



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART I **U.K.**

#### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

##### *Necessity of Claim*

### 1 Entitlement to benefit dependent on claim **U.K.**

- (1) Except in such cases as may be prescribed, and subject to the following provisions of this section and to section 3 below, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—
- (a) he makes a claim for it in the manner, and within the time, prescribed in relation to that benefit by regulations under this Part of this Act; or
  - (b) he is treated by virtue of such regulations as making a claim for it.

<sup>[F1]</sup>(1A) No person whose entitlement to any benefit depends on his making a claim shall be entitled to the benefit unless subsection (1B) below is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming benefit.

(1B) This subsection is satisfied in relation to a person if—

- (a) the claim is accompanied by—
  - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
  - (ii) information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

(1C) Regulations may make provision disapplying subsection (1A) above in the case of—

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- (a) prescribed benefits;
  - (b) prescribed descriptions of persons making claims; or
  - (c) prescribed descriptions of persons in respect of whom benefit is claimed, or in other prescribed circumstances.]
- (2) Where under subsection (1) above a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it—
- (a) if the benefit is a [<sup>F2</sup>bereavement payment, the person] shall not be entitled to it in respect of a death occurring more than 12 months before the date on which the claim is made or treated as made; and
  - (b) if the benefit is any other benefit except disablement benefit or reduced earnings allowance, the person shall not be entitled to it in respect of any period more than 12 months before that date,
- except as provided by section 3 below.
- (3) Where a person purports to make a claim on behalf of another—
- [<sup>F3</sup>(za) for personal independence payment by virtue of section 82 of the Welfare Reform Act 2012; or]
  - (a) for an attendance allowance by virtue of section 66(1) of the Contributions and Benefits Act; <sup>F4</sup>...
  - <sup>F4</sup>(b) .....
- that other shall be regarded for the purposes of this section as making the claim, notwithstanding that it is made without his knowledge or authority.
- (4) In this section and section 2 below “benefit” means—
- [<sup>F5</sup>(za) universal credit;]
  - (a) benefit as defined in section 122 of the Contributions and Benefits Act;
  - [<sup>F6</sup>(aa) a jobseeker's allowance;]
  - [<sup>F7</sup>(ab) state pension credit;]
  - [<sup>F8</sup>(ac) an employment and support allowance;] and
  - [<sup>F9</sup>(ad) personal independence payment.]
  - (b) any income-related benefit.
- (5) This section (which corresponds to section 165A of the 1975 Act, as it had effect immediately before this Act came into force) applies to claims made on or after 1st October 1990 or treated by virtue of regulations under that section or this section as having been made on or after that date.
- (6) Schedule 1 to this Act shall have effect in relation to other claims.

#### Textual Amendments

- F1** S. 1(1A)-(1C) inserted (7.11.1997 for the purposes of authorising the making of regs; 1.12.1997 for all other purposes) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 19, 25(1)**; S.I. 1997/2669, art. 2
- F2** Words in s. 1(2)(a) substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), **Sch. 8 para. 16**; S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I
- F3** S. 1(3)(za) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 9 para. 8(2)(a)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

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- F4** S. 1(3)(b) and preceding word repealed (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 8(2)(b)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F5** S. 1(4)(za) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 4**; S.I. 2013/358, art. 2(1), Sch. 1 para. 20; S.I. 2013/983, art. 3(1)(b)(ii)
- F6** S. 1(4)(aa) inserted (22.4.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 38**; S.I. 1996/1126, art. 2(a)
- F7** S. 1(4)(ab) inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 1 para. 2**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)
- F8** S. 1(4)(ac) inserted (18.3.2008 for specified purposes, 27.7.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(2)**; S.I. 2008/787, art. 2(1)(3)(a)(4)(f), Sch.
- F9** S. 1(4)(ad) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 8(3)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

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

- C1** S. 1 excluded (31.8.1992) by The Council Tax Benefit (Transitional) Order 1992 (S.I. 1992/1909), arts. 1(1), **3(1)**

## 2 Retrospective effect of provisions making entitlement to benefit dependent on claim **U.K.**

- (1) This section applies where a claim for benefit is made or treated as made at any time on or after 2nd September 1985 (the date on which section 165A of the 1975 Act (general provision as to necessity of claim for entitlement to benefit), as originally enacted, came into force) in respect of a period the whole or any part of which falls on or after that date.
- (2) Where this section applies, any question arising as to—
- whether the claimant is or was at any time (whether before, on or after 2nd September 1985) entitled to the benefit in question, or to any other benefit on which his entitlement to that benefit depends; or
  - in a case where the claimant's entitlement to the benefit depends on the entitlement of another person to a benefit, whether that other person is or was so entitled, shall be determined as if the relevant claim enactment and any regulations made under or referred to in that enactment had also been in force, with any necessary modifications, at all times relevant for the purpose of determining the entitlement of the claimant, and, where applicable, of the other person, to the benefit or benefits in question (including the entitlement of any person to any benefit on which that entitlement depends, and so on).
- (3) In this section “the relevant claim enactment” means section 1 above as it has effect in relation to the claim referred to in subsection (1) above.
- (4) In any case where—
- a claim for benefit was made or treated as made (whether before, on or after 2nd September 1985, and whether by the same claimant as the claim referred to in subsection (1) above or not), and benefit was awarded on that claim, in respect of a period falling wholly or partly before that date; but

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- (b) that award would not have been made had the current requirements applied in relation to claims for benefit, whenever made, in respect of periods before that date; and
- (c) entitlement to the benefit claimed as mentioned in subsection (1) above depends on whether the claimant or some other person was previously entitled or treated as entitled to that or some other benefit,

then, in determining whether the conditions of entitlement to the benefit so claimed, are satisfied, the person to whom benefit was awarded as mentioned in paragraphs (a) and (b) above shall be taken to have been entitled to the benefit so awarded, notwithstanding anything in subsection (2) above.

- (5) In subsection (4) above “the current requirements” means—
  - (a) the relevant claim enactment, and any regulations made or treated as made under that enactment, or referred to in it, as in force at the time of the claim referred to in subsection (1) above, with any necessary modifications; and
  - (b) subsection (1) (with the omission of the words following “at any time”) and subsections (2) and (3) above.

*[<sup>F10</sup>Work-focused interviews [<sup>F11</sup>and work-related activity]*

#### Textual Amendments

**F10** Ss. 2A, 2B and cross-heading inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), [ss. 57](#), 89(4)(a)

**F11** Words in s. 2A cross-heading inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), [ss. 2\(3\)](#), 61(1)

## 2A **Claim or full entitlement to certain benefits conditional on work-focused interview** **U.K.**

- (1) Regulations may make provision for or in connection with—
  - (a) imposing, as a condition falling to be satisfied by a person who—
    - (i) makes a claim for a benefit to which this section applies, and
    - <sup>F12</sup>(ii) has not attained pensionable age at the time of making the claim (but see subsection (1A)),]
 a requirement to take part in <sup>F13</sup>one or more work-focused interviews];
  - (b) imposing, at a time when—
    - (i) a person <sup>F14</sup>has not attained pensionable age and is] entitled to such a benefit, and
    - (ii) any prescribed circumstances exist,
 a requirement to take part in <sup>F15</sup>one or more work-focused interviews] as a condition of that person continuing to be entitled to the full amount which is payable to him in respect of the benefit apart from the regulations.

<sup>F16</sup>(1A) [ For the purposes of subsection (1) a man born before <sup>F17</sup>6 December 1953] is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

- (2) The benefits to which this section applies are—
  - (a) income support;

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- (b) housing benefit;
- (c) council tax benefit;
- (d) widow's and bereavement benefits falling within section 20(1)(e) and (ea) of the Contributions and Benefits Act (other than a bereavement payment);
- (e) incapacity benefit;
- (f) severe disablement allowance; and
- (g) [<sup>F18</sup>carer's allowance].

[ No requirement may be imposed by virtue of this section on a person who—

- <sup>F19</sup>(2A) (a) is not a member of a couple, and  
(b) is responsible for, and a member of the same household as, a child under the age of one.

(2B) For the purposes of subsection (2A)(b) regulations may make provision—

- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
- (b) as to circumstances in which persons are to be treated as being or not being members of the same household.]

(3) Regulations under this section may, in particular, make provision—

- (a) for securing, where a person would otherwise be required to take part in interviews relating to two or more benefits—
  - (i) that he is only required to take part in one interview, and
  - (ii) that any such interview is capable of counting for the purposes of all those benefits;
- (b) for determining the persons by whom interviews are to be conducted;
- (c) conferring power on such persons or the designated authority to determine when and where interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
- (d) prescribing the circumstances in which persons attending interviews are to be regarded as having or not having taken part in them;
- (e) for securing that the appropriate consequences mentioned in subsection (4) (a) or (b) below ensue if a person who has been notified that he is required to take part in an interview—
  - (i) fails to take part in the interview, and
  - (ii) does not show, within the prescribed period, that he had good cause for that failure;
- (f) prescribing—
  - (i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with the regulations, or
  - (ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure.

(4) For the purposes of subsection (3)(e) above the appropriate consequences of a failure falling within that provision are—

- (a) where the requirement to take part in an interview applied by virtue of subsection (1)(a) above, that as regards any relevant benefit either—

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- (i) the person in question is to be regarded as not having made a claim for the benefit, or
  - (ii) if (in the case of an interview postponed in accordance with subsection (7)) that person has already been awarded the benefit, his entitlement to the benefit is to terminate immediately;
  - (b) where the requirement to take part in an interview applied by virtue of subsection (1)(b) above, that the amount payable to the person in question in respect of any relevant benefit is to be reduced by the specified amount until the specified time.
- (5) Regulations under this section may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
  - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
  - (c) where the person in question is entitled to two or more relevant benefits, for determining the extent, and the order, in which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in an interview that would otherwise apply to a person by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is specified;
  - (b) is not to apply if the designated authority determines that an interview-
    - (i) would not be of assistance to that person, or
    - (ii) would not be appropriate in the circumstances;
  - (c) is not to apply until such time as the designated authority determines, if that authority determines that an interview-
    - (i) would not be of assistance to that person, or
    - (ii) would not be appropriate in the circumstances, until that time;
- and the regulations may make provision for treating a person in relation to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.
- (7) Where—
- (a) a person is required to take part in an interview by virtue of subsection (1)(a), and
  - (b) the interview is postponed by or under regulations made in pursuance of subsection (6)(a) or (c),
- the time to which it is so postponed may be a time falling after an award of the relevant benefit to that person.

[ Information supplied in pursuance of regulations under this section shall be taken for <sup>F20</sup>(7A) all purposes to be information relating to social security.]

- (8) In this section—
- [<sup>F21</sup>“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]
  - “the designated authority” means such of the following as may be specified, namely-
    - (a) the Secretary of State,

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- (b) a person providing services to the Secretary of State,
- (c) a local authority,
- (ca) [<sup>F22</sup>subject to subsection (9), a county council in England,]
- (d) [<sup>F23</sup>subject to subsection (9),] a person providing services to, or authorised to exercise any function of, [<sup>F24</sup>any authority mentioned in paragraph (c) or (ca)];

and the purposes which may be so specified include purposes connected with a person's existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.

“interview” (in subsections (3) to (7)) means a work-focused interview; “relevant benefit”, in relation to any person required to take part in a work-focused interview, means any benefit in relation to which that requirement applied by virtue of subsection (1)(a) or (b) above;

“specified” means prescribed by or determined in accordance with regulations;

“work-focused interview”, in relation to a person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be specified;

[ A county council in England or a person providing services to, or authorised to <sup>F25</sup>(9) exercise any function of, such a council may be specified as the designated authority only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

#### Textual Amendments

- F12** S. 2A(1)(a)(ii) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(a)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F13** Words in s. 2A(1)(a) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F14** Words in s. 2A(1)(b)(i) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(b)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F15** Words in s. 2A(1) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F16** S. 2A(1A) inserted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(c)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F17** Words in s. 2A(1A) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(3)(a), **Sch. 1 para. 3**
- F18** Words in s. 2A(2)(g) substituted (28.10.2002 for specified purposes, 1.4.2003 in so far as not already in force) by [The Regulatory Reform \(Carers Allowance\) Order 2002 \(S.I. 2002/1457\)](#), art. 1(1)(b), **Sch. paras. 1, 3(a)**
- F19** S. 2A(2A)(2B) inserted (6.10.2011 for specified purposes, 31.10.2011 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 3(2)(a)**, 61(3); S.I. 2011/2427, art. 2(1)(a)(b)
- F20** S. 2A(7A) inserted (12.1.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 34(1)**, 61(2)
- F21** Words in s. 2A(8) inserted (6.10.2011 for specified purposes, 31.10.2011 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 3(2)(b)**, 61(3); S.I. 2011/2427, art. 2(1)(a)(b)
- F22** Words in s. 2A(8) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 45(2)(a)**; S.I. 2008/3077, art. 4(g)
- F23** Words in s. 2A(8) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 45(2)(b)**; S.I. 2008/3077, art. 4(g)

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- F24** Words in s. 2A(8) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 45(2)(c)**; S.I. 2008/3077, art. 4(g)
- F25** S. 2A(9) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 45(3)**; S.I. 2008/3077, art. 4(g)

**[<sup>F26</sup>2AA Full entitlement to certain benefits conditional on work-focused interview for partner **U.K.****

- (1) Regulations may make provision for or in connection with imposing, at a time when—
- (a) a person (“the claimant”) who—
    - <sup>F27</sup>(i) has not attained pensionable age (but see subsection (1A)), and
    - (ii) has a partner who has also not attained pensionable age,
 is entitled to a benefit to which this section applies at a higher rate referable to his partner, and
  - (b) prescribed circumstances exist,
- a requirement for the partner to take part in <sup>F28</sup>one or more work-focused interviews] as a condition of the benefit continuing to be payable to the claimant at that rate.

<sup>F29</sup>(1A) [ For the purposes of subsection (1) a man born before <sup>F30</sup>6 December 1953] is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

- (2) The benefits to which this section applies are—
- (a) income support;
  - (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance;
  - (c) incapacity benefit;
  - (d) severe disablement allowance; and
  - <sup>F31</sup>(e) carer's allowance][<sup>F32</sup>; and
  - (f) an employment and support allowance.]
- (3) For the purposes of this section a benefit is payable to a person at a higher rate referable to his partner if the amount that is payable in his case—
- (a) is more than it would be if the person concerned was not a member of a couple; or
  - (b) includes an increase of benefit for his partner as an adult dependant of his.
- (4) Regulations under this section may, in particular, make provision—
- (a) for securing, where the partner of the claimant would otherwise be required to take part in work-focused interviews relating to two or more benefits—
    - (i) that the partner is required instead to take part in only one such interview; and
    - (ii) that the interview is capable of counting for the purposes of all those benefits;
  - (b) in a case where the claimant has more than one partner, for determining which of those partners is required to take part in the work-focused interview or requiring each of them to take part in such an interview;
  - (c) for determining the persons by whom work-focused interviews are to be conducted;



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- (d) conferring power on such persons or the designated authority to determine when and where work-focused interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
  - (e) prescribing the circumstances in which partners attending work-focused interviews are to be regarded as having or not having taken part in them;
  - (f) for securing that if—
    - (i) a partner who has been notified of a requirement to take part in a work-focused interview fails to take part in it, and
    - (ii) it is not shown (by him or by the claimant), within the prescribed period, that he had good cause for that failure,the amount payable to the claimant in respect of the benefit in relation to which the requirement applied is to be reduced by the specified amount until the specified time;
  - (g) prescribing—
    - (i) matters which are or are not to be taken into account in determining whether a partner does or does not have good cause for any failure to comply with the regulations; or
    - (ii) circumstances in which a partner is or is not to be regarded as having or not having good cause for any such failure.
- (5) Regulations under this section may, in relation to a reduction under subsection (4)(f), provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
  - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
  - (c) where the claimant is entitled to two or more benefits in relation to each of which a requirement to take part in a work-focused interview applied, for determining the extent to, and the order in, which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in a work-focused interview that would otherwise apply to a partner by virtue of the regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until the specified time;
  - (b) is not to apply if the designated authority determines that such an interview would not be of assistance to him or appropriate in the circumstances;
  - (c) is not to apply until such time as the designated authority determines (if that authority determines that such an interview would not be of assistance to him or appropriate in the circumstances until that time);
- and the regulations may make provision for treating a partner to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.
- [ Information supplied in pursuance of regulations under this section shall be taken for <sup>F33</sup>(6A) all purposes to be information relating to social security.]
- (7) In this section—

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[<sup>F34</sup>“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]

“designated authority” means such of the following as may be specified, namely—

- (a) the Secretary of State,
- (b) a person providing services to the Secretary of State,
- (c) a local authority, and
- (ca) [<sup>F35</sup>subject to subsection (8), a county council in England,]
- (d) [<sup>F36</sup>subject to subsection (8),] a person providing services to, or authorised to exercise any function of, [<sup>F37</sup>any authority mentioned in paragraph (c) or (ca)];

“partner” means a person who is a member of the same couple as the claimant;

“specified” means prescribed by or determined in accordance with regulations; and

“work-focused interview” has the same meaning as in section 2A above.

[ A county council in England or a person providing services to, or authorised to <sup>F38</sup>(8) exercise any function of, such a council may be specified as the designated authority only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

#### Textual Amendments

- F26** S. 2AA inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), **ss. 49**, 55(2); S.I. 2003/1666, art. 2(a)
- F27** S. 2AA(1)(a)(i)(ii) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(3)(a)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F28** Words in s. 2AA(1) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F29** S. 2AA(1A) inserted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(3)(b)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F30** Words in s. 2AA(1A) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(3)(a), **Sch. 1 para. 4**
- F31** S. 2AA(2)(e) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 7 para. 3(2)**
- F32** S. 2AA(2)(f) and preceding word inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 10(3)**; S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F33** S. 2AA(6A) inserted (12.1.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 34(2)**, 61(2)
- F34** Words in s. 2AA(7) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 55**; S.I. 2005/3175, art. 2(1), Sch. 1
- F35** Words in s. 2AA(7) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(2)(a)**; S.I. 2008/3077, art. 4(g)
- F36** Words in s. 2AA(7) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(2)(b)**; S.I. 2008/3077, art. 4(g)
- F37** Words in s. 2AA(7) substituted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(2)(c)**; S.I. 2008/3077, art. 4(g)
- F38** S. 2AA(8) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(3)**; S.I. 2008/3077, art. 4(g)

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## **[<sup>F10</sup>2B Supplementary provisions relating to work-focused interviews U.K.]**

- (1) Chapter II of Part I of the Social Security Act 1998 (social security decisions and appeals) shall have effect in relation to relevant decisions [<sup>F39</sup>made under regulations under section 2A or 2AA] subject to and in accordance with subsections (3) to (8) below (and in those subsections “the 1998 Act” means that Act).
- (2) For the purposes of this section a “relevant decision” [<sup>F40</sup>, in relation to regulations under section 2A above, is a decision] that a person—
  - (a) has failed to comply with a requirement to take part in an interview which applied to him by virtue of the regulations, or
  - (b) has not shown, within the prescribed period mentioned in section 2A(3)(e)(ii) above, that he had good cause for such a failure.

[ For the purposes of this section a “relevant decision”, in relation to regulations under <sup>F41</sup>(2A) section 2AA above, is a decision that—

- (a) the partner of a person entitled to a benefit has failed to comply with a requirement to take part in an interview which applied to the partner by virtue of the regulations, or
- (b) it has not been shown, within the prescribed period mentioned in section 2AA(4)(f)(ii) above, that the partner had good cause for such a failure.]
- (3) Section 8(1)(c) of the 1998 Act (decisions falling to be made under or by virtue of certain enactments are to be made by the Secretary of State) shall have effect subject to any provisions of regulations under section 2A [<sup>F42</sup>or 2AA] above by virtue of which relevant decisions fall to be made otherwise than by the Secretary of State.
- (4) For the purposes of each of sections 9 and 10 of the 1998 Act (revision and supersession of decisions of Secretary of State) any relevant decision made otherwise than by the Secretary of State shall be treated as if it were such a decision made by the Secretary of State (and accordingly may be revised by him under section 9 or superseded by a decision made by him under section 10).
- (5) Subject to any provisions of regulations under either section 9 or 10 of the 1998 Act, any relevant decision made, or (by virtue of subsection (4) above) treated as made, by the Secretary of State may be—
  - (a) revised under section 9 by a person or authority exercising functions under regulations under section 2A [<sup>F43</sup>or 2AA] above other than the Secretary of State, or
  - (b) superseded under section 10 by a decision made by such a person or authority, as if that person or authority were the Secretary of State.
- (6) Regulations shall make provision for conferring (except in any prescribed circumstances) a right of appeal under section 12 of the 1998 Act (appeal to [<sup>F44</sup>First-tier Tribunal]) against—
  - (a) any relevant decision, and
  - (b) any decision under section 10 of that Act superseding any such decision, whether made by the Secretary of State or otherwise.
- (7) Subsections (4) to (6) above apply whether—
  - (a) the relevant decision, or
  - (b) (in the case of subsection (6)(b)) the decision under section 10 of the 1998 Act,

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is as originally made or has been revised (by the Secretary of State or otherwise) under section 9 of that Act; and regulations under subsection (6) above may make provision for treating, for the purposes of section 12 of that Act, any decision made or revised otherwise than by the Secretary of State as if it were a decision made or revised by him.

(8) Section 12 of the 1998 Act shall not apply to any decision falling within subsection (6) above except in accordance with regulations under that subsection.

(9) In <sup>F45</sup> ...

(a) <sup>F45</sup> .....

(b) section 72(6) of the Welfare Reform and Pensions Act 1999 (supply of information),

any reference to information relating to social security includes any information supplied by a person for the purposes of an interview which he is required to take part in by virtue of section 2A [<sup>F46</sup>or 2AA] above.

(10) In this section “interview” means a work-focused interview within the meaning of section 2A above.]

#### Textual Amendments

- F39** Words in s. 2B(1) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 7 para. 9\(2\)](#); [S.I. 2003/1666](#), art. 2(b)
- F40** Words in s. 2B(2) substituted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 7 para. 9\(3\)](#); [S.I. 2003/1666](#), art. 2(b)
- F41** S. 2B(2A) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 7 para. 9\(4\)](#); [S.I. 2003/1666](#), art. 2(b)
- F42** Words in s. 2B(3) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666](#), art. 2(b)
- F43** Words in s. 2B(5)(a) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666](#), art. 2(b)
- F44** Words in s. 2B(6) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 102](#)
- F45** Words in s. 2B(9) repealed (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 8\(1\)](#); [S.I. 2002/2866](#), art. 2(4), [Sch. 2 Pt. 1](#)
- F46** Words in s. 2B(9) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666](#), art. 2(b)

#### [<sup>F47</sup>2C] **Optional work-focused interviews** **U.K.**

(1) Regulations may make provision for conferring on local authorities [<sup>F48</sup>or, subject to subsection (3A), county councils in England] functions in connection with conducting work-focused interviews in cases where such interviews are requested or consented to by persons to whom this section applies.

(2) This section applies to [<sup>F49</sup>—

- (a) persons making claims for or entitled to any of the benefits listed in section 2A(2) above or any prescribed benefit; and
- (b) partners of persons entitled to any of the benefits listed in section 2AA(2) above or any prescribed benefit;]

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and it so applies regardless of whether such persons have, in accordance with regulations under section 2A [<sup>F50</sup>or 2AA] above, already taken part in interviews conducted under such regulations.

- (3) The functions which may be conferred on a local authority [<sup>F51</sup>or on a county council in England] by regulations under this section include functions relating to—
- (a) the obtaining and receiving of information for the purposes of work-focused interviews conducted under the regulations;
  - (b) the recording and forwarding of information supplied at, or for the purposes of, such interviews;
  - (c) the taking of steps to identify potential employment or training opportunities for persons taking part in such interviews.

[ Regulations under this section may confer functions on a county council in England <sup>F52</sup>(3A) only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

- (4) Regulations under this section may make different provision for different areas or different authorities.
- (5) In this section “work-focused interview”, in relation to a person to whom this section applies, means an interview conducted for such purposes connected with employment or training in the case of such a person as may be prescribed; and the purposes which may be so prescribed include—
- (a) purposes connected with the existing or future employment or training prospects or needs of such a person, and
  - (b) (in particular) assisting or encouraging such a person to enhance his employment prospects.]

#### Textual Amendments

- F47** S. 2C inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), **ss. 58**, 89(4)(a)
- F48** Words in s. 2C(1) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(2)**; S.I. 2008/3077, art. 4(g)
- F49** S. 2C(2)(a)(b) substituted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 10(a)**; S.I. 2003/1666, art. 2(b)
- F50** Words in s. 2C(2) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 10(b)**; S.I. 2003/1666, art. 2(b)
- F51** Words in s. 2C(3) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(3)**; S.I. 2008/3077, art. 4(g)
- F52** S. 2C(3A) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(4)**; S.I. 2008/3077, art. 4(g)

#### [<sup>F53</sup>2D Work-related activity **U.K.**

- (1) Regulations may make provision for or in connection with imposing on a person who—
- (a) is entitled to income support, and
  - (b) is not a lone parent of a child under the age of 3,

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a requirement to undertake work-related activity in accordance with regulations as a condition of continuing to be entitled to the full amount of income support payable apart from the regulations.

(2) Regulations may make provision for or in connection with imposing on a person (“P”) who—

- (a) is under pensionable age, and
- (b) is a member of a couple the other member of which (“C”) is entitled to a benefit to which subsection (3) applies at a higher rate referable to P,

a requirement to undertake work-related activity in accordance with regulations as a condition of the benefit continuing to be payable to C at that rate.

(3) The benefits to which this subsection applies are—

- (a) income support;
- (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
- (c) an income-related employment and support allowance.

(4) Regulations under this section may, in particular, make provision—

- (a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a “relevant requirement”);
- (b) for notifying a person of a relevant requirement;
- (c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity and the amount of work-related activity the person is required at any time to undertake;
- (d) prescribing circumstances in which a person who is subject to a relevant requirement is, or is not, to be regarded as undertaking work-related activity;
- (e) in a case where C is a member of more than one couple, for determining which of the members of the couples is to be subject to a relevant requirement or requiring each of them to be subject to a relevant requirement;
- (f) for securing that the appropriate consequence follows if —
  - (i) a person who is subject to a relevant requirement has failed to comply with the requirement, and
  - (ii) it is not shown, within a prescribed period, that the person had good cause for that failure;
- (g) prescribing the evidence which a person who is subject to a relevant requirement needs to provide in order to show compliance with the requirement;
- (h) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with a relevant requirement;
- (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.

(5) For the purposes of subsection (4)(f) the appropriate consequence is that the amount of the benefit payable is to be reduced by the prescribed amount until the prescribed time.

(6) Regulations under subsection (5) may, in relation to any such reduction, provide—

- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;

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- (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent.
- (7) Regulations under this section may include provision that in such circumstances as the regulations may provide a person's obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.
- (8) Regulations under this section must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.
- (9) For the purposes of this section and sections 2E and 2F—
  - (a) “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;
  - (b) “lone parent” means a person who—
    - (i) is not a member of a couple, and
    - (ii) is responsible for, and a member of the same household as, a child;
  - (c) “prescribed” means specified in, or determined in accordance with, regulations;
  - (d) “work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;
  - (e) any reference to a person attaining pensionable age is, in the case of a man born before <sup>F54</sup>6 December 1953], a reference to the time when a woman born on the same day as the man would attain pensionable age;
  - (f) any reference to a benefit payable to C at a higher rate referable to P is a reference to any case where the amount payable is more than it would be if C and P were not members of the same couple.
- (10) For the purposes of this section regulations may make provision—
  - (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
  - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.
- (11) Information supplied in pursuance of regulations under this section is to be taken for all purposes to be information relating to social security.

#### Textual Amendments

**F53** Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), [ss. 2\(2\)](#), 61(1)

**F54** Words in s. 2D(9)(e) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), [s. 38\(3\)\(a\)](#), [Sch. 1 para. 5](#)

## 2E Action plans in connection with work-focused interviews **U.K.**

- (1) The Secretary of State must in prescribed circumstances provide a document (referred to in this section as an “action plan”) prepared for such purposes as may be prescribed to a person who is subject to a requirement imposed under section 2A or 2AA in relation to any of the following benefits.
- (2) The benefits are—
  - (a) income support;

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- (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
  - (c) an income-related employment and support allowance.
- (3) Regulations may make provision about—
- (a) the form of action plans;
  - (b) the content of action plans;
  - (c) the review and updating of action plans.
- (4) Regulations under this section may, in particular, make provision for action plans which are provided to a person who is subject under section 2D to a requirement to undertake work-related activity to contain particulars of activity which, if undertaken, would enable the requirement to be met.
- (5) Regulations may make provision for reconsideration of an action plan at the request of the person to whom it is provided and may, in particular, make provision about—
- (a) the circumstances in which reconsideration may be requested;
  - (b) the period within which any reconsideration must take place;
  - (c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;
  - (d) notification of the decision on reconsideration;
  - (e) the giving of directions for the purpose of giving effect to the decision on reconsideration.
- (6) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.

#### Textual Amendments

**F53** Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

## 2F Directions about work-related activity **U.K.**

- (1) In prescribed circumstances, the Secretary of State may by direction given to a person subject to a requirement imposed under section 2D provide that the activity specified in the direction is—
- (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
  - (b) to be regarded, in the person's case, as not being work-related activity.
- (2) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.
- (3) A direction under subsection (1) given to any person—
- (a) must be reasonable, having regard to the person's circumstances;
  - (b) must be given to the person by being included in an action plan provided to the person under section 2E; and
  - (c) may be varied or revoked by a subsequent direction under subsection (1).



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- (4) Where a direction under subsection (1) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.

#### Textual Amendments

**F53** Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

## 2G Contracting-out **U.K.**

- (1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—
- conducting interviews under section 2A or 2AA;
  - providing documents under section 2E;
  - giving, varying or revoking directions under section 2F.
- (2) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—
- any function under regulations under any of sections 2A to 2F, except the making of an excluded decision (see subsection (3));
  - the function under section 9(1) of the 1998 Act (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under regulations under any of sections 2A to 2F;
  - the function under section 10(1) of the 1998 Act (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Secretary of State that relate to any matter arising under regulations under any of sections 2A to 2F;
  - any function under Chapter 2 of Part 1 of the 1998 Act (social security decisions), except section 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).
- (3) Each of the following is an “excluded decision” for the purposes of subsection (2)—
- a decision about whether a person has failed to comply with a requirement imposed by regulations under section 2A, 2AA or 2D;
  - a decision about whether a person had good cause for failure to comply with such a requirement;
  - a decision about the reduction of a benefit in consequence of a failure to comply with such a requirement.
- (4) Regulations under subsection (2) may provide that a function to which that subsection applies may be exercised—
- either wholly or to such extent as the regulations may provide,
  - either generally or in such cases as the regulations may provide, and
  - either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.

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- (5) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—
- (a) either wholly or to such extent as may be specified in the authorisation,
  - (b) either generally or in such cases as may be so specified, and
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;
- but, in the case of an authorisation given by virtue of regulations under subsection (2), this subsection is subject to the regulations.
- (6) An authorisation given by virtue of any provision made by or under this section—
- (a) may specify its duration,
  - (b) may be revoked at any time by the Secretary of State, and
  - (c) does not prevent the Secretary of State or any other person from exercising the function to which the authorisation relates.
- (7) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State.
- (8) But subsection (7) does not apply—
- (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
  - (b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).
- (9) Any decision which an authorised person makes in exercise of the function concerned has effect as a decision of the Secretary of State under section 8 of the 1998 Act.
- (10) Where—
- (a) the authorisation of an authorised person is revoked at any time, and
  - (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,
- the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).
- (11) In this section—
- (a) “the 1998 Act” means the Social Security Act 1998;
  - (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this section;
  - (c) references to functions of the Secretary of State under any enactment (including one comprised in regulations) include functions which the Secretary of State has by virtue of the application of section 8(1)(c) of the 1998 Act in relation to the enactment.

#### **Textual Amendments**

**F53** Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

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## 2H Good cause for failure to comply with regulations **U.K.**

- (1) This section applies to any regulations made under section 2A, 2AA or 2D that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.
- (2) The provision made by the regulations prescribing those matters must include provision relating to—
  - (a) the person's physical or mental health or condition;
  - (b) the availability of childcare.]

### Textual Amendments

**F53** Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

### *[<sup>F55</sup>Bereavement benefits*

### Textual Amendments

**F55** S. 3 and cross-heading substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), **Sch. 8 para. 17**; S.I. 2000/1047, art. 2(2)(a), **Sch. Pt. I**

## 3 Late claims for bereavement benefit where death is difficult to establish **U.K.**

- (1) This section applies where a person's spouse [<sup>F56</sup>or civil partner] has died or may be presumed to have died on or after the appointed day and the circumstances are such that—
  - (a) more than 12 months have elapsed since the date of death; and
  - (b) either
    - (i) the spouse's [<sup>F57</sup>or civil partner's] body has not been discovered or identified or, if it has been discovered and identified, the surviving spouse [<sup>F56</sup>or civil partner] does not know that fact; or
    - (ii) less than 12 months have elapsed since the surviving spouse [<sup>F56</sup>or civil partner] first knew of the discovery and identification of the body.
- (2) Where this section applies, notwithstanding that any time prescribed for making a claim for a bereavement benefit in respect of the death has elapsed, then—
  - (a) in any case falling within paragraph (b) (i) of subsection (1) above where it has been decided under section 8 of the Social Security Act 1998 that the spouse [<sup>F56</sup>or civil partner] has died or is presumed to have died; or
  - (b) in any case falling within paragraph (b) (ii) of subsection (1) above where the identification was made not more than 12 months before the surviving spouse [<sup>F56</sup>or civil partner] first knew of the discovery and identification of the body, such a claim may be made or treated as made at any time before the expiration of the period of 12 months beginning with the date on which that decision was made or, as the case may be, the date on which the surviving spouse [<sup>F56</sup>or civil partner] first knew of the discovery and identification.

*Status: Point in time view as at 26/11/2014.*

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- (3) If, in a case where a claim for a bereavement benefit is made or treated as made by virtue of this section, the claimant would, apart from subsection (2) of section 1 above, be entitled to—
- (a) a bereavement payment in respect of the spouse's [<sup>F57</sup>or civil partner's] death more than 12 months before the date on which the claim is made or treated as made; or
  - (b) any other bereavement benefit in respect of his or her death for a period more than 12 months before that date,
- then, notwithstanding anything in that section, the surviving spouse [<sup>F56</sup>or civil partner] shall be entitled to that payment or, as the case may be, to that other benefit <sup>F58</sup>...
- (4) In subsection (1) above “the appointed day” means the day appointed for the coming into force of sections 54 to 56 of the Welfare Reform and Pensions Act 1999.]

#### Textual Amendments

- F56** Words in s. 3 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 56\(a\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F57** Words in s. 3 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 56\(b\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F58** Words in s. 3(3) repealed with savings (6.4.2003) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6; S.I. 2003/938, art. 2, Sch.](#) (with art. 3)

#### 4 Treatment of payments of benefit to certain widows **U.K.**

In any case where—

- (a) a claim for a widow's pension or a widowed mother's allowance is made, or treated as made, before 13th July 1990 (the date of the passing of the <sup>M1</sup>Social Security Act 1990); and
- (b) the Secretary of State has made a payment to or for the claimant on the ground that if the claim had been received immediately after the passing of that Act she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,

the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.

#### Marginal Citations

- M1** 1990 c. 27.

### *Claims and payments regulations*

#### 5 Regulations about claims for and payments of benefit **U.K.**

- (1) Regulations may provide—
- (a) for requiring a claim for a benefit to which this section applies to be made by such person, in such manner and within such time as may be prescribed;

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- (b) for treating such a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
- (c) for permitting such a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
- (d) for permitting an award on such a claim to be made for such a period subject to <sup>F59</sup>—
  - (i) the condition that the requirements for entitlement are satisfied at a prescribed time after the making of the award, or
  - (ii) other prescribed conditions;
- <sup>F60</sup>(e) for any such award to be revised under section 9 of the Social Security Act 1998, or superseded under section 10 of that Act, if any of <sup>F61</sup>the conditions referred to in paragraph (d)] are found not to have been satisfied;]
- (f) for the disallowance on any ground of a person's claim for a benefit to which this section applies to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
- (g) for enabling one person to act for another in relation to a claim for a benefit to which this section applies <sup>F62</sup>(including in particular, in the case of a benefit to be claimed by persons jointly, enabling one person to claim for such persons jointly)] and for enabling such a claim to be made and proceeded with in the name of a person who has died;
- <sup>F63</sup>(h) .....
- <sup>F63</sup>(hh) .....
- (i) for the person to whom, time when and manner in which a benefit to which this section applies is to be paid and for the information and evidence to be furnished in connection with the payment of such a benefit;
- (j) for notice to be given of any change of circumstances affecting the continuance of entitlement to such a benefit or payment of such a benefit <sup>F64</sup>or of any other change of circumstance of a prescribed description];
- (k) for the day on which entitlement to such a benefit is to begin or end;
- (l) for calculating the amounts of such a benefit according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or facilitate computation;
- (m) for extinguishing the right to payment of such a benefit if payment is not obtained within such period, not being less than 12 months, as may be prescribed from the date on which the right is treated under the regulations as having arisen;
- <sup>F65</sup>(n) .....
- <sup>F65</sup>(o) .....
- (p) for the circumstances and manner in which payments of such a benefit may be made to another person on behalf of the beneficiary for any purpose, which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person;
- (q) for the payment or distribution of such a benefit to or among persons claiming to be entitled on the death of any person and for dispensing with strict proof of their title;
- (r) <sup>F66</sup>for the making of a payment on account of such a benefit—

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- (i) in cases where it is impracticable for a claim to be made or determined immediately, or for an award to be determined or paid in full immediately,
- (ii) in cases of need, or
- (iii) in cases where the Secretary of State considers in accordance with prescribed criteria that the payment can reasonably be expected to be recovered;]

[<sup>F67</sup>(1A) Regulations may make provision for requiring a person of a prescribed description to supply any information or evidence which is, or could be, relevant to—

- (a) a claim or award relating to a benefit to which this section applies, or
- (b) potential claims or awards relating to such a benefit.]

(2) This section applies to the following benefits—

- [<sup>F68</sup>(za) universal credit;]
- (a) benefits as defined in section 122 of the Contributions and Benefits Act;
- [<sup>F69</sup>(aa) a jobseeker's allowance;]
- [<sup>F70</sup>(ab) state pension credit]
- [<sup>F71</sup>(ac) an employment and support allowance;]
- [<sup>F72</sup>(ad) personal independence payment;]
- (b) income support;
- <sup>F73</sup>(c) .....
- <sup>F73</sup>(d) .....
- (e) housing benefit;
- (f) any social fund payments such as are mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act;
- [<sup>F74</sup>(fa) health in pregnancy grant;]
- (g) child benefit; and
- (h) Christmas bonus.

[<sup>F75</sup>(2A) The regulations may also require such persons as are prescribed to provide a rent officer with information or evidence of such description as is prescribed.

(2B) For the purposes of subsection (2A), the Secretary of State may prescribe any description of information or evidence which he thinks is necessary or expedient to enable rent officers to carry out their functions under section 122 of the Housing Act 1996.

(2C) Information or evidence required to be provided by virtue of subsection (2A) may relate to an individual claim or award or to any description of claims or awards.]

<sup>F76</sup>(3) .....

<sup>F77</sup>(3A) .....

[<sup>F78</sup>(3B) The power in subsection (1)(i) above to make provision for the person to whom a benefit is to be paid includes, in the case of a benefit awarded to persons jointly, power to make provision for the Secretary of State to determine to which of them all or any part of a payment should be made, and in particular for the Secretary of State—

- (a) to determine that payment should be made to whichever of those persons they themselves nominate, or

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- (b) to determine that payment should be made to one of them irrespective of any nomination by them.]

<sup>F79</sup>(4) . . . . .

(5) Subsection (1)(g), (i), (1)(p) and (q) above shall have effect as if statutory sick pay<sup>F80</sup>, statutory maternity pay<sup>F81</sup>, ordinary statutory paternity pay, additional statutory paternity pay<sup>F82</sup> and statutory adoption pay<sup>F82</sup> and statutory shared parental pay were benefits to which this section applies.

<sup>F83</sup>(6) As it has effect in relation to <sup>F84</sup>universal credit or] housing benefit subsection (1)(p) above authorises provision requiring the making of payments of benefit to another person, on behalf of the beneficiary, in such circumstances as may be prescribed.]

### Textual Amendments

- F59** Words in s. 5(1)(d) substituted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 98(2)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 34
- F60** S. 5(1)(e) substituted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), **Sch. 7 para. 79(1)(a)**; S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F61** Words in s. 5(1)(e) substituted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 98(3)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 34
- F62** Words in s. 5(1)(g) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 98(4)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 34
- F63** S. 5(1)(h)(hh) repealed (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 99(2)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 35
- F64** Words in s. 5(1)(j) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 98(5)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 34
- F65** S. 5(1)(n)(o) repealed (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, and 29.11.1999 for specified purposes) by the [Social Security Act 1998 \(c. 14\)](#), Sch. 7 para. 79, **Sch. 8**; S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F66** S. 5(1)(r) substituted (25.2.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 101(1)**, 150(3); S.I. 2013/358, art. 2(1), Sch. 1 para. 17
- F67** S. 5(1A) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 99(3)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 35
- F68** S. 5(2)(za) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 5(a)**; S.I. 2013/358, art. 2(2), Sch. 2 para. 40
- F69** S. 5(2)(aa) inserted (22.4.96) [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 39**; S.I. 1996/1126, art. 2(a)
- F70** S. 5(2)(ab) inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 1 para. 3(2)**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)
- F71** S. 5(2)(ac) inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 10(4)**; S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F72** S. 5(2)(ad) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 9 para. 9**; S.I. 2013/358, art. 2(2), Sch. 2 para. 43
- F73** S. 5(2)(c)(d) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)

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- F74** S. 5(2)(fa) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 132(1)**, 170; S.I. 2008/3137, art. 2
- F75** S. 5(2A)-(2C) inserted (1.10.2007 for specified purposes, 7.4.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), **ss. 35(2)**, 70(2); S.I. 2007/2872, art. 2(2)(c)(3) (with arts. 3-5)
- F76** S. 5(3) repealed (7.4.2008) by Welfare Reform Act 2007 (c. 5), **ss. 35(3)**, 70(2), **Sch. 8**; S.I. 2007/2872, art. 2(1)(b)(c)
- F77** S. 5(3A) repealed (25.2.2013) by Welfare Reform Act 2012 (c. 5), **ss. 99(4)**, 150(3); S.I. 2013/358, art. 2(2), **Sch. 2 para. 35**
- F78** S. 5(3B) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), **ss. 100**, 150(3); S.I. 2013/358, art. 2(2), **Sch. 2 para. 36**
- F79** S. 5(4) repealed (2.7.2001) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 79(2)**, **Sch. 8**; S.I. 2001/2316, art. 2(a)(c)(i)
- F80** Words in s. 5(5) substituted (8.12.2002) by Employment Act 2002 (c. 22), s. 55(2), **Sch. 7 para. 11**; S.I. 2002/2866, art. 2(2), **Sch. 1 Pt. 2**
- F81** Words in s. 5(5) substituted (3.3.2010) by Work and Families Act 2006 (c. 18), s. 19(2), **Sch. 1 para. 24**; S.I. 2010/495, art. 3(c)
- F82** Words in s. 5(5) substituted (30.6.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 24(b)**; S.I. 2014/1640, art. 3(2)(e)
- F83** S. 5(6) inserted (with unlimited retrospective effect) by Housing Act 1996 (c. 52), s. 120(1) (with s. 120(2))
- F84** Words in s. 5(6) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 5(b)**; S.I. 2013/358, art. 2(2), **Sch. 2 para. 40**

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

- C2** S. 5(1) modified (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), **ss. 5(2)**, 70(2); S.I. 2008/787, art. 2(1)(4)(a), **Sch.**

*Community charge benefits etc.*

**6 Regulations about community charge benefits administration U.K.**

- [<sup>F85</sup>(1) Regulations may provide as follows as regards [<sup>F86</sup>council tax benefit]—
- (a) for requiring a claim for a benefit to be made by such person, in such manner and within such time as may be prescribed;
  - (b) for treating a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
  - (c) for permitting a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
  - (d) for permitting an award on a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable, or any right to a reduction <sup>F87</sup>... becomes available, under the award;
  - (e) for a review of any award if those requirements are found not to have been satisfied;
  - (f) for the disallowance on any ground of a person's claim for a benefit to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;



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- (g) for enabling one person to act for another in relation to a claim for a benefit and for enabling such a claim to be made and proceeded with in the name of a person who has died;
  - (h) for requiring any information or evidence needed for the determination of a claim or of any question arising in connection with a claim to be furnished by such person as may be prescribed in accordance with the regulations;
  - [<sup>F88</sup>(hh) for requiring such person as may be prescribed in accordance with the regulations to furnish any information or evidence needed for a determination whether a decision on an award of a benefit—
    - (i) should be revised under paragraph 3 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000; or
    - (ii) should be superseded under paragraph 4 of that Schedule;]
  - (i) for the time when and manner in which any benefit (or part) which takes the form of a payment is to be paid, and for the information and evidence to be furnished in connection with the payment;
  - (j) for the time when the right to make a reduction <sup>F89</sup>... may be exercised;
  - (k) for notice to be given of any change of circumstances affecting the continuance of entitlement to a benefit;
  - (l) for the day on which entitlement to a benefit is to begin or end;
  - (m) for calculating the amount of a benefit according to a prescribed scale or otherwise adjusting it so as to avoid fractional amounts or facilitate computation;
  - <sup>F90</sup>(n) .....
  - <sup>F91</sup>(o) .....
  - (p) in the case of any benefit (or part) which takes the form of a payment, for payment or distribution to or among persons claiming to be entitled on the death of any person, and for dispensing with strict proof of their title;
  - (q) in the case of any benefit (or part) which takes the form of a payment, for the circumstances and manner in which payment may be made to one person on behalf of another for any purpose, which may be to discharge, in whole or in part, an obligation of the person entitled to the benefit or any other person;
  - (r) for making a payment on account of a benefit, or conferring a right to make a reduction <sup>F92</sup>... on account, where no claim has been made and it is impracticable for one to be made immediately;
  - (s) for making a payment on account of a benefit, or conferring a right to make a reduction <sup>F93</sup>... on account, where a claim has been made but it is impracticable for the claim or an appeal, reference, review or application relating to it to be determined immediately;
  - (t) for making a payment on account of a benefit, or conferring a right to make a reduction <sup>F94</sup>... on account, where an award has been made but it is impracticable to institute the benefit immediately;
  - (u) generally as to administration.
- (2) Regulations under this section may include [<sup>F95</sup>provision in relation to council tax benefit that prescribed provisions shall apply instead of prescribed provisions of Part I or II of the Local Government Finance Act 1992, or that prescribed provisions of either of those Parts shall not apply] or shall apply subject to prescribed amendments or adaptations.

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[<sup>F96</sup>(3) References in subsection (2) above to either of the Parts there mentioned include references to regulations made under the Part concerned.]

#### Textual Amendments

- F85** S. 6 repealed with savings (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F86** Words in s. 6(1) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 12\(1\)\(a\)](#)
- F87** Words in s. 6(1)(d) omitted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), Sch. 9 para. 12(1)(b), [Sch. 14](#)
- F88** S. 6(1)(hh) inserted (1.11.2000 for specified purposes, 2.7.2001 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 68, [Sch. 7 para. 21\(2\)](#); S.I. 2000/2950, art. 3(c); S.I. 2001/1252, art. 2(2)(a)(iii)
- F89** Words in s. 6(1)(j) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), Sch. 9 para. 12(1)(c), [Sch. 14](#)
- F90** S. 6(1)(n) repealed (2.7.2001) by [Social Security Act 1998 \(c. 14\)](#), s. 86(1)(2), Sch. 7 para. 80, [Sch. 8](#); S.I. 2001/2316, art. 2(a)(c)(i)
- F91** S. 6(1)(o) repealed (2.7.2001) by [Social Security Act 1998 \(c. 14\)](#), s. 86(1)(2), Sch. 7 para. 80, [Sch. 8](#); S.I. 2001/2316, art. 2(a)(c)(i)
- F92** Words in s. 6(1)(r) omitted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), Sch. 9 para. 12(1)(c), [Sch. 14](#)
- F93** Words in s. 6(1)(s) omitted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), Sch. 9 para. 12(1)(c), [Sch. 14](#)
- F94** Words in s. 6(1)(t) omitted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), Sch. 9 para. 12(1)(c), [Sch. 14](#)
- F95** Words in s. 6(2) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 12\(2\)](#)
- F96** S. 6(3) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 12\(3\)](#)

## 7 Relationship between [<sup>F97</sup>community charge benefits and other] benefits **U.K.**

(1) Regulations may provide for a claim for one relevant benefit to be treated, either in the alternative or in addition, as a claim for any other relevant benefit that may be prescribed.

[<sup>F98</sup>(2) Regulations may provide for treating a payment made or right conferred by virtue of regulations—

<sup>F99</sup>(a) .....

(b) under section 6(l)(r) to (t) above,

as made or conferred on account of any relevant benefit that is subsequently awarded or paid.]

(3) For the purposes of [<sup>F100</sup>subsection (1)] above relevant benefits are—

(a) any benefit to which section 5 above applies; [<sup>F101</sup>and

(b) [<sup>F102</sup>council tax benefit].]

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#### Textual Amendments

- F97** Words in s. 7 heading repealed with savings (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F98** S. 7(2) repealed with savings (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F99** S. 7(2)(a) repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 14 Pt. 11](#); S.I. 2013/358, art. 4
- F100** Words in s. 7(3) substituted (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 3 para. 5](#); S.I. 2013/358, art. 8(b)
- F101** S. 7(3)(b) and preceding word repealed with savings (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F102** Words in s. 7(3)(b) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\)](#), [Sch. 9 para. 13](#)

*<sup>F103</sup> Sharing of functions as regards certain claims and information*

#### Textual Amendments

- F103** S. 7A and cross-heading inserted (11.11.1999) by the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), [ss. 71, 89\(4\)\(a\)](#)

### 7A Sharing of functions as regards certain claims and information **U.K.**

- (1) Regulations may, for the purpose of supplementing the persons or bodies to whom claims for relevant benefits may be made, make provision—
- (a) as regards housing benefit or council tax benefit, for claims for that benefit to be made to—
    - (i) a Minister of the Crown, or
    - (ii) a person providing services to a Minister of the Crown;
  - (b) as regards any other relevant benefit, for claims for that benefit to be made to—
    - (i) a local authority,
    - (ii) a person providing services to a local authority, or
    - (iii) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit;
  - <sup>F104</sup>(c) [ as regards any relevant benefit, for claims for that benefit to be made to—
    - (i) a county council in England,
    - (ii) a person providing services to a county council in England, or
    - (iii) a person authorised to exercise any function a county council in England has under this section.]
- (2) Regulations may make provision for or in connection with—
- (a) the forwarding by a relevant authority of—

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- (i) claims received by virtue of any provision authorised by subsection (1) above, and
- (ii) information or evidence supplied in connection with making such claims (whether supplied by persons making the claims or by other persons);
- (b) the receiving and forwarding by a relevant authority of information or evidence relating to social security [<sup>F105</sup>or work] matters supplied by, or the obtaining by a relevant authority of such information or evidence from—
  - (i) persons making, or who have made, claims for a relevant benefit, or
  - (ii) other persons in connection with such claims
 including information or evidence not relating to the claims or benefit in question;
- (c) the recording by a relevant authority of information or evidence relating to social security [<sup>F105</sup>or work] matters supplied to, or obtained by, the authority and the holding by the authority of such information or evidence (whether as supplied or obtained or as recorded);
- (d) the giving of information or advice with respect to social security [<sup>F105</sup>or work] matters by a relevant authority to persons making, or who have made, claims for a relevant benefit;
- [<sup>F106</sup>(e) the verification by a relevant authority of information or evidence supplied to or obtained by the authority in connection with a claim for or an award of a relevant benefit.]
- (3) In paragraphs (b)[<sup>F107</sup>, (d) and (e)] of subsection (2) above—
  - (a) references to claims for a relevant benefit are to such claims whether made as mentioned in subsection [<sup>F108</sup>(1)(a), (b) or (c)] above or not; and
  - (b) references to persons who have made such claims include persons to whom awards of benefit have been made on the claims.
- (4) Regulations under this section may make different provision for different areas.
- (5) Regulations under any other enactment may make such different provision for different areas as appears to the Secretary of State expedient in connection with any exercise by regulations under this section of the power conferred by subsection (4) above.
- (6) In this section—
  - (a) “benefit” includes child support or a war pension (any reference to a claim being read, in relation to child support, as a reference to an application [<sup>F109</sup>(or an application treated as having been made)] under the Child Support Act 1991 for a [<sup>F110</sup>maintenance calculation]);
  - (b) “local authority” means an authority administering housing benefit or council tax benefit;
  - [<sup>F111</sup>(c) “relevant authority” means—
    - (i) a Minister of the Crown;
    - (ii) a local authority;
    - (iii) a county council in England;
    - (iv) a person providing services to a person mentioned in sub-paragraphs (i) to (iii);
    - (v) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit;

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- (vi) a person authorised to exercise any function a county council in England has under this section;]
- (d) “relevant benefit” means housing benefit, council tax benefit or any other benefit prescribed for the purposes of this section;
- [<sup>F112</sup>(e) “social security or work matters” means matters relating to—
  - (i) social security, child support or war pensions, or
  - (ii) employment or training;]

and in this subsection “war pension” means a war pension within the meaning of section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).]

#### Textual Amendments

- F104** S. 7A(1)(c) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(a)**, 70(1)
- F105** Words in s. 7A(2) inserted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 12(a)**; [S.I. 2002/2866](#), art. 2(1), [Sch. 1 Pt. 1](#)
- F106** S. 7A(2)(e) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(b)**, 70(1)
- F107** Words in s. 7A(3) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(c)**, 70(1)
- F108** Words in s. 7A(3)(a) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(d)**, 70(1)
- F109** Words in s. 7A(6)(a) inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 12(a)** (with s. 83(6)); [S.I. 2003/192](#), art. 3, [Sch. 3](#), [Sch.](#)
- F110** Words in s. 7A(6)(a) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 12(b)** (with s. 83(6)); [S.I. 2003/192](#), art. 3, [Sch.](#)
- F111** S. 7A(6)(c) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(e)**, 70(1)
- F112** S. 7A(6)(e) substituted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 12(b)**; [S.I. 2002/2866](#), art. 2(1), [Sch. 1 Pt. 1](#)

#### [<sup>F113</sup>7B Use of social security information **U.K.**

- (1) A relevant authority may use for a relevant purpose any social security information which it holds.
- (2) Regulations may make provision as to the procedure to be followed by a relevant authority for the purposes of any function it has relating to the administration of a specified benefit if the authority holds social security information which—
  - (a) is relevant for the purposes of anything which may or must be done by the authority in connection with a claim for or an award of the benefit, and
  - (b) was used by another relevant authority in connection with a claim for or an award of a different specified benefit or was verified by that other authority in accordance with regulations under section 7A(2)(e) above.
- (3) A relevant purpose is anything which is done in relation to a claim which is made or which could be made for a specified benefit if it is done for the purpose of—
  - (a) identifying persons who may be entitled to such a benefit;
  - (b) encouraging or assisting a person to make such a claim;
  - (c) advising a person in relation to such a claim.
- (4) Social security information means—
  - (a) information relating to social security, child support or war pensions;

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- (b) evidence obtained in connection with a claim for or an award of a specified benefit.
- (5) A specified benefit is a benefit which is specified in regulations for the purposes of this section.
- (6) Expressions used in this section and in section 7A have the same meaning in this section as in that section.
- (7) This section does not affect any power which exists apart from this section to use for one purpose social security information obtained in connection with another purpose.]

#### Textual Amendments

**F113** S. 7B inserted (1.10.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(1), 70(2)**; [S.I. 2007/2819](#), art. 2(1)(a)

### *Industrial injuries benefit*

#### **8 Notification of accidents, etc** **U.K.**

Regulations may provide—

- (a) for requiring the prescribed notice of an accident in respect of which industrial injuries benefit may be payable to be given within the prescribed time by the employed earner to the earner's employer or other prescribed persons;
- (b) for requiring employers—
  - (i) to make reports, to such person and on such form and within such time as may be prescribed, of accidents in respect of which industrial injuries benefit may be payable;
  - (ii) to furnish to the prescribed person any information required for the determination of claims, or of questions arising in connection with claims or awards;
  - (iii) to take such other steps as may be prescribed to facilitate the giving notice of accidents, the making of claims and the determination of claims and of questions so arising.

#### **9 Medical examination and treatment of claimants** **U.K.**

- (1) Regulations may provide for requiring claimants for disablement benefit—
  - (a) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident, or the treatment appropriate to the relevant injury or loss of faculty;
  - (b) to submit themselves from time to time to appropriate medical treatment for the injury or loss of faculty.
- (2) Regulations under subsection (1) above requiring persons to submit themselves to a medical examination or treatment may—
  - (a) require those persons to attend at such places and at such times as may be required; and

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- (b) with the consent of the Treasury provide for the payment by the Secretary of State to those persons of travelling and other allowances (including compensation for loss of remunerative time).

## 10 Obligations of claimants **U.K.**

(1) Subject to subsection (3) below, regulations may provide for disqualifying a claimant for the receipt of industrial injuries benefit—

- (a) for failure without good cause to comply with any requirement of regulations to which this subsection applies (including in the case of a claim for industrial death benefit, a failure on the part of some other person to give the prescribed notice of the relevant accident);
- (b) for wilful obstruction of, or other misconduct in connection with, any examination or treatment to which he is required under regulations to which this subsection applies to submit himself, or in proceedings under this Act for the determination of his right to benefit or to its receipt,

or for suspending proceedings on the claim or payment of benefit as the case may be, in the case of any such failure, obstruction or misconduct.

(2) The regulations to which subsection (1) above applies are—

- (a) any regulations made by virtue of section 5(1)(h), (i) or (1) above, so far as relating to industrial injuries benefit; and
- (b) regulations made by virtue of section 8 or 9 above.

(3) Regulations under subsection (1) above providing for disqualification for the receipt of benefit for any of the following matters, that is to say—

- (a) for failure to comply with the requirements of regulations under section 9(1) or (2) above;
- (b) for obstruction of, or misconduct in connection with, medical examination or treatment,

shall not be made so as to disentitle a claimant to a benefit for a period exceeding 6 weeks on any disqualification.

*[<sup>F114</sup>Disabled person's tax credit]*

### Textual Amendments

**F114** Words substituted (5.10.99) in s. 11(1) by para. 3(b) of Sch. 1 to the [Tax Credits Act 1999 \(c. 10\)](#).

## <sup>F115</sup>11 Initial claims and repeat claims **U.K.**

### Textual Amendments

**F115** S. 11 repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/962, art. 2(4)(e), [Sch. 2](#) (with art. 3)

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### *The social fund*

## 12 Necessity of application for certain payments **U.K.**

- [<sup>F116</sup>(1) A social fund payment such as is mentioned in section 138(1)(b) of the Contributions and Benefits Act may be awarded to a person only if an application for such a payment has been made by him or on his behalf in such form and manner as may be prescribed.
- (2) The Secretary of State may by regulations—
- (a) make provision with respect to the time at which an application for such a social fund payment is to be treated as made;
  - (b) prescribe conditions that must be satisfied before any determination in connection with such an application may be made or any award of such a payment may be paid;
  - (c) prescribe circumstances in which such an award becomes extinguished.]

#### Textual Amendments

**F116** S. 12 repealed (1.4.2013) (with savings relating to budgeting loans and relating to community care grants and crisis loans applied for before 1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 8](#); S.I. 2012/3090, art. 2(1)(d) (with art. 3)

### *[<sup>F117</sup>Health in pregnancy grant*

#### Textual Amendments

**F117** S. 12A and cross-heading inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. [132\(3\)](#), 170; S.I. 2008/3137, art. 2

## 12A Necessity of application for health in pregnancy grant **U.K.**

- (1) No person is entitled to health in pregnancy grant unless she claims it in the manner, and within the time, prescribed in relation to health in pregnancy grant by regulations under section 5.
- (2) No person is entitled to health in pregnancy grant unless subsection (3) or (4) is satisfied in relation to her.
- (3) This subsection is satisfied in relation to a person if her claim for health in pregnancy grant is accompanied by—
  - (a) a statement of her national insurance number and information or evidence establishing that that number has been allocated to her; or
  - (b) information or evidence enabling the national insurance number that has been allocated to her to be ascertained.
- (4) This subsection is satisfied in relation to a person if she makes an application for a national insurance number to be allocated to her which is accompanied by information or evidence enabling a national insurance number to be allocated to her.



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- (5) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision disapplying subsection (2) in the case of prescribed descriptions of persons making a claim.]

### *Child benefit*

## **13 Necessity of application for child benefit** **U.K.**

- (1) Subject to the provisions of this Act, no person shall be entitled to child benefit unless he claims it in the manner, and within the time, prescribed in relation to child benefit by regulations under section 5 above.

[<sup>F118</sup>(1A) No person shall be entitled to child benefit unless subsection (1B) below is satisfied in relation to him.

(1B) This subsection is satisfied in relation to a person if—

- (a) his claim for child benefit is accompanied by—
- (i) a statement of his national insurance number and information or evidence establishing that that number has been allocated to him; or
  - (ii) information or evidence enabling the national insurance number that has been allocated to him to be ascertained; or
- (b) he makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

(1C) Regulations may make provision disapplying subsection (1A) above in the case of—

- (a) prescribed descriptions of persons making claims; or
- (b) prescribed descriptions of children [<sup>F119</sup>or qualifying young persons] in respect of whom child benefit is claimed,  
or in other prescribed circumstances.]

- (2) Except where regulations otherwise provide, no person shall be entitled to child benefit for any week on a claim made by him after that week if child benefit in respect of the same child [<sup>F120</sup>or qualifying young person] has already been paid for that week to another person, whether or not that other person was entitled to it.

#### **Textual Amendments**

**F118** S. 13(1A)-(1C) inserted (17.4.2000 for specified purposes, 15.5.2000 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), **ss. 69, 89(1)**; S.I. 2000/1047, art. 2(1)

**F119** Words in s. 13(1C) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 20(2)**

**F120** Words in s. 13(2) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 20(3)**

## [<sup>F121</sup>**13A Election not to receive child benefit** **U.K.**

- (1) A person (“P”) who is entitled to child benefit in respect of one or more children may elect for all payments of the benefit to which P is entitled not to be made.
- (2) An election may be made only if P reasonably expects that, in the absence of the election, P or another person would be liable to a high income child benefit charge

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in respect of the payments to which the election relates made for weeks in the first tax year.

- (3) An election has effect in relation to payments made for weeks beginning after the election is made.
- (4) But where entitlement to child benefit is backdated, an election may have effect in relation to payments for weeks beginning in the period of three months ending immediately before the claim for the benefit was made.
- (5) An election may be revoked.
- (6) A revocation has effect in relation to payments made for weeks beginning after the revocation is made.
- (7) But if—
  - (a) P makes an election which results in all payments, in respect of child benefit, to which P is entitled for one or more weeks in a tax year not being paid, and
  - (b) had no election been made, neither P nor any other person would have been liable to a high income child benefit charge in relation to the payments,
 P may, no later than two years after the end of the tax year, revoke the election so far as it relates to the payments.
- (8) Subsections (2) to (7) are subject to directions under subsection (9).
- (9) The Commissioners for Her Majesty's Revenue and Customs may give directions as to—
  - (a) the form of elections and revocations under this section, the manner in which they are to be made and the time at which they are to be treated as made, and
  - (b) the circumstances in which, if child benefit is not being paid to a person at the full rate or the Commissioners are satisfied that there are doubts as to a person's entitlement to child benefit for a child, an election or revocation is not to have effect or its effect is to be postponed.
- (10) For the purposes of this section—
  - “child” includes a qualifying young person;
  - “first tax year”, in relation to an election, means the tax year in which the first week beginning after the election is made falls;
  - “week” means a period of 7 days beginning with a Monday; and a week is in a tax year if (and only if) the Monday with which it begins is in the tax year.]

#### **Textual Amendments**

**F121** S. 13A inserted (with effect for the tax year 2012-13 and subsequent tax years) by [Finance Act 2012](#) (c. 14), [Sch. 1 para. 3](#) (with [Sch. 1 para. 7](#))

### *Statutory Sick pay*

#### **14 Duties of employees etc. in relation to statutory sick pay U.K.**

- (1) Any employee who claims to be entitled to statutory sick pay from his employer shall, if so required by his employer, provide such information as may reasonably be required

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for the purpose of determining the duration of the period of entitlement in question or whether a period of entitlement exists as between them.

- (2) The Secretary of State may by regulations [<sup>F122</sup>made with the concurrence of the Inland Revenue] direct—
- (a) that medical information required under subsection (1) above shall, in such cases as may be prescribed, be provided in a prescribed form;
  - (b) that an employee shall not be required under subsection (1) above to provide medical information in respect of such days as may be prescribed in a period of incapacity for work.
- (3) Where an employee asks an employer of his to provide him with a written statement, in respect of a period before the request is made, of one or more of the following—
- (a) the days within that period which the employer regards as days in respect of which he is liable to pay statutory sick pay to that employee;
  - (b) the reasons why the employer does not so regard the other days in that period;
  - (c) the employer's opinion as to the amount of statutory sick pay to which the employee is entitled in respect of each of those days,
- the employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

#### Textual Amendments

**F122** Words in s. 14(2) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 3 para. 42](#); S.I. 1999/527, art. 2(b), Sch. 2

### *Statutory maternity pay*

## 15 Duties of women etc. in relation to statutory maternity pay **U.K.**

- (1) A woman shall provide the person who is liable to pay her statutory maternity pay—
- (a) with evidence as to her pregnancy and the expected date of confinement in such form and at such time as may be prescribed; and
  - (b) where she commences work after her confinement but within the maternity pay period, with such additional information as may be prescribed.
- [<sup>F123</sup>(1A) Any regulations for the purposes of subsection (1) above must be made with the concurrence of the Inland Revenue.]
- (2) Where a woman asks an employer or former employer of hers to provide her with a written statement, in respect of a period before the request is made, of one or more of the following—
- (a) the weeks within that period which he regards as weeks in respect of which he is liable to pay statutory maternity pay to the women;
  - (b) the reasons why he does not so regard the other weeks in that period; and
  - (c) his opinion as to the amount of statutory maternity pay to which the woman is entitled in respect of each of the weeks in respect of which he regards himself as liable to make a payment,
- the employer or former employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

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#### Textual Amendments

**F123** S. 15(1A) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 3 para. 43](#); S.I. 1999/527, art. 2(b), Sch. 2

*<sup>F124</sup>Payments in respect of mortgage interest etc*

#### Textual Amendments

**F124** S. 15A and cross-heading inserted (1.7.1992) by [Social Security \(Mortgage Interest Payments\) Act 1992 \(c. 33\)](#), [Sch. para. 1](#)

### 15A **Payment out of benefit of sums in respect of mortgage interest etc** U.K.

(1) This section applies in relation to cases where—

- (a) mortgage interest is payable to a qualifying lender by a person (“the borrower”) who is entitled, or whose partner, former partner or qualifying associate is entitled, to [<sup>F125</sup>universal credit,] income support<sup>F126</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance]; and
- (b) a sum in respect of that mortgage interest is or was brought into account in determining [<sup>F127</sup>the maximum amount for the purposes of universal credit or] the applicable amount for the purposes of income support<sup>F126</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] in the case of the borrower or the partner, former partner or qualifying associate;

and any reference in this section to “the relevant beneficiary” is a reference to the person whose [<sup>F128</sup>maximum amount for the purposes of universal credit or] applicable amount for the purposes of income support<sup>F126</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] is or was determined as mentioned in paragraph (b) above.

[ This section also applies in relation to cases where—

- <sup>F129</sup>(1A)
- (a) mortgage interest is payable to a qualifying lender by a person (also referred to as “the borrower”) who is, or whose partner, or former partner or qualifying associate is, entitled to state pension credit; and
  - (b) a sum in respect of that mortgage interest is or was brought into account in determining the appropriate minimum guarantee for the purposes of state pension credit in the case of the borrower or the partner, former partner or qualifying associate;

and any reference in this section to “the relevant beneficiary” includes a reference to the person whose appropriate minimum guarantee for the purposes of state pension credit is or was determined as mentioned in paragraph (b) above.]

(2) Without prejudice to paragraphs (i) and (p) of section 5(1) above, regulations may, in relation to cases where this section applies, make provision—

- (a) requiring that, in prescribed circumstances, a prescribed part of any relevant benefits [<sup>F130</sup>(other than state pension credit)] to which the relevant beneficiary is entitled shall be paid by the Secretary of State directly to the qualifying

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lender and applied by that lender towards the discharge of the liability in respect of the mortgage interest;

[<sup>F131</sup>(aa) authorising or requiring that, in prescribed circumstances, a prescribed part of any state pension credit to which the relevant beneficiary is entitled may (or, as the case may be, shall) be paid by the Secretary of State directly to the qualifying lender and shall be applied by that lender towards the discharge of the liability in respect of the mortgage interest;]

(b) for the expenses of the Secretary of State in administering the making of payments under the regulations to be defrayed, in whole or in part, at the expense of qualifying lenders, whether by requiring them to pay prescribed fees or by deducting and retaining a prescribed part of the payments that would otherwise be made to them under the regulations or by such other method as may be prescribed;

(c) for requiring a qualifying lender, in a case where by virtue of paragraph (b) above the amount of the payment made to him under the regulations is less than it would otherwise have been, to credit against the liability in respect of the mortgage interest (in addition to the payment actually made) an amount equal to the difference between—

(i) the payment that would have been so made, apart from paragraph (b) above; and

(ii) the payment actually made;

and, in any such case, for treating the amount so credited as properly paid on account of benefit due to the relevant beneficiary;

(d) for enabling a body which, or person who, would otherwise be a qualifying lender to elect not to be regarded as such for the purposes of this section, other than this paragraph;

(e) for the recovery from any body or person—

(i) of any sums paid to that body or person by way of payment under the regulations that ought not to have been so paid; or

(ii) of any fees or other sums due from that body or person by virtue of paragraph (b) above;

(f) for cases where the same person is the borrower in relation to mortgage interest payable in respect of two or more different loans; and

(g) for any person of a prescribed class or description who would otherwise be regarded for the purposes of this section as the borrower in relation to any mortgage interest not to be so regarded, except for the purposes of this paragraph;

but the Secretary of State shall not make any regulations under paragraph (b) above unless he has consulted with such organisations representing qualifying lenders likely to be affected by the regulations as he considers appropriate.

(3) The bodies and persons who “qualifying lenders” for the purposes of this section are—

[<sup>F132</sup>(a) a deposit taker,]

<sup>F133</sup>(b) .....

[<sup>F134</sup>(c) an insurer],

(d) any county council, [<sup>F135</sup>county borough council,] district council <sup>F136</sup>... or London Borough Council,

(e) the Common Council of the City of London,

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- [ any council constituted under section 2 of the <sup>M2</sup>Local Government <sup>F137</sup>(ee) etc. (Scotland) Act 1994],
- (f) the Council of the Isles of Scilly,
- (g) any new town corporation,
- and such bodies or persons not falling within the above paragraphs as may be prescribed.

(4) In this section—

<sup>F138</sup>“appropriate minimum guarantee” has the meaning given by section 2(3) of the State Pension Credit Act 2002;]

<sup>F139</sup>“deposit taker” means—

- (a) a person who has permission under <sup>F140</sup>Part 4A] of the Financial Services and Markets Act 2000 to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits;

“insurer” means—

- (a) a person who has permission under <sup>F140</sup>Part 4A] of the Financial Services and Markets Act 2000 to effect and carry out contracts of insurance, or
- (b) an EEA firm of the kind mentioned in <sup>F141</sup>paragraph 5(d)] of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect and carry out contracts of insurance;]

“mortgage interest” means interest on a loan which is secured by a mortgage of or charge over land, or (in Scotland) by a heritable security, and which has been taken out to defray money applied for any of the following purposes, that is to say—

- (a) acquiring any residential land which was intended, at the time of the acquisition, for occupation by the borrower as his home;
- (b) carrying out repairs or improvements to any residential land which was intended, at the time of taking out the loan, for occupation by the borrower as his home
- (c) paying off another loan; or
- (d) any prescribed purpose not falling within paragraphs (a) to (c) above;

but interest shall be regarded as mortgage interest by virtue of paragraph (c) above only to the extent that interest on that other loan would have been regarded as mortgage interest for the purposes of this section had the loan not been paid off;

“partner” means—

- (a) any person <sup>F142</sup>who is married to, or a civil partner of, the borrower] and who is a member of the same household as the borrower; or
- (b) any person <sup>F143</sup>who is neither married to, nor a civil partner of, the borrower but who lives together with the borrower as <sup>F144</sup>husband and wife or as if they were civil partners][<sup>F144</sup>if they were a married couple]], otherwise than in prescribed circumstances;

and “former partner” means a person who has at some time been, but no longer is, the borrowers's partner;

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“qualifying associate”, in relation to the borrower, means a person who, for the purposes of income support<sup>F145</sup>, an income-based jobseeker’s allowance<sup>F146</sup>, state pension credit or an income-related employment and support allowance<sup>F147</sup>, or universal credit<sup>F148</sup> falls to be treated by regulations under Part VII of the Contributions and Benefits Act<sup>F148</sup> or (as the case may be) under the Jobseekers Act 1995<sup>F146</sup>, the State Pension Credit Act 2002 or Part 1 of the Welfare Reform Act 2007<sup>F149</sup> or Part 1 of the Welfare Reform Act 2012] as responsible for so much of the expenditure which relates to housing costs (within the meaning of those regulations) as consists of any of the mortgage interest payable by the borrower, and who falls to be so treated because—

- (a) the borrower is not meeting those costs, so that the person has to meet them if he is to continue to live in the dwelling occupied as his home; and
- (b) the person is one whom it is reasonable, in the circumstances, to treat as liable to meet those costs;

“relevant benefits” means such of the following benefits as may be prescribed, namely—

- (za) <sup>F150</sup>universal credit;]
- (a) benefits, as defined in section 122 of the Contributions and Benefits Act;
- (aa) <sup>F151</sup>a jobseeker's allowance;]
- (b) income support;
- (c) <sup>F152</sup>state pension credit;]
- (d) <sup>F153</sup>an employment and support allowance;]

“residential land” means any land which consists of or includes a dwelling.

- [ The definitions of “deposit taker” and “insurer” in subsection (4) must be read with—
- <sup>F154</sup>(4A) (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
  - (c) Schedule 2 to that Act.]

- [ <sup>F156</sup>For the purposes of this section, two people of the same sex are to be regarded as
- <sup>F155</sup>(4B) 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.]]

- (5) For the purposes of this section, regulations may make provision—
  - (a) as to circumstances in which residential land is or is not to be treated as intended for occupation by the borrower as his home; or
  - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.]

#### Textual Amendments

- F125** Words in s. 15A(1)(a) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 2 para. 6\(2\)\(a\)](#); S.I. 2013/358, art. 2(2), Sch. 2 para. 40
- F126** Words in s. 15A(1) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\)](#), [Sch. 3 para. 10\(5\)\(a\)](#); S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F127** Words in s. 15A(1)(b) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 2 para. 6\(2\)\(b\)](#); S.I. 2013/358, art. 2(2), Sch. 2 para. 40
- F128** Words in s. 15A(1) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 2 para. 6\(2\)\(c\)](#); S.I. 2013/358, art. 2(2), Sch. 2 para. 40

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- F129** S. 15A(1A) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(2)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F130** Words in s. 15A(2)(a) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(3)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F131** S. 15A(2)(aa) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(4)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F132** S. 15(3)(a) substituted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(2)(a)**
- F133** S. 15A(3)(b) repealed (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(2)(b)**
- F134** S. 15A(3)(c) substituted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(2)(c)**
- F135** Words in s. 15A(3)(d) inserted (1.4.1996) by Local Government (Wales) Act 1994 (c. 19), s. 66(3), **Sch. 8 para. 11**; S.I. 1996/396, art. 3, **Sch.1**
- F136** Words in s. 15A(3)(d) omitted (1.4.1996) by Local Government etc. (Scotland) Act 1994 (c. 39), s. 184(2), **Sch. 13 para. 175(2)(a)**, **Sch. 14**; S.I. 1996/323, art. 4(c)(d), **Sch. 2**
- F137** S. 15A(3)(ee) inserted (1.4.1996) by Local Government etc. (Scotland) Act 1994 (c. 39), s. 184(2), **Sch. 13 para. 175(2)(b)**; S.I. 1996/323, **art. 4(c)**
- F138** Words in s. 15A(4) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(5)(a)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F139** Words in s. 15A(4) inserted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(3)**
- F140** Words in s. 15A(4) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 74(2)** (with **Sch. 20**); S.I. 2013/423, art. 3, **Sch.**
- F141** Words in s. 15A(4) substituted (3.7.2002) by The Financial Services and Markets Act 2000 (Consequential Amendments) Order 2002 (S.I. 2002/1555), arts. 1, **17**
- F142** Words in s. 15A(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 57(2)(a)**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F143** Words in s. 15A(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 57(2)(b)**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F144** Words in s. 15A(4) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 23(a)**
- F145** Words in s. 15A(4) substituted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(5)(b)(i)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F146** Words in s. 15A(4) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(5)(b)**; S.I. 2008/787, art. 2(1)(4)(f), **Sch.**
- F147** Words in s. 15A(4) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 6(3)(a)(i)**; S.I. 2013/358, art. 2(2), **Sch. 2 para. 40**
- F148** Words in s. 15A(4) inserted (22.4.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 40(3)(b)**; S.I. 1996/1126, **art. 2(a)**
- F149** Words in s. 15A(4) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 6(3)(a)(ii)**; S.I. 2013/358, art. 2(2), **Sch. 2 para. 40**
- F150** Words in s. 15A(4) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 6(3)(b)**; S.I. 2013/358, art. 2(2), **Sch. 2 para. 40**
- F151** Words in s. 15A(4) inserted (22.4.1996) by Jobseeker's Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 40(4)**; S.I. 1996/1126, **art. 2(a)**



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- F152** Words in s. 15A(4) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 2 para. 9\(5\)\(c\)](#); S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F153** S. 15A(4)(d) inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(5\)\(c\)](#); S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F154** S. 15A(4A) inserted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), arts. 1, [330\(4\)](#)
- F155** S. 15A(4B) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 57\(3\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F156** S. 15A(4B) omitted (E.W.) (13.3.2014) by virtue of [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), [Sch. 1 para. 23\(b\)](#)

#### Marginal Citations

**M2** 1994 c. 39.

### *Emergency payments*

## 16 **Emergency payments by local authorities and other bodies** **U.K.**

- (1) The Secretary of State may make arrangements—
- with a local authority to which this section applies; or
  - with any other body,
- for the making on his behalf by members of the staff of any such authority or body of payments on account of benefits to which section 5 above applies in circumstances corresponding to those in which the Secretary of State himself has the power to make such payments under subsection (1)(r) of that section; and a local authority to which this section applies shall have power to enter into any such arrangements.
- (2) A payment under any such arrangements shall be treated for the purposes of any Act of Parliament or instrument made under an Act of Parliament as if it had been made by the Secretary of State.
- (3) The Secretary of State shall repay a local authority or other body such amount as he determines to be the reasonable administrative expenses incurred by the authority or body in making payments in accordance with arrangements under this section.
- (4) The local authorities to which this section applies are—
- a local authority as defined by section 270(1) of the <sup>M3</sup>Local Government Act 1972, other than a parish or community council;
  - the Common Council of the City of London; and
  - a local authority as defined in section 235(1) of the <sup>M4</sup>Local Government (Scotland) Act 1973.

#### Marginal Citations

**M3** 1972 c. 70.

**M4** 1973 c. 65.

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F157 PART II U.K.

ADJUDICATION

Textual Amendments

F157 Pt. II (which includes Schs. 2, 3) repealed (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, and 29.11.1999 for all remaining purposes except those described in S.I. 1999/3178, art. 2(2)) by the Social Security Act 1998 (c. 14), Sch. 8; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with art. 3); S.I. 1999/2422, art. 2(b)(c), Sch. 1 (with art. 5); S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1 (with art. 5); S.I. 1999/3178, art. 2(1)(a), Sch. 1 (with art. 2(2))

Adjudication by the Secretary of State

F157 17 Questions for the Secretary of State U.K.

.....

F157 18 Appeal on question of law U.K.

.....

F157 19 Review of decisions U.K.

.....

Adjudication by adjudication officers

F157 20 Claims and questions to be submitted to adjudication officer U.K.

.....

F157 21 Decision of adjudication officer U.K.

.....

Appeals from adjudication officers—general

F157 22 Appeal to social security appeal tribunal U.K.

.....

F157 23 Appeal from social security appeal tribunal to Commissioner U.K.

.....

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**F15724 Appeal from Commissioners on point of law U.K.**

.....

*Reviews—general*

**F15725 Review of decisions U.K.**

.....

**F15726 Procedure for reviews U.K.**

.....

**F15727 Reviews under s. 25—supplementary U.K.**

.....

**F15728 Appeals following reviews or refusals to review U.K.**

.....

**F15729 Review after claimant appeals U.K.**

.....

*Attendance allowance, disability living allowance and disability working allowance*

**F15730 Reviews of decisions of adjudication officers U.K.**

.....

**F15731 Further reviews U.K.**

.....

**F15732 Reviews of decisions as to attendance allowance, disability living allowance or disability working allowance—supplementary U.K.**

.....

**F15733 Appeals following reviews U.K.**

.....

**F15734 Appeal from social security appeal tribunals or disability appeal tribunals to Commissioners and appeals from Commissioners U.K.**

.....

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**F15735** **Reviews of decisions on appeal** **U.K.**

.....

*Questions first arising on appeal*

**F15736** **Questions first arising on appeal** **U.K.**

.....

*Reference of special questions*

**F15737** **Reference of special questions** **U.K.**

.....

*Adjudication officers and the Chief Adjudication Officer*

**F15738** **Adjudication officers** **U.K.**

.....

**F15739** **The Chief Adjudication Officer** **U.K.**

.....

*Social security appeal tribunals*

**F15740** **Panels for appointment to social security appeal tribunals** **U.K.**

.....

**F15741** **Constitution of social security appeal tribunals** **U.K.**

.....

*Disability appeal tribunals*

**F15742** **Panels for appointment to disability appeal tribunals** **U.K.**

.....

**F15743** **Constitution of disability appeal tribunals** **U.K.**

.....

*Status: Point in time view as at 26/11/2014.*

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*Adjudication in relation to industrial injuries and disablement benefit*

<sup>F157</sup>**44 Declaration that accident is an industrial accident** **U.K.**

.....

<sup>F157</sup>**45 Disablement questions** **U.K.**

.....

<sup>F157</sup>**46 Medical appeals and references** **U.K.**

.....

<sup>F157</sup>**47 Review of medical decisions** **U.K.**

.....

<sup>F157</sup>**48 Appeal etc. on question of law to Commissioner** **U.K.**

.....

*Adjudicating medical practitioners and medical appeal tribunals*

<sup>F157</sup>**49 Adjudicating medical practitioners** **U.K.**

.....

<sup>F157</sup>**50 Constitution of medical appeal tribunals** **U.K.**

.....

*The President and full-time chairmen of tribunals*

<sup>F157</sup>**51 The President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals and regional chairmen and other full-time chairmen** **U.K.**

.....

*Social Security Commissioners*

<sup>F157</sup>**52 Appointment of Commissioners** **U.K.**

.....

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*References by authorities*

<sup>F157</sup>**53 Power of adjudicating authorities to refer matters to experts** **U.K.**

.....

<sup>F157</sup>**54 Claims relating to attendance allowance, disability living allowance and disability working allowance** **U.K.**

.....

<sup>F157</sup>**55 Medical examination etc. in relation to appeals to disability appeal tribunals** **U.K.**

.....

*Determination of questions of special difficulty*

<sup>F157</sup>**56 Assessors** **U.K.**

.....

<sup>F157</sup>**57 Tribunal of three Commissioners** **U.K.**

.....

*Medical examinations*

<sup>F157</sup>**57A Medical examinations of persons awarded attendance allowance or disability living allowance.** **U.K.**

.....

*Regulations*

<sup>F157</sup>**58 Regulations as to determination of questions and matters arising out of, or pending, reviews and appeals** **U.K.**

.....

<sup>F157</sup>**59 Procedure** **U.K.**

.....

<sup>F157</sup>**60 Finality of decisions** **U.K.**

.....

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<sup>F157</sup>**61 Regulations about supplementary matters relating to determinations** **U.K.**

.....

*Incapacity for work*

<sup>F157</sup>**61A Adjudication: incapacity for work.** **U.K.**

.....

*Industrial diseases*

<sup>F157</sup>**62 Adjudication as to industrial diseases** **U.K.**

.....

*Housing benefit and community charge benefits*

<sup>F157</sup>**63 Adjudication** **U.K.**

.....

*Social fund officers and inspectors and the social fund Commissioner*

<sup>F157</sup>**64 Social fund officers** **U.K.**

.....

<sup>F157</sup>**65 The social fund Commissioner and inspectors** **U.K.**

.....

<sup>F157</sup>**66 Reviews** **U.K.**

.....

*Christmas bonus*

<sup>F157</sup>**67 Determination of questions** **U.K.**

.....

*Restrictions on entitlement to benefit following erroneous decision*

<sup>F157</sup>**68 Restrictions on entitlement to benefit in certain cases of error** **U.K.**

.....

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<sup>F157</sup>69 **Determination of questions on review following erroneous decisions** **U.K.**

.....

*Correction of errors*

<sup>F157</sup>70 **Regulations as to correction of errors and setting aside of decisions** **U.K.**

.....

**PART III** **U.K.**

OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

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

- C3 Pt. III restricted (22.8.1996) by [Employment Tribunals Act 1996 \(c. 17\)](#), **ss. 17(1)(a)**, 46  
 C4 Pt. III excluded (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), **ss. 68**, 89(4)(a)

*Misrepresentation etc*

**71** **Overpayments—general** **U.K.**

(1) Where it is determined that, whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact and in consequence of the misrepresentation or failure—

- (a) a payment has been made in respect of a benefit to which this section applies;  
or
- (b) any sum recoverable by or on behalf of the Secretary of State in connection with any such payment has not been recovered,

the Secretary of State shall be entitled to recover the amount of any payment which he would not have made or any sum which he would have received but for the misrepresentation or failure to disclose.

<sup>F158</sup>(2) Where any such determination as is referred to in subsection (1) above is made, the person making the determination shall <sup>F159</sup>in the case of the Secretary of State or <sup>F160</sup>the First-tier Tribunal], and may in the case of <sup>F161</sup>the Upper Tribunal] or a court]—

- (a) determine whether any, and if so what, amount is recoverable under that subsection by the Secretary of State, and
- (b) specify the period during which that amount was paid to the person concerned.]

(3) An amount recoverable under subsection (1) above is in all cases recoverable from the person who misrepresented the fact or failed to disclose it.

(4) In relation to cases where payments of benefit to which this section applies have been credited to a bank account or other account under arrangements made with the agreement of the beneficiary or a person acting for him, circumstances may be prescribed in which the Secretary of State is to be entitled to recover any amount paid



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in excess of entitlement; but any such regulations shall not apply in relation to any payment unless before he agreed to the arrangements such notice of the effect of the regulations as may be prescribed was given in such manner as may be prescribed to the beneficiary or to a person acting for him.

<sup>F162</sup>(5) .....

[<sup>F163</sup>(5A) Except where regulations otherwise provide, an amount shall not be recoverable [<sup>F164</sup>under subsection (1) or under regulations under subsection (4)] unless the determination in pursuance of which it was paid has been reversed or varied on an appeal or [<sup>F165</sup>has been revised under section 9 or superseded under section 10 of the Social Security Act 1998].]

(6) Regulations may provide—

- (a) that amounts recoverable under subsection (1) above or regulations under subsection (4) above shall be calculated or estimated in such manner and on such basis as may be prescribed;
- (b) for treating any amount paid to any person under an award which it is subsequently determined was not payable—
  - (i) as properly paid; or
  - (ii) as paid on account of a payment which it is determined should be or should have been made,

and for reducing or withholding any arrears payable by virtue of the subsequent determination;

- (c) for treating any amount paid to one person in respect of another as properly paid for any period for which it is not payable in cases where in consequence of a subsequent determination—
  - (i) the other person is himself entitled to a payment for that period; or
  - (ii) a third person is entitled in priority to the payee to a payment for that period in respect of the other person, and for reducing or withholding any arrears payable for that period by virtue of the subsequent determination.

<sup>F166</sup>(7) .....

(8) Where any amount paid <sup>F167</sup>... is recoverable under—

- (a) subsection (1) above;
- (b) regulations under subsection (4) <sup>F168</sup>... above; or
- (c) section 74 below,

it may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.

(9) Where any amount paid in respect of a [<sup>F169</sup>couple] is recoverable as mentioned in subsection (8) above, it may, without prejudice to any other method of recovery, be recovered, in such circumstances as may be prescribed, by deduction from prescribed benefits payable to either of them.

[<sup>F170</sup>(9A) Regulations may provide for amounts recoverable under the provisions mentioned in subsection (8) above to be recovered by deductions from earnings.

(9B) In subsection (9A) above “earnings” has such meaning as may be prescribed.

(9C) Regulations under subsection (9A) above may include provision—

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- (a) requiring the person from whom an amount is recoverable (“the beneficiary”) to disclose details of their employer, and any change of employer, to the Secretary of State;
  - (b) requiring the employer, on being served with a notice by the Secretary of State, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Secretary of State;
  - (c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;
  - (d) as to how payment is to be made to the Secretary of State;
  - (e) as to a level of earnings below which earnings must not be reduced;
  - (f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;
  - (g) requiring the employer to keep records of deductions;
  - (h) requiring the employer to notify the Secretary of State if the beneficiary is not, or ceases to be, employed by the employer;
  - (i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;
  - (j) with respect to the priority as between a requirement to deduct from earnings under this section and—
    - (i) any other such requirement;
    - (ii) an order under any other enactment relating to England and Wales which requires deduction from the beneficiary's earnings;
    - (iii) any diligence against earnings.]
- (10) Any amount recoverable under the provisions mentioned in subsection (8) above—
- (a) if the person from whom it is recoverable resides in England and Wales and the county court so orders, shall be recoverable [<sup>F171</sup>under section 85 of the County Courts Act 1984] or otherwise as if it were payable under an order of that court; and
  - (b) if he resides in Scotland, shall be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

<sup>F172</sup>(10A) .....

<sup>F172</sup>(10B) .....

- (11) This section applies to the following benefits—
- (a) benefits as defined in section 122 of the Contributions and Benefits Act;
    - [<sup>F173</sup>(aa) [<sup>F174</sup>subject to section 71A below, a jobseeker’s allowance;]]
    - [<sup>F175</sup>(ab) state pension credit;]
    - [<sup>F176</sup>(ac) [<sup>F177</sup>an employment and support allowance;]]
    - [<sup>F178</sup>(ad) personal independence payment;]
    - (b) [<sup>F179</sup>... , income support;
    - <sup>F180</sup>(c) .....
    - <sup>F180</sup>(d) .....
    - (e) any social fund payments such as are mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act; and

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- [<sup>F181</sup>(ea) health in pregnancy grant; and]  
(f) child benefit.

[<sup>F182</sup>(12) In this section, “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act.]

### Textual Amendments

- F158** S. 71(2) substituted (with effect where a determination under s. 71(1) made after 24.7.1996) by [Social Security \(Overpayments\) Act 1996 \(c. 51\), s. 1\(2\)](#) (with s. 1(5))
- F159** Words in s. 71(2) inserted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 81](#); S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F160** Words in s. 71(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 103\(a\)](#)
- F161** Words in s. 71(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 103\(b\)](#)
- F162** S. 71(5) repealed (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\), ss. 44\(2\), 70\(1\), Sch. 8](#)
- F163** S. 71(5A) inserted (with effect where a determination under s. 71(1) made after 24.7.1996) by [Social Security \(Overpayments\) Act 1996 \(c. 51\), s. 1\(4\)](#) (with s. 1(5))
- F164** Words in s. 71(5A) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\), ss. 44\(3\), 70\(1\)](#)
- F165** Words in s. 71(5A) substituted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 81](#); S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F166** S. 71(7) repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 11](#); S.I. 2013/358, art. 4
- F167** Words in s. 71(8) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 107\(1\), 150\(2\)\(d\)](#)
- F168** Words in s. 71(8) repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 11](#); S.I. 2013/358, art. 4
- F169** Words in s. 71(9) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 58\(2\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F170** S. 71(9A)-(9C) inserted (1.7.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 106\(1\), 150\(3\)](#); S.I. 2012/1246, art. 2(4)(c)
- F171** Words in s. 71(10)(a) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 102](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F172** S. 71(10A)(10B) repealed (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 11](#); S.I. 2013/358, art. 5(4)
- F173** S. 71(11)(aa) inserted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\), s. 41\(2\), Sch. 2 para. 48](#); S.I. 1996/2208, art. 2(b)
- F174** S. 71(11)(aa) repealed (29.4.2013) (with savings for "old style JSA awards") by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 11](#); S.I. 2013/358, art. 5(4) (with art. 5(6)(7)) (as amended (24.4.2013) by S.I. 2013/983, art. 23)
- F175** S. 71(11)(ab) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\), s. 22\(3\), Sch. 2 para. 10](#); S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F176** S. 71(11)(ac) inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 3 para. 10\(6\)](#); S.I. 2008/787, art. 2(1)(4)(f), Sch.

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- F177** S. 71(11)(ac) repealed (29.4.2013) (with savings for "old style ESA awards") by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 11](#); S.I. 2013/358, art. 5(4) (with art. 5(6)(7)) (as amended (24.4.2013) by S.I. 2013/983, art. 23)
- F178** S. 71(11)(ad) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 9 para. 10](#); S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F179** Words in s. 71(11)(b) omitted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\), s. 41\(2\), Sch. 3](#); S.I. 1996/2208, art. 2(b)
- F180** S. 71(11)(c)(d) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6](#); S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)
- F181** S. 71(11)(ea) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), ss. 132\(4\), 170](#); S.I. 2008/3137, art. 2
- F182** S. 71(12) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 58\(3\)](#); S.I. 2005/3175, art. 2(1), Sch. 1

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

- C5** S. 71 excluded by [Social Security \(Recovery of Benefits\) Act 1997 \(c. 27\), ss. 20\(3\), 34\(2\)](#); S.I. 1997/2085, art. 2(2)
- C6** S. 71 applied (1.9.2005) by [The Age-Related Payments Regulations 2005 \(S.I. 2005/1983\), regs. 1\(1\), 9](#)
- C7** S. 71 modified (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), ss. 132\(5\), 170](#); S.I. 2008/3137, art. 2

#### [<sup>F183</sup>71ZA] Overpayments out of social fund **U.K.**

- (1) Subject to subsection (2) below, section 71 above shall apply in relation to social fund payments to which this section applies as it applies in relation to payments made in respect of benefits to which that section applies.
- (2) Section 71 above as it so applies shall have effect as if—
- (a) in <sup>F184</sup>... subsection (5A), for the words “reversed or varied on an appeal or has been revised under section 9 or superseded under section 10” there were substituted the words “revised on a review under section 38”;
  - <sup>F185</sup>(b) .....
  - (c) subsections (7), (10A) and (10B) were omitted.
- [ Subsection (9A) of section 71 above as it so applies shall have effect as if the reference <sup>F186</sup>(2A) to amounts recoverable under the provisions mentioned in subsection (8) of that section were to amounts recoverable under subsections (1) and (4) of that section by virtue of subsection (1) above.]
- (3) This section applies to social fund payments such as are mentioned in section 138(1) (b) of the Contributions and Benefits Act.]

#### Textual Amendments

- F183** S. 71ZA inserted (5.10.1998) by the [Social Security Act 1998 \(c. 14\), ss. 75\(1\), 87\(2\)](#) (with s. 75(2), Sch. 6 para. 8); S.I. 1998/2209, art. 2(e)
- F184** Words in s. 71ZA(2)(a) repealed (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\), s. 70\(1\), Sch. 8](#)
- F185** S. 71ZA(2)(b) repealed (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\), s. 70\(1\), Sch. 8](#)
- F186** S. 71ZA(2A) inserted (1.7.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 106\(2\), 150\(3\)](#); S.I. 2012/1246, art. 2(4)(c)

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## *<sup>F187</sup>Recovery of benefit payments*

### **Textual Amendments**

**F187** Ss. 71ZB-71ZH and cross-heading inserted (1.7.2012 for specified purposes, 1.10.2012 for specified purposes, 29.4.2013 in so far as not already in force, except for s 71ZB(1)(d) and the word “and” immediately preceding it, and, in respect of s. 71ZB(1)(b)(c) only in so far as those paragraphs relate respectively to a new style JSA award and a new style ESA award) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 105\(1\), 150\(3\)](#); [S.I. 2012/1246, art. 2\(4\)\(a\)\(b\)\(5\)\(a\)](#); [S.I. 2013/358, art. 5\(2\)\(3\)\(a\)](#) (with [art. 5\(3A\)\(7\)](#)) (as amended by [S.I. 2013/983, art. 23](#))

## **71ZB Recovery of overpayments of certain benefits** **U.K.**

- (1) The Secretary of State may recover any amount of the following paid in excess of entitlement—
  - (a) universal credit,
  - (b) jobseeker's allowance,
  - (c) employment and support allowance, and
  - (d) except in prescribed circumstances, housing credit (within the meaning of the State Pension Credit Act 2002).
- (2) An amount recoverable under this section is recoverable from—
  - (a) the person to whom it was paid, or
  - (b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.
- (3) An amount paid in pursuance of a determination is not recoverable under this section unless the determination has been—
  - (a) reversed or varied on an appeal, or
  - (b) revised or superseded under section 9 or section 10 of the Social Security Act 1998,except where regulations otherwise provide.
- (4) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.
- (5) Where an amount of universal credit is paid for the sole reason that a payment by way of prescribed income is made after the date which is the prescribed date for payment of that income, that amount is for the purposes of this section paid in excess of entitlement.
- (6) In the case of a benefit referred to in subsection (1) which is awarded to persons jointly, an amount paid to one of those persons may for the purposes of this section be regarded as paid to the other.
- (7) An amount recoverable under this section may (without prejudice to any other means of recovery) be recovered—
  - (a) by deduction from benefit (section 71ZC);
  - (b) by deduction from earnings (section 71ZD);
  - (c) through the courts etc (section 71ZE);
  - (d) by adjustment of benefit (section 71ZF).

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

**C8** S. 71ZB(3) excluded (29.4.2013) by [The Social Security \(Overpayments and Recovery\) Regulations 2013 \(S.I. 2013/384\)](#), regs. 1(3), 5

**71ZC Deduction from benefit** **U.K.**

- (1) An amount recoverable from a person under section 71ZB may be recovered by deducting the amount from payments of prescribed benefit.
- (2) Where an amount recoverable from a person under section 71ZB was paid to the person on behalf of another, subsection (1) authorises its recovery from the person by deduction—
  - (a) from prescribed benefits to which the person is entitled,
  - (b) from prescribed benefits paid to the person to discharge (in whole or in part) an obligation owed to that person by the person on whose behalf the recoverable amount was paid, or
  - (c) from prescribed benefits paid to the person to discharge (in whole or in part) an obligation owed to that person by any other person.
- (3) Where an amount is recovered as mentioned in paragraph (b) of subsection (2), the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction.
- (4) Where an amount is recovered as mentioned in paragraph (c) of subsection (2), the obligation specified in that paragraph shall in all cases be taken to be so discharged.

**71ZD Deduction from earnings** **U.K.**

- (1) Regulations may provide for amounts recoverable under section 71ZB to be recovered by deductions from earnings.
- (2) In this section “earnings” has such meaning as may be prescribed.
- (3) Regulations under subsection (1) may include provision—
  - (a) requiring the person from whom an amount is recoverable (“the beneficiary”) to disclose details of their employer, and any change of employer, to the Secretary of State;
  - (b) requiring the employer, on being served with a notice by the Secretary of State, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Secretary of State;
  - (c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;
  - (d) as to how payment is to be made to the Secretary of State;
  - (e) as to a level of earnings below which earnings must not be reduced;
  - (f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;
  - (g) requiring the employer to keep records of deductions;
  - (h) requiring the employer to notify the Secretary of State if the beneficiary is not, or ceases to be, employed by the employer;

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- (i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;
- (j) with respect to the priority as between a requirement to deduct from earnings under this section and—
  - (i) any other such requirement;
  - (ii) an order under any other enactment relating to England and Wales which requires deduction from the beneficiary's earnings;
  - (iii) any diligence against earnings.

### 71ZE Court action etc **U.K.**

- (1) Where an amount is recoverable under section 71ZB from a person residing in England and Wales, the amount is, if [<sup>F188</sup>the county court] so orders, recoverable—
  - (a) under section 85 of the County Courts Act 1984, or
  - (b) otherwise as if it were payable under an order of the court.
- (2) Where an amount is recoverable under section 71ZB from a person residing in Scotland, the amount recoverable may be enforced as if it were payable under an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (3) Any costs of the Secretary of State in recovering an amount of benefit under this section may be recovered by him as if they were amounts recoverable under section 71ZB.
- (4) In any period after the coming into force of this section and before the coming into force of section 62 of the Tribunals, Courts and Enforcement Act 2007, subsection (1) (a) has effect as if it read “by execution issued from the county court”.

#### Textual Amendments

**F188** Words in s. 71ZE(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

### 71ZF Adjustment of benefit **U.K.**

Regulations may for the purpose of the recovery of amounts recoverable under section 71ZB make provision—

- (a) for treating any amount paid to a person under an award which it is subsequently determined was not payable—
  - (i) as properly paid, or
  - (ii) as paid on account of a payment which it is determined should be or should have been made,and for reducing or withholding arrears payable by virtue of the subsequent determination;
- (b) for treating any amount paid to one person in respect of another as properly paid for any period for which it is not payable in cases where in consequence of a subsequent determination—

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- (i) the other person is entitled to a payment for that period, or
  - (ii) a third person is entitled in priority to the payee to a payment for that period in respect of the other person,
- and by reducing or withholding any arrears payable for that period by virtue of the subsequent determination.

### **71ZG Recovery of payments on account** U.K.

- (1) The Secretary of State may recover any amount paid under section 5(1)(r) (payments on account).
- (2) An amount recoverable under this section is recoverable from—
  - (a) the person to whom it was paid, or
  - (b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.
- (3) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.
- (4) In the case of a payment on account of a benefit which is awarded to persons jointly, an amount paid to one of those persons may for the purposes of this section be regarded as paid to the other.
- (5) Sections 71ZC, 71ZD and 71ZE apply in relation to amounts recoverable under this section as to amounts recoverable under section 71ZB.

### **71ZH Recovery of hardship payments etc** U.K.

- (1) The Secretary of State may recover any amount paid by way of—
  - (a) a payment under section 28 of the Welfare Reform Act 2012 (universal credit hardship payments) which is recoverable under that section,
  - (b) [<sup>F189</sup>a payment under section 19C of the Jobseekers Act 1995 (jobseeker's allowance hardship payments) which is recoverable under that section,]
  - (c) a payment of a jobseeker's allowance under paragraph 8 or 8A of Schedule 1 to that Act (exemptions), where the allowance is payable at a prescribed rate under paragraph 9 of that Schedule and is recoverable under that paragraph,
  - (d) a payment of a jobseeker's allowance under paragraph 10 of that Schedule (claims yet to be determined etc) which is recoverable under that paragraph, or
  - (e) a payment which is recoverable under section 6B(5A)(d) or (7)(d), 7(2A)(d) or (4)(d), 8(3)(aa), (4)(d) or 9(2A)(d) or (4)(d) of the Social Security Fraud Act 2001.
- (2) An amount recoverable under this section is recoverable from—
  - (a) the person to whom it was paid, or
  - (b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.
- (3) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.
- (4) Where universal credit or a jobseeker's allowance is claimed by persons jointly, an amount paid to one claimant may for the purposes of this section be regarded as paid to the other.



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- (5) Sections 71ZC to 71ZF apply in relation to amounts recoverable under this section as to amounts recoverable under section 71ZB.]

#### Textual Amendments

**F189** S. 71ZH(1)(b) repealed (with effect in relation to specified cases in accordance with S.I. 2013/983, art. 7) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 4](#); S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended by S.I. 2013/1511, art. 6)

#### <sup>[F190]</sup> Jobseeker's allowance

#### Textual Amendments

**F190** S. 71A and cross-heading inserted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), [ss. 18](#), 41(2); S.I. 1996/2208, art. 2(b)

### 71A Recovery of jobseeker's allowance: severe hardship cases **U.K.**

- (1) Where—
- (a) a severe hardship direction is revoked; and
  - (b) it is determined by <sup>[F191]</sup>the Secretary of State] that—
    - (i) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact; and
    - (ii) in consequence of the failure or misrepresentation, payment of a jobseeker's allowance has been made during the relevant period to the person to whom the direction related,<sup>[F191]</sup>the Secretary of State] may determine that <sup>[F191]</sup>he] is entitled to recover the amount of the payment.
- (2) In this section—
- “severe hardship direction” means a direction given under section 16 of the Jobseekers Act 1995; and
- “the relevant period” means—
- (a) if the revocation is under section 16(3)(a) of that Act, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and
  - (b) if the revocation is under section 16(3)(b) or (c) of that Act, the period during which the direction was in force.
- (3) Where a severe hardship direction is revoked, the Secretary of State may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.
- (4) If the Secretary of State certifies that there has been such misrepresentation or failure to disclose, he may certify—
- (a) who made the misrepresentation or failed to make the disclosure; and
  - (b) whether or not a payment of jobseeker's allowance has been made in consequence of the misrepresentation or failure.

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- (5) If the Secretary of State certifies that a payment has been made, he may certify the period during which a jobseeker's allowance would not have been paid but for the misrepresentation or failure to disclose.
- (6) A certificate under this section shall be conclusive as to any matter certified.
- (7) Subsections (3) and (6) to (10) of section 71 above apply to a jobseeker's allowance recoverable under subsection (1) above as they apply to a jobseeker's allowance recoverable under section 71(1) above.
- (8) The other provisions of section 71 above do not apply to a jobseeker's allowance recoverable under subsection (1) above.]

**Textual Amendments**

**F191** Words in s. 71A(1) substituted (18.10.1999) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 7 para. 82](#); [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#)

**72 Special provision as to recovery of income support U.K.**

F192  
 .....

**Textual Amendments**

**F192** S. 72 repealed (7.10.1996) by the [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 3](#); [S.I. 1996/2208](#), art. 2(b)

*Adjustments of benefits*

**73 Overlapping benefits—general U.K.**

- (1) Regulations may provide for adjusting benefit as defined in section 122 of the Contributions and Benefits Act<sup>F193</sup>, or a contribution-based jobseeker's allowance,]<sup>F194</sup> or a contributory employment and support allowance] which is payable to or in respect of any person, or the conditions for [<sup>F195</sup>receipt of that benefit], where—
  - (a) there is payable in his case any such pension or allowance as is described in subsection (2) below; or
  - (b) the person is, or is treated under the regulations as, undergoing medical or other treatment as an in-patient in a hospital or similar institution.
- (2) Subsection (1)(a) above applies to any pension, allowance or benefit payable out of public funds (including any other benefit as so defined, whether it is of the same or a different description) which is payable to or in respect of—
  - (a) the person referred to in subsection (1);
  - (b) that person's [<sup>F196</sup>wife, husband or civil partner];
  - (c) any <sup>F197</sup>... dependant of that person; or
  - (d) the [<sup>F198</sup>wife, husband or civil partner] of any adult dependant of that person.

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- (3) Where but for regulations made by virtue of subsection (1)(a) above two persons would both be entitled to an increase of benefit in respect of a third person, regulations may make provision as to their priority.
- [<sup>F199</sup>(4) Regulations may provide for adjusting
- (a) benefit as defined in section 122 of the Contributions and Benefits Act; <sup>F200</sup> ...
  - (b) a contribution-based jobseeker's allowance, [<sup>F201</sup>or
  - (c) a contributory employment and support allowance,]
- payable to or in respect of any person where there is payable in his case any such benefit as is described in subsection (5) below.]
- (5) Subsection (4) above applies to any benefit payable under the legislation of any member State other than the United Kingdom which is payable to or in respect of—
- (a) the person referred to in that subsection;
  - (b) that person's [<sup>F202</sup>wife, husband or civil partner];
  - (c) any <sup>F203</sup>... dependant of that person; or
  - (d) the [<sup>F204</sup>wife, husband or civil partner] of any adult dependant of that person.
- [<sup>F205</sup>(6) Personal independence payment is to be treated for the purposes of this section as if it were benefit as defined in section 122 of the Contributions and Benefits Act.]

#### Textual Amendments

- F193** Word in s. 73(1) inserted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 49\(2\)\(a\)](#); [S.I. 1996/1509](#), art. 2, [Sch.](#)
- F194** Words in s. 73(1) inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(7\)\(a\)](#); [S.I. 2008/787](#), art. 2(1)(4)(f), [Sch.](#)
- F195** Words in s. 73(1) substituted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 49\(2\)\(b\)](#); [S.I. 1996/1509](#), art. 2, [Sch.](#)
- F196** Words in s. 73(2)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 59](#); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)
- F197** Words in s. 73(2)(c) repealed (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), [Sch. 1 para. 21](#)
- F198** Words in s. 73(2)(d) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 59](#); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)
- F199** S. 73(4) substituted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 49\(3\)](#); [S.I. 1996/1509](#), art. 2, [Sch.](#)
- F200** Word in s. 73(4)(a) repealed (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 8](#); [S.I. 2008/787](#), art. 2(4)(g)
- F201** S. 73(4)(c) and preceding word inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(7\)\(b\)](#); [S.I. 2008/787](#), art. 2(1)(4)(f), [Sch.](#)
- F202** Words in s. 73(5)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 59](#); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)
- F203** Words in s. 73(5)(c) repealed (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), [Sch. 1 para. 21](#)
- F204** Words in s. 73(5)(d) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 59](#); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)
- F205** S. 73(6) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 11](#); [S.I. 2013/358](#), art. 7(1)(2)(k), [Sch. 3](#); [S.I. 2013/1250](#), art. 2

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## 74 Income support and other payments **U.K.**

### (1) Where—

- (a) a payment by way of prescribed income is made after the date which is the prescribed date in relation to the payment; and
- (b) it is determined that an amount which has been paid by way of income support<sup>[F206]</sup>, an income-based jobseeker's allowance<sup>[F207]</sup>, state pension credit or an income-related employment and support allowance<sup>]</sup> would not have been paid if the payment had been made on the prescribed date,

the Secretary of State shall be entitled to recover that amount from the person to whom it was paid.

### (2) Where—

- (a) a prescribed payment which apart from this subsection falls to be made from public funds in the United Kingdom or under the law of any other member State is not made on or before the date which is the prescribed date in relation to the payment; and
- (b) it is determined that an amount (“the relevant amount”) has been paid by way of <sup>[F208]</sup>universal credit or] income support<sup>[F209]</sup>, an income-based jobseeker's allowance<sup>[F210]</sup>, state pension credit or an income-related employment and support allowance<sup>]</sup> that would not have been paid if the payment mentioned in paragraph (a) above had been made on the prescribed date,

then—

- (i) in the case of a payment from public funds in the United Kingdom, the authority responsible for making it may abate it by the relevant amount; and
- (ii) in the case of any other payment, the Secretary of State shall be entitled to receive the relevant amount out of the payment.

### (3) Where—

- (a) a person (in this subsection referred to as A) is entitled to any prescribed benefit for any period in respect of another person (in this subsection referred to as B); and
- (b) either—
  - (i) B has received income support<sup>[F211]</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance<sup>]</sup> for that period; or
  - (ii) B was, during that period, a member of the same family as some person other than A who received income support<sup>[F211]</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance<sup>]</sup> for that period; and
- (c) the amount of the income support<sup>[F211]</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance<sup>]</sup> 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 the prescribed benefit,

the amount of the prescribed benefit may, at the discretion of the authority administering it, be abated by the amount by which the amounts paid by way of income support<sup>[F211]</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance<sup>]</sup> exceed what it is determined that they would have been had A, at the time the amount of income support<sup>[F211]</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance<sup>]</sup> was determined,

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been making payments for the maintenance of B at a rate equal to the amount of the prescribed benefit.

- (4) Where an amount could have been recovered by abatement by virtue of subsection (2) or (3) above but has not been so recovered, the Secretary of State may recover it otherwise than by way of abatement—
  - (a) in the case of an amount which could have been recovered by virtue of subsection (2) above, from the person to whom it was paid; and
  - (b) in the case of an amount which could have been recovered by virtue of subsection (3) above, from the person to whom the prescribed benefit in question was paid.
- (5) Where a payment is made in a currency other than sterling, its value in sterling shall be determined for the purposes of this section in accordance with regulations.

#### Textual Amendments

- F206** Words in s. 74(1)(b) substituted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 2 para. 11\(2\)](#); S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F207** Words in s. 74(1)(b) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(8\)\(a\)](#); S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F208** Words in s. 74(2)(b) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 7](#); S.I. 2013/358, art. 5(1)
- F209** Words in s. 74(2)(b) substituted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 2 para. 11\(3\)](#); S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F210** Words in s. 74(2)(b) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(8\)\(a\)](#); S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F211** Words in s. 74(3)(b) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(8\)\(b\)](#); S.I. 2008/787, art. 2(1)(4)(f), Sch.

#### [<sup>F212</sup>74A Payment of benefit where maintenance payments collected by Secretary of State **U.K.**

- (1) This section applies where—
  - (a) a person (“the claimant”) is entitled to a benefit to which this section applies;
  - (b) the Secretary of State is collecting periodical payments of child or spouse maintenance made in respect of the claimant or a member of the claimant's family; and
  - (c) the inclusion of any such periodical payment in the claimant's relevant income would, apart from this section, have the effect of reducing the amount of the benefit to which the claimant is entitled.
- (2) The Secretary of State may, to such extent as he considers appropriate, treat any such periodical payments as not being relevant income for the purposes of calculating the amount of benefit to which the claimant is entitled.

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- (3) The Secretary of State may, to the extent that any periodical payment collected by him is treated as not being relevant income for those purposes retain the whole or any part of that payment.
- (4) Any sum retained by the Secretary of State under subsection (3) shall be paid by him into the Consolidated Fund.
- (5) In this section—
- “child” means a person under the age of 16;
  - “child maintenance”, “spouse maintenance” and “relevant income” have such meaning as may be prescribed;
  - [<sup>F213</sup>“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]
  - “family” means—
    - (a) a [<sup>F214</sup>couple];
    - (b) a [<sup>F214</sup>couple] 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 a [<sup>F214</sup>couple] 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;
- <sup>F215</sup> .....
- <sup>F215</sup> .....
- (6) For the purposes of this section, the Secretary of State may by regulations make provision as to the circumstances in which—
- (a) persons are to be treated as being or not being members of the same household;
  - (b) one person is to be treated as responsible or not responsible for another.
- (7) The benefits to which this section applies are [<sup>F216</sup>universal credit,] income support, an income-based jobseeker's allowance<sup>[<sup>F217</sup></sup>, an income-related employment and support allowance] and such other benefits (if any) as may be prescribed.]

#### Textual Amendments

- F212** S. 74A inserted (1.10.1995) by [Child Support Act 1995 \(c. 34\)](#), **ss. 25, 30(4)**; S.I. 1995/2302, art. 2(b), [Sch. Pt. II](#)
- F213** Words in s. 74A(5) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 60(a)**; S.I. 2005/3175, art. 2(1), [Sch. 1](#)
- F214** Words in s. 74A(5) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 60(b)**; S.I. 2005/3175, art. 2(1), [Sch. 1](#)
- F215** Words in s. 74A(5) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 60\(c\)](#), **Sch. 30**; S.I. 2005/3175, art. 2(1)(6), [Sch. 1](#)
- F216** Words in s. 74A(7) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 8**; S.I. 2013/983, art. 3(1)(b)(ii)
- F217** Words in s. 74A(7) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 10(9)**; S.I. 2008/787, art. 2(4)(f)

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### *Housing benefit*

## **75 Overpayments of housing benefit U.K.**

- (1) Except where regulations otherwise provide, any amount of housing benefit [<sup>F218</sup>determined in accordance with regulations to have been] paid in excess of entitlement may be recovered <sup>F219</sup>... either by the Secretary of State or by the authority which paid the benefit.
- (2) Regulations may require such an authority to recover such an amount in such circumstances as may be prescribed.
- [<sup>F220</sup>(3) An amount recoverable under this section shall be recoverable—
  - (a) except in such circumstances as may be prescribed, from the person to whom it was paid; and
  - (b) where regulations so provide, from such other person (as well as, or instead of, the person to whom it was paid) as may be prescribed.]
  - (4) Any amount recoverable under this section may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.
  - [<sup>F221</sup>(5) Where an amount paid to a person on behalf of another person is recoverable under this section, subsections (3) and (4) above authorise its recovery from the person to whom it was paid by deduction—
    - (a) from prescribed benefits to which he is entitled;
    - (b) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by the person on whose behalf the recoverable amount was paid; or
    - (c) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by any other person.
  - (6) Where an amount is recovered as mentioned in paragraph (b) of subsection (5) above, the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction; and where an amount is recovered as mentioned in paragraph (c) of that subsection, the obligation specified in that paragraph shall in all cases be taken to be so discharged.
  - (7) Where any amount recovered under this section is to be recovered otherwise than by deduction from prescribed benefits—
    - (a) if the person from whom it is recoverable resides in England and Wales and the county court so orders, it is recoverable [<sup>F222</sup>under section 85 of the County Courts Act 1984] or otherwise as if it were payable under an order of that court; and
    - (b) if he resides in Scotland, it may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.]
  - [<sup>F223</sup>(8) Regulations may provide for amounts recoverable under this section to be recovered by deductions from earnings.
  - (9) In subsection (8) above “earnings“ has such meaning as may be prescribed.
  - (10) Regulations under subsection (8) above may include provision—

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- (a) requiring the person from whom an amount is recoverable (“the beneficiary”) to disclose details of their employer, and any change of employer, to the Secretary of State or the authority which paid the benefit;
- (b) requiring the employer, on being served with a notice by the Secretary of State or the authority which paid the benefit, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Secretary of State or that authority;
- (c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;
- (d) as to how payment is to be made to the Secretary of State or the authority which paid the benefit;
- (e) as to a level of earnings below which earnings must not be reduced;
- (f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;
- (g) requiring the employer to keep records of deductions;
- (h) requiring the employer to notify the Secretary of State or the authority which paid the benefit if the beneficiary is not, or ceases to be, employed by the employer;
- (i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;
- (j) with respect to the priority as between a requirement to deduct from earnings under this section and—
  - (i) any other such requirement;
  - (ii) an order under any other enactment relating to England and Wales which requires deduction from the beneficiary's earnings;
  - (iii) any diligence against earnings.]

#### Textual Amendments

- F218** Words in s. 75(1) substituted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), [Sch. 1 para. 3](#); S.I. 1997/1577, art. 2, Sch.
- F219** Words in s. 75(1) repealed (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), [Sch. 2](#); S.I. 1997/1577, art. 2, Sch.
- F220** S. 75(3) substituted (1.11.2000 for specified purposes, 1.10.2001 for all other purposes) by the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 71, 86](#); S.I. 2000/2950, art. 3(b); S.I. 2001/2295, art. 2(d)
- F221** s. 75(5)-(7) inserted (8.10.1997 for specified purposes, 3.11.1997 for all other purposes) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), [ss. 16, 25\(1\)](#); S.I. 1997/2417, art. 2(2)
- F222** Words in s. 75(7)(a) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 103](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F223** S. 75(8)-(10) inserted (1.7.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 106\(3\), 150\(3\)](#); S.I. 2012/1246, art. 2(4)(c)

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

- C9** S. 75 modified (1.4.1995) by [The Local Government Changes for England \(Housing Benefit and Council Tax Benefit\) Regulations 1995 \(S.I. 1995/531\)](#), regs. 1, [3](#)



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## Community charge benefits <sup>X1</sup>

### Editorial Information

X1 Unreliable heading

## 76 Excess benefits **U.K.**

- (1) Regulations may make provision as to any case where a [<sup>F224</sup>billing authority] or a [<sup>F225</sup>local authority in Scotland] has allowed [<sup>F224</sup>council tax benefit] to a person and the amount allowed exceeds the amount to which he is entitled in respect of the benefit.
- (2) <sup>F226</sup>... the regulations may provide that—
  - (a) a sum equal to the excess shall be due from the person concerned to the authority (whatever the form the benefit takes);
  - (b) any liability under any provision included under paragraph (a) above shall be met by such method mentioned in subsection (3) below as is prescribed as regards the case concerned, or by such combination of two or all three of the methods as is prescribed as regards the case concerned.
- (3) The methods are—
  - (a) payment by the person concerned;
  - (b) addition to any amount payable in respect of [<sup>F227</sup>council tax];
  - (c) deduction from prescribed benefits.
- <sup>F228</sup>(4) .....
- <sup>F228</sup>(5) .....
- (6) In a case where the regulations provide that a sum or part of a sum is to be paid, and the sum or part is not paid on or before such day as may be prescribed, the regulations may provide that the sum or part shall be recoverable in a court of competent jurisdiction.
- <sup>F228</sup>(7) .....
- (8) The regulations may provide that they are not to apply as regards any case falling within a prescribed category.

### Textual Amendments

- F224** Words in s. 76(1) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 15\(1\)](#)
- F225** Words in s. 76(1) substituted (1.4.1996) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\), s. 184\(2\), Sch. 13 para. 175\(3\); S.I. 1996/323, art. 4\(c\)](#)
- F226** Words in s. 76(2) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 15\(2\), Sch. 14](#)
- F227** Words in s. 76(3)(b) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para 15\(3\)](#)
- F228** S. 76(4)(5)(7) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 15\(4\), Sch. 14](#)

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

C10 S. 76 modified (1.4.1995) by [The Local Government Changes for England \(Housing Benefit and Council Tax Benefit\) Regulations 1995 \(S.I. 1995/531\)](#), regs. 1, 3

**77 Shortfall in benefits U.K.**

(1) Regulations may make provision as to any case where a [<sup>F229</sup>billing authority] or a [<sup>F230</sup>local authority in Scotland] has allowed [<sup>F229</sup>council tax benefit] to a person and the amount allowed is less than the amount to which he is entitled in respect of the benefit.

<sup>F231</sup>(2) .....

<sup>F231</sup>(3) .....

**Textual Amendments**

F229 Words in s. 77(1) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 16\(1\)](#)

F230 Words in s. 77(1) substituted (1.4.1996) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 814(2), [Sch. 13 para. 175\(3\)](#); S.I. 1996/323, art. 4(c)

F231 S. 77(2)(3) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 16\(2\)](#), [Sch. 14](#)

*Social fund awards*

**78 Recovery of social fund awards U.K.**

- (1) A social fund award which is repayable shall be recoverable by the Secretary of State.
- (2) Without prejudice to any other method of recovery, the Secretary of State may recover an award by deduction from prescribed benefits.
- (3) The Secretary of State may recover an award—
  - (a) from the person to or for the benefit of whom it was made;
  - (b) where that person is a member of a [<sup>F232</sup>couple], from the other member of the couple;
  - (c) from a person who is liable to maintain the person by or on behalf of whom the application for the award was made or any person in relation to whose needs the award was made.

[<sup>F233</sup>(3A) Where—

- (a) a jobseeker's allowance is payable to a person from whom an award is recoverable under subsection (3) above; and
  - (b) that person is subject to a bankruptcy order,
- a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the <sup>M5</sup>Insolvency Act 1986.

(3B) Where—

- (a) a jobseeker's allowance is payable to a person from whom an award is recoverable under subsection (3) above; and

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- (b) the estate of that person is sequestrated,  
a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Bankruptcy (Scotland) Act 1985.]
- [<sup>F234</sup>(3C) Regulations may provide for amounts recoverable under subsection (1) above from a person specified in subsection (3) above to be recovered by deductions from earnings.
- (3D) In subsection (3C) above “earnings” has such meaning as may be prescribed.
- (3E) Regulations under subsection (3C) above may include provision referred to in section 71(9C) above.]
- (4) Payments [<sup>F235</sup>out of the social fund] to meet funeral expenses may in all cases be recovered, as if they were funeral expenses, out of the estate of the deceased, and (subject to section 71 above) by no other means.
- [<sup>F236</sup>(5) In this section “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act.]
- (6) For the purposes of this section—
- (a) a man shall be liable to maintain his wife [<sup>F237</sup>or civil partner] and any children of whom he is the father;
- (b) a woman shall be liable to maintain her husband [<sup>F238</sup>or civil partner] and any children of whom she is the mother;
- (c) a person shall be liable to maintain another person throughout any period in respect of which the first-mentioned person has, on or after 23rd May 1980 (the date of the passing of the <sup>M6</sup>Social Security Act 1980) and either alone or jointly with a further person, given an undertaking in writing in pursuance of immigration rules within the meaning of the <sup>M7</sup>Immigration Act 1971 to be responsible for the maintenance and accommodation of the other person; and
- (d) “child” includes a person who has attained the age of 16 but not the age of 19 and in respect of whom either parent, or some person acting in the place of either parent, is receiving [<sup>F239</sup>universal credit,] income support [<sup>F240</sup>or an income-based jobseeker's allowance].
- (7) Any reference in subsection (6) above to children of whom the man or the woman is the father or the mother shall be construed in accordance with section 1 of the <sup>M8</sup>Family Law Reform Act 1987.
- (8) Subsection (7) above does not apply in Scotland, and in the application of subsection (6) above to Scotland any reference to children of whom the man or the woman is the father or the mother shall be construed as a reference to any such children whether or not their parents have ever been married to one another.
- (9) A document bearing a certificate which—
- (a) is signed by a person authorised in that behalf by the Secretary of State; and
- (b) states that the document apart from the certificate is, or is a copy of such an undertaking as is mentioned in subsection (6)(c) above, shall be conclusive of the undertaking in question for the purposes of this section; and a certificate purporting to be so signed shall be deemed to be so signed until the contrary is proved.

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#### Textual Amendments

- F232** Words in s. 78(3)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 61\(2\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F233** S. 78(3A)(3B) inserted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), [ss. 32\(2\)](#), 41(2); S.I. 1996/2208, [art. 2\(b\)](#)
- F234** S. 78(3C)-(3E) inserted (1.7.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 106\(4\)](#), 150(3); S.I. 2012/1246, [art. 2\(4\)\(c\)](#)
- F235** Words in s. 78(4) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 8 para. 2](#); S.I. 2012/3090, [art. 2\(1\)\(c\)](#)
- F236** S. 78(5) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 61\(3\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F237** Words in s. 78(6)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 61\(4\)\(a\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F238** Words in s. 78(6)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 61\(4\)\(b\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F239** Words in s. 78(6)(d) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 9](#); S.I. 2013/358, [art. 5\(2\)\(5\)](#)
- F240** Words in s. 78(6)(d) inserted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 51](#); S.I. 1996/1509, [art. 2](#), [Sch.](#)

#### Marginal Citations

- M5** 1986 c.45  
**M6** 1980 c.30.  
**M7** 1971 c.77.  
**M8** 1987 c. 42.

### *Northern Ireland payments*

## 79 Recovery of Northern Ireland payments U.K.

Without prejudice to any other method of recovery—

- (a) amounts recoverable under any enactment or instrument having effect in Northern Ireland and corresponding to an enactment or instrument mentioned in section 71(8) above shall be recoverable by deduction from benefits prescribed under that subsection;
- (b) amounts recoverable under any enactment having effect in Northern Ireland and corresponding to section 75 above shall be recoverable by deduction from benefits prescribed under subsection (4) of that section; and
- (c) awards recoverable under Part III of the Northern Ireland Administration Act shall be recoverable by deduction from benefits prescribed [<sup>F241</sup>under section 71(8)].

#### Textual Amendments

- F241** Words in s. 79(c) substituted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 8 para. 3](#); S.I. 2012/3090, [art. 2\(1\)\(c\)](#)

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### *Adjustment of child benefit*

## **80 Child benefit—overlap with benefits under legislation of other member States** **U.K.**

Regulations may provide for adjusting child benefit payable in respect of any child [<sup>F242</sup>or qualifying young person] in respect of whom any benefit is payable under the legislation of any member State other than the United Kingdom.

#### **Textual Amendments**

**F242** Words in s. 80 inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\), s. 6\(2\), Sch. 1 para. 22](#)

## **PART IV**<sup>F243</sup> **U.K.**

### RECOVERY FROM COMPENSATION PAYMENTS

#### **Textual Amendments**

**F243** Pt. 4 repealed (6.10.1997) by [Social Security \(Recovery of Benefits\) Act 1997 \(c. 27\), s. 33, Sch. 3 para. 3, Sch. 4](#); S.I. 1997/2085, art. 2(2)

## **81 Interpretation of Part IV** **U.K.**

<sup>F243</sup> .....

*Recovery from damages etc. of sums equivalent to benefit*

## **82 Recovery of sums equivalent to benefit from compensation payments in respect of accidents, injuries and diseases** **U.K.**

<sup>F243</sup> .....

*Payments, deductions and certificates*

## **83 Time for making payment to Secretary of State** **U.K.**

<sup>F243</sup> .....

## **84 The certificate of total benefit** **U.K.**

<sup>F243</sup> .....

## **85 Exemption from deduction in cases involving small payments** **U.K.**

<sup>F243</sup> .....

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**86 Multiple compensation payments U.K.**  
F243 .....

**87 Collaboration between compensators U.K.**  
F243 .....

**88 Structured settlements U.K.**  
F243 .....

**89 Insolvency U.K.**  
F243 .....

**90 Protection of legal aid charges U.K.**  
F243 .....

**91 Overpