) specifying the amount of supplementary benefit awarded to the claimant and his protected earnings for the purposes of the said Part II as determined by them.
- (5) For the purposes of Part II of Schedule 2 to this Act the protected earnings of a person shall be the sum determined by—
- (a) taking the amount of his weekly requirements, calculated in accordance with paragraphs 1 and 3 and Part II of Schedule 1 to this Act;
  - (b) adding £3 ; and ;

- (c) subtracting from the result the aggregate weekly amount of any child benefit which falls to be taken into account in calculating his resources for the purposes of this Act.
- (6) If it appears to the Secretary of State that, in cases where two or more persons falling within subsection (1)(a) and (b) above also fall within subsection (1)(c) above in consequence of the ending of the same stoppage of work, anomalies in the operation of this section would result from the arrangements for dealing with claims for supplementary benefit, the Secretary of State may, by regulations made under this subsection, make such provision as he thinks appropriate for securing that this section will operate uniformly in relation to both or all of those persons.
- (7) No provision shall be made by regulations under subsection (6) above which would result in any supplementary benefit paid to a person being recoverable from him by virtue of subsection (2) above where that benefit is paid to him in circumstances in which it would not be so recoverable but for such regulations.
- (8) Until 4th April 1977, for subsection (5)(c) above there shall be substituted the following—
  - “(c) subtracting from the result the aggregate weekly amount of any allowances under the Family Allowances Act 1965, or benefit under section 16 of the Child Benefit Act 1975 (interim benefit for unmarried or separated parents), which falls to be taken into account in calculating his resources for the purposes of this Act.”.

## **10 Modification of right to supplementary allowance in special cases**

- (1) Where it appears to the Commission that a person claiming or in receipt of a supplementary allowance, who is not in receipt of unemployment benefit under Chapter I of Part II of the Social Security Act 1975, refuses or neglects to maintain himself or any person whom, for the purposes of this Act, he is liable to maintain, the Commission may make a report to the Appeal Tribunal, and the tribunal, after giving him an opportunity of being heard, may direct that, during such period as may be specified in the direction, he shall be subject to the following provisions of this section.
- (2) Where a person in whose case a direction under subsection (1) above is in force represents to the Appeal Tribunal that there has been a change of circumstances and that, by reason of that change, the direction ought to be revoked, the tribunal, after giving the Commission an opportunity of being heard, may, if it thinks fit, revoke the direction.
- (3) The Commission may determine that the right of a person to a supplementary allowance for the whole or part of the period specified in a direction in force in his case under subsection (1) above shall be subject to the condition that he attends such course of instruction or training as the Commission may specify, being a course approved by the Secretary of State for the purposes of this section, and that he shall comply with the rules in force at the place where such instruction or training is given.
- (4) The Commission may determine that a person in whose case a direction under subsection (1) above is in force shall, instead of being entitled to a supplementary allowance for the whole or part of the period specified in that direction, be entitled—
  - (a) to be maintained either in a re-establishment centre provided under section 30 of this Act or in accordance with arrangements under subsection (5) below; and

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- (b) to such payments (if any) for meeting his personal requirements, or the requirements of any dependant of his, as they think fit.
- (5) The Commission may, on behalf of the Secretary of State, enter into arrangements with a Government department, or with a voluntary organisation, for the maintenance of persons in whose case directions under subsection (1) above are in force in a centre provided by the department or organisation for purposes similar to the purpose for which a re-establishment centre may be provided by the Commission under section 30 of this Act.

## **11 Supplementary benefit in kind**

- (1) Where it appears to the Commission that, by reason of exceptional circumstances, the requirements of any person can best be met by the provision of goods or services instead of the whole or part of any payment to which he would otherwise be entitled under this Act, they may determine that goods or services shall be so provided under arrangements made by them on behalf of the Secretary of State.
- (2) In making a determination under this section to meet sudden and urgent need the Commission may dispense with inquiry into resources or other circumstances and with compliance with any regulations made under this Act.
- (3) In relation to any goods or services provided in pursuance of this section, references in this Act to the amount of supplementary benefit shall be taken to refer to the value of the goods or services.

### *Supplementary provisions*

## **12 Prevention of duplication of payments**

- (1) Where, in determining the amount of any supplementary benefit, the requirements of any person have been taken into account for a period for which he is entitled to payments in respect of—
  - (a) benefit (other than a maternity grant or a death grant) under Part II of the Social Security Act 1975 or Part II of the Social Security Pensions Act 1975 ;
  - (b) child benefit;
  - (c) allowances under section 2 (schemes for supplementing workmen's compensation) or allowances or other benefit under section 5 (industrial diseases benefit) of the Industrial Injuries and Diseases (Old Cases) Act 1975 ;
  - or
  - (d) a family income supplement under the Family Income Supplements Act 1970;
 those payments may, at the discretion of the authority administering the said benefits, allowances or supplement, be abated by the amount by which the amounts paid under this Act exceed what the Commission determine they would have been had those payments been made before the amount of the supplementary benefit was determined.
- (2) Where for any period—
  - (a) a person (in this subsection referred to as A) is entitled to, or to an increase in the amount of, any such benefit or allowance as is mentioned in subsection (1) (a) to (c) above (" the relevant social security benefit") in respect of another person (in this subsection referred to as B); and

- (b) B's requirements have been taken into account in determining the amount of any supplementary benefit payable for that period to B or some other person (other than A); and
- (c) the amount of the supplementary benefit so payable has been determined on the basis that A has not made payments for the maintenance of B at a rate equal to or exceeding the amount of, or of the increase in, the relevant social security benefit;

the amount of, or of the increase in, the relevant social security benefit may, at the discretion of the authority administering it, be abated by the amount by which the amounts paid under this Act exceed what the Commission determine they would have been had A, at the time the amount of the supplementary benefit was determined, been making payments for the maintenance of B at a rate equal to the amount of the relevant social security benefit, or of the increase in the relevant social security benefit, as the case may be.

- (3) Where, in determining the amount of any supplementary benefit, the requirements of any person have been taken into account for the whole or part of a period in respect of which there might be afforded or granted to him—

- (a) a rate rebate under a scheme under section 11 or 12 of the Local Government Act 1974 or, in Scotland, the standard scheme prescribed under section 112 of the Local Government (Scotland) Act 1973 (including that scheme as varied under section 114 of that Act); or
- (b) a rebate or allowance under Part II of the Housing Finance Act 1972 or, in Scotland, Part II of the Housing (Financial Provisions) (Scotland) Act 1972;

and before the whole or part of the rebate or allowance has been afforded or granted, the authority administering the rebate or allowance, as the case may be, are notified by the Commission of the amount by which the amounts paid under this Act exceed what the Commission have determined they would have been had the rebate or allowance been afforded or granted before the amount of the supplementary benefit was determined, the amount of the rebate or allowance to be afforded or granted shall be reduced by the amount so notified.

- (4) Until 6th April 1979, in subsection (1)(a) above, the words " or Part II of the Social Security Pensions Act 1975 " shall be omitted ; and, until 4th April 1977, for subsection (1)(b) above there shall be substituted the following—

“(b) allowances under the Family Allowances Act 1965, or benefit under section 16 of the Child Benefit Act 1975 (interim benefit for unmarried or separated parents);”.

### **13 Payment of supplementary benefits**

Any sums payable under this Act by way of supplementary benefit shall be paid by the Secretary of State out of moneys provided by Parliament.

### **14 Administration of supplementary benefits**

- (1) The Secretary of State may, by regulations made under this section, make provision for carrying into effect this Part of this Act and Schedule 1 and Part II of Schedule 2 to this Act.
- (2) Without prejudice to the generality of subsection (1) above, the Secretary of State may, by regulations made under this section, make provision—

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- (a) for requiring claims for supplementary benefit to be made in such manner as may be specified in the regulations ;
  - (b) for requiring—
    - (i) claims for a supplementary pension or supplementary allowance to be made, subject to any exceptions allowed by or under the regulations, not later than the beginning of the first period for which it is payable; and
    - (ii) claims for any other supplementary benefit to be made within such time as may be specified in the regulations;
  - (c) for prescribing the evidence which is to be provided in support of claims for supplementary benefit;
  - (d) for requiring or enabling the Commission, in such circumstances as may be specified in the regulations, to review any determination with respect to supplementary benefit, whether the determination is made by the Commission or by the Appeal Tribunal;
  - (e) for extinguishing the right to payment of any sum by way of supplementary benefit if payment is not obtained within a period, not less than twelve months, prescribed in the regulations from the date on which the right is to be treated under the regulations as having arisen; and
  - (f) for the purposes specified in Part III of Schedule 2 to this Act.
- (3) Where it appears to the Commission that it is necessary for protecting the interests of a claimant or his dependants that the whole or part of any supplementary benefit should be issued to some other person, or where the claimant so requests, they may determine that it shall be issued to that other person.
- (4) The Commission may, if they think fit, defray travelling expenses incurred in connection with claims for supplementary benefit.

## 15 Appeals

- (1) A person claiming, or in receipt of, supplementary benefit may appeal to the Appeal Tribunal against any determination of the Commission, or a refusal by the Commission to review a determination, with respect to any of the following matters—
- (a) the right to, or amount of, any supplementary benefit;
  - (b) the issuing of supplementary benefit to a person other than the claimant;
  - (c) the recovery of the whole or part of any sums paid by virtue of section 4 of this Act (urgent needs payment) ;
  - (d) the imposition of a condition of registration for employment under section 5 or of attendance for instruction or training under section 10(3) of this Act;
  - (e) the provision of goods or services instead of the whole or part of any payment;
  - (f) the amount of any excess mentioned in section 12 of this Act (prevention of duplication of payments).
- (2) Where, on an appeal under this section, any question arises whether a person's own requirements fall to be disregarded by virtue of section 8 of this Act (persons affected by trade disputes)—
- (a) that question shall be referred by the Appeal Tribunal for determination by a local tribunal established under Part III of the Social Security Act 1975 in like manner as a reference under section 99(2)(c) of that Act (reference by insurance officer to a local tribunal under that Act); and



- (b) the provisions of that Act with respect to such references shall have effect accordingly with respect to any question so referred.
- (3) On an appeal under this section the Appeal Tribunal may—
- (a) confirm the determination appealed against; or
  - (b) if the appeal is against a refusal to review a determination, confirm the refusal; or
  - (c) substitute for any determination appealed against any determination which the Commission could have made;
- and any determination of the tribunal shall be conclusive for all purposes.

## **16 Supplementary benefits to be inalienable**

Every assignment of, or charge on, any supplementary benefit, and every agreement to assign or charge any such benefit, shall be void; and, on the bankruptcy or, in Scotland, on the sequestration of the estate of a person entitled to any supplementary benefit, no rights in respect of the benefit shall pass to any trustee or other person acting on behalf of his creditors.

## **PART II**

### **LIABILITY TO MAINTAIN, RECOVERY OF EXPENDITURE AND OFFENCES**

#### *Liability to maintain*

## **17 Liability to maintain**

- (1) For the purposes of this Act—
- (a) a man shall be liable to maintain his wife and his children; and
  - (b) a woman shall be liable to maintain her husband and her children.
- (2) In subsection (1) above—
- (a) the reference to a man's children includes a reference to children of whom he has been adjudged to be the putative father, or, in Scotland, to children his paternity of whom has been admitted or otherwise established; and
  - (b) the reference to a woman's children includes a reference to her illegitimate children.

#### *Recovery of expenditure*

## **18 Recovery of expenditure on supplementary benefits from persons liable for maintenance**

- (1) Where supplementary benefit is paid or claimed to meet requirements which are, or include, those of a person whom another person is, for the purposes of this Act, liable to maintain (in this section referred to respectively as " the dependant " and " the liable relative ") the Commission may make a complaint against the liable relative to a magistrates' court for an order under this section.

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- (2) No complaint under subsection (1) above shall be made where the dependant is an illegitimate child and the liable relative is his father.
- (3) On the hearing of a complaint under subsection (1) above the court shall have regard to all the circumstances and, in particular, to the resources of the liable relative, and may order him to pay such sum, weekly or otherwise, as it may consider appropriate.
- (4) In determining whether to order any payments to be made in respect of supplementary benefit for any period before the complaint was made, or the amount of any such payments, the court shall disregard any amount by which the liable relative's resources exceed the resources which were his during that period.
- (5) Any payments ordered to be made under this section shall be made—
  - (a) to the Secretary of State in so far as they are attributable to any supplementary benefit (whether paid before or after the making of the order);
  - (b) to the person claiming supplementary benefit or (if different) the dependant; or
  - (c) to such other person as appears to the court expedient in the interests of the dependant.
- (6) Where the order provides for the making of payments to the Secretary of State, the Commission shall be a party to any proceedings with respect to the enforcement, revocation or variation of the order to which, but for this subsection, the Secretary of State would be a party.
- (7) An order under this section shall be enforceable as an affiliation order, and any proceedings for such an order (but not proceedings for the enforcement, revocation or variation of such an order) shall be included among the proceedings which are domestic proceedings within the meaning of the Magistrates' Courts Act 1952; and section 56 of that Act (definition of " domestic proceedings ") shall have effect accordingly.
- (8) In the application of this section to Scotland, subsections (2) and (7) shall be omitted, and for the references to a complaint and to a magistrates' court there shall be substituted respectively references to an application and to the sheriff.

## **19 Affiliation orders**

- (1) The provisions of this section apply in any case in which supplementary benefit is paid to meet requirements which include those of an illegitimate child.
- (2) If no affiliation order is in force the Commission may, within three years from the time when any payment by way of supplementary benefit was made, make application to a justice of the peace acting for the petty sessions area in which the mother of the child resides for a summons to be served under section 1 of the Affiliation Proceedings Act 1957.
- (3) In any proceedings on an application under subsection (2) above the court shall hear such evidence as the Commission may produce, and shall in all other respects, subject to the provisions of subsection (4) below, proceed as on an application made by the mother under section 1 of the said Act of 1957.
- (4) An affiliation order—
  - (a) made on an application made by the Commission under subsection (2) above ;  
or

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- (b) made on an application made by the Commission in proceedings brought by the mother of the child under section 1 of the said Act of 1957 ;
- may be made so as to provide that the payments, or a part of the payments, to be made under the order shall, instead of being made to the mother or a person having custody of the child, be made to the Secretary of State or to such other person as the court may direct.
- (5) Any affiliation order, whether made before or after the commencement of this Act, may, on the application of the Commission, be varied so as to provide for the making of payments, or part thereof, as mentioned in subsection (4) above; and an application by the Commission under this subsection may be made—
- (a) notwithstanding that the mother has died and no person has been appointed to have the custody of the child; and
- (b) where the child is not in the care of the mother and she is not contributing to his maintenance, without making her a party to the proceedings.
- (6) Any affiliation order which provides for the making of payments, or part thereof, as mentioned in subsection (4) above may, on the application of the mother of the child, be varied so as to provide that the payments shall be made to the mother or a person having the custody of the child.
- (7) Where an affiliation order provides for the making of payments, or part thereof, to the Secretary of State, the Commission shall be a party to any proceedings with respect to the enforcement, revocation or variation of the order to which, but for this subsection, the Secretary of State would be a party.
- (8) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (2) to (7) above—
- (a) the Commission shall have the like right as the mother to raise an action of affiliation and aliment concluding for payment of aliment for the child ;
- (b) where in any action of affiliation and aliment in respect of the child, whether at the instance of the Commission under the foregoing paragraph or at the instance of the mother, the sheriff grants or has granted decree against any person for payment of aliment for the child, the sheriff may at the time of granting the decree or at any subsequent time on the application of the Commission, order that the sums due under the decree or any part thereof shall, instead of being paid to the mother of the child, be paid to the Secretary of State or to such other person as the sheriff may direct;
- (c) if such an order is made in favour of the Secretary of State, the Commission, or, if it is made in favour of another person, that person, shall have the like right to enforce the decree (so far as relating to the said sums) by diligence, including the right to take proceedings under the Civil Imprisonment (Scotland) Act 1882, as if the decree were a decree in favour of the Commission or other person.

## **20 Recovery in cases of misrepresentation or non-disclosure**

- (1) If, whether fraudulently or otherwise, any person misrepresents, or fails to disclose, any material fact, and in consequence of the misrepresentation or failure—
- (a) the Secretary of State incurs any expenditure under this Act; or
- (b) any sum recoverable under this Act by or on behalf of the Secretary of State is not recovered ;

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the Secretary of State shall be entitled to recover the amount thereof from that person.

- (2) If, whether in connection with any legal proceedings or otherwise, any question arises whether any amount paid by way of supplementary benefit is recoverable by the Secretary of State under this section, or as to the amount so recoverable, the question shall be referred to the Appeal Tribunal, and the decision of the tribunal shall be conclusive for all purposes.
- (3) A certificate signed by the clerk of the Appeal Tribunal showing the decision of the tribunal upon a question referred to it under subsection (2) above shall be conclusive evidence of that decision in any legal proceedings; and any certificate purporting to be signed by the clerk of the Appeal Tribunal shall be deemed to be so signed unless the contrary is proved.
- (4) Where any amount paid by way of supplementary benefit is recoverable under this section, it may, without prejudice to any other method of recovery, be recovered by deduction from benefit under Part II of the Social Security Act 1975 or Part II of the Social Security Pensions Act 1975.
- (5) Until 6th April 1979, in subsection (4) above, the words " or Part II of the Social Security Pensions Act 1975 " shall be omitted.

### *Offences*

#### **21 False statements**

If any person—

- (a) for the purpose of obtaining supplementary benefit or any other payment under this Act for himself or for another person; or
- (b) for the purpose of avoiding or reducing any liability under this Act;

makes any statement or representation which he knows to be false, he shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.

#### **22 Impersonation of officers**

If any person, with intent to deceive, falsely represents himself to be a person authorised by the Secretary of State for Social Services or the Commission to act in any capacity (whether under this Act or otherwise) he shall be liable on summary conviction to a fine not exceeding £100.

#### **23 Illegal possession of documents**

(1) If any person—

- (a) as a pledge or a security for a debt; or
- (b) with a view to obtaining payment from the person entitled to it of a debt due either to himself or to any other person;

receives, detains or has in his possession any document issued by or on behalf of the Secretary of State for Social Services in connection with any benefit, pension or allowance (whether payable under this Act or otherwise), he shall be guilty of an offence.

- (2) If any person has such a document in his possession without lawful authority or excuse (the proof whereof shall lie on him), he shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.

#### **24 Failure to notify cessation of employment or re-employment etc.**

- (1) If any person fails to comply with a provision to which this section applies requiring him to give notice of any matter to the Secretary of State, he shall be liable on summary conviction to a fine not exceeding £20.
- (2) This section applies to—
  - (a) any provision of regulations made, or having effect as if made, under section 14 of this Act in pursuance of paragraph 2 of Part III of Schedule 2 to this Act (notice to be given where, after service of a deduction notice under that Schedule in relation to any person, his employment ceases or he is re-employed); and
  - (b) the provisions of paragraph 4(5) of Part II of Schedule 2 to this Act (notice to be given where no deduction is made from an employee's earnings).

#### **25 Failure to maintain**

- (1) If any person persistently refuses or neglects to maintain himself or any person whom for the purposes of this Act he is liable to maintain, and in consequence of his refusal or neglect—
  - (a) supplementary benefit is awarded to meet requirements which are, or include, his or those of such a person ; or
  - (b) free board and lodging are provided for him or such a person in a reception centre provided under section 30 of this Act;he shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.
- (2) For the purposes of this section, a person shall not be taken to refuse or neglect to maintain himself or any other person by reason only of anything done or omitted in furtherance of a trade dispute.

#### *Legal proceedings*

#### **26 Legal proceedings**

- (1) Any person authorised by the Secretary of State in that behalf may conduct any proceedings under this Act before a magistrates' court although not a barrister or solicitor.
- (2) Without prejudice to any other method of recovery, any sum due under this Act to the Secretary of State, other than a sum due under an order enforceable as an affiliation order, shall be recoverable summarily as a civil debt.
- (3) Notwithstanding anything in any Act—

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- (a) proceedings under this Act for the recovery of a sum recoverable summarily as a civil debt may be begun at any time within three years after the sum became due;
  - (b) proceedings for an offence under this Act may be begun at any time within the period of three 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 twelve months from the commission of the offence, whichever period last expires.
- (4) For the purposes of subsection (3) above, a certificate purporting to be signed by, or on behalf of, the Secretary of State as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to his knowledge shall be conclusive evidence of that date.
- (5) In any proceedings for an offence under this Act the wife or husband of the accused shall be competent to give evidence, whether for or against the accused, but shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or to him by the accused during the marriage.
- (6) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) to (4) above—
- (a) proceedings for an offence under this Act may, notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975, be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the appropriate authority to justify proceedings comes to his knowledge, or within the period of twelve months from the commission of the offence, whichever period last expires;
  - (b) for the purposes of this subsection—
    - (i) " the appropriate authority " means the Secretary of State or, in the case of proceedings which are not preceded by a report of the facts made by the Secretary of State to the Lord Advocate, means the Lord Advocate ;
    - (ii) a certificate of the appropriate authority as to the date on which such evidence as is mentioned above comes to his knowledge shall be conclusive evidence; and
    - (iii) subsection (3) of section 331 of the said Act of 1975 (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

### PART III

#### ADMINISTRATION, GENERAL AND SUPPLEMENTAL

##### *Administration*

#### **27      General duty, constitution etc. of Supplementary Benefits Commission**

- (1) The Commission shall exercise the functions conferred on them by this Act in such manner as shall best promote the welfare of persons affected by the exercise of those functions.

- (2) Schedule 3 to this Act shall have effect with respect to the constitution and proceedings of the Commission.
- (3) The Secretary of State shall make arrangements for securing that such of his officers and servants as may from time to time be required for the exercise of the Commission's functions are available to act as officers and servants of the Commission, and may make arrangements with any other Government department or with a local authority for the discharge of those functions by officers and servants of the department or authority.
- (4) Any expenses incurred by the Commission with the approval of the Secretary of State shall be deemed to be expenses incurred by the Secretary of State.

## **28 The Appeal Tribunal**

The Appeal Tribunal for the purposes of this Act shall be such of the tribunals constituted in accordance with Schedule 4 to this Act as, under that Schedule, has jurisdiction in the case in question.

## **29 Inspectors**

- (1) Every appointment of an inspector under section 144 of the Social Security Act 1975 shall be an appointment also for the purposes of this Act.
- (2) In section 144(2) to (5) and section 145 of the Social Security Act 1975 (powers of inspectors) references to that Act include this Act; and in section 145(1)(b) the reference to benefit includes supplementary benefit.

## **30 Re-establishment centres and reception centres**

- (1) The Commission shall, on behalf of the Secretary of State and in accordance with any directions given by him, exercise the functions set out in Schedule 5 to this Act relating to re-establishment centres and reception centres.
- (2) If in exercise of their functions under Schedule 5 to this Act the Commission so require, payment at such rates as the Commission may determine shall be made by persons for whom temporary board and lodging are provided in a centre maintained under that Schedule.
- (3) The Secretary of State may, by regulations made under this subsection, make provision for the management of, and the preservation of order in, centres maintained under that Schedule.
- (4) Regulations made under subsection (3) above may—
  - (a) include provisions requiring persons accommodated or received in such centres, or specified classes of such persons, to do such work for assisting in the running of the centres as may be specified by or under the regulations; and
  - (b) provide that any person who contravenes, or fails to comply with, any specified provision of the regulations shall be liable on summary conviction to a fine not exceeding £10, or to imprisonment for a term not exceeding one month.

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### *General and supplemental*

#### **31 Reciprocal arrangements with Northern Ireland**

- (1) The Secretary of State may, with the consent of the Treasury, make reciprocal arrangements with the appropriate Northern Irish authority for co-ordinating the operation of the two schemes for the payment of supplementary benefits in respect of persons whose resources are insufficient to meet their requirements, being the schemes established respectively under this Act and under the Supplementary Benefits Acts (Northern Ireland) 1966 to 1975 and any Measure for similar purposes passed by the Northern Ireland Assembly.
- (2) Any such arrangements may include provision for the modification or adaptation of the respective schemes in relation to, or in connection with, persons affected by the arrangements.
- (3) The Secretary of State may, by regulations made under this section, provide for such modification or adaptation of the provisions of this Act as may appear to him to be required for giving effect to the arrangements, or in consequence of the arrangements, and for any necessary financial adjustments.
- (4) The power under subsection (3) above to provide by regulations for the modification or adaptation of the provisions of this Act and for necessary financial adjustments 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 does not appear in that enactment and is without prejudice to the generality of any such direction.
- (5) In this section " the appropriate Northern Irish authority " means such authority as may be specified for the purposes of this section in any legislation passed by the Parliament of Northern Ireland or in any Measure of the Northern Ireland Assembly.

#### **32 Reciprocity with other countries**

- (1) For the purpose of giving effect to any agreement with the government of a country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to those of this Act, Her Majesty may by Order in Council provide for modifying or adapting this Act in its application to cases affected by the agreement.
- (2) The modifications of this Act which may be made by virtue of subsection (1) above include provision—
  - (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);
  - (b) for determining, in cases where rights accrue both under this Act and under the law of that country, which of those rights is to be available to the person concerned ;
  - (c) for making any financial adjustments.
- (3) In relation to the power to make Orders in Council which is conferred by this section, and to Orders made in the exercise of the power, section 166(2) to (4) and (7) and section 168(4) of the Social Security Act 1975 (additional matters which may be dealt



with by Order in Council; power to revoke and vary etc.) apply as they do for the purposes of that Act.

### **33 Rules and regulations**

- (1) Powers conferred by this Act to make rules or regulations are exercisable by statutory instrument.
- (2) Regulations made by virtue of section 2(3) of this Act (variation of Part II of Schedule 1) shall have no effect unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.
- (3) Any statutory instrument containing other regulations or any rules made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **34 Interpretation**

- (1) In this Act—
  - " the Appeal Tribunal " means the tribunal which has jurisdiction in accordance with section 28 of this Act;
  - " blind " means so blind as to be unable to perform any work for which eyesight is essential;
  - " child " means a person under the age of 16 ;
  - " the Commission " means the Supplementary Benefits Commission;
  - " enactment " includes an enactment of the Parliament of Northern Ireland and a provision of a Measure of the Northern Ireland Assembly;
  - " pensionable age " means, in the case of a man, the age of 65, and, in the case of a woman, the age of 60;
  - " place of employment " has the same meaning as in section 19 of the Social Security Act 1975 ;
  - " school " has the same meaning as in the Education Act 1944 or, in Scotland, the Education (Scotland) Act 1962;
  - " supplementary benefit " means any benefit under this Act, and includes, except where the context otherwise requires, any payments under section 10(4)(b) of this Act (payments where a person is maintained in a centre); and " supplementary pension " and " supplementary allowance " are the supplementary benefits specified in section 1(1)(a) and (b) respectively of this Act;
  - " trade dispute " has the same meaning as in section 19 of the Social Security Act 1975 ;
  - " voluntary organisation " means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit.
- (2) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended or extended by or under any other enactment, including this Act.

### **35 Transitional provisions, savings, amendments and repeals**

- (1) The transitional provisions and savings in Schedule 6 to this Act shall have effect.

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- (2) The enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.
- (3) Subject to the provisions of Schedule 6 to this Act and in accordance with section 36(3) of this Act, the enactments specified in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) The inclusion in this Act of any express transitional provision, saving or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (effect of repeals).

### **36 Short title, extent and commencement**

- (1) This Act may be cited as the Supplementary Benefits Act 1976.
- (2) The following provisions only of this Act shall extend to Northern Ireland—  
Sections 27 (including Schedule 3), 34(1) (definitions of " the Commission " and " enactment"), 34(2), 35 and this section, in Schedule 6, paragraphs 1 and 5, in Schedule 7, paragraphs 7 to 13 and Schedule 8 so far as it specifies any enactment extending to Northern Ireland other than section 6 of, and Schedule 4 to, the National Insurance and Supplementary Benefit Act 1973 and any enactment in the Social Security Benefits Act 1975.
- (3) This Act shall come into force on 15th November 1976, but the repeal of any enactment specified in Part II of Schedule 8 to this Act which has not come into force before that date shall not take effect until immediately after that enactment comes into force.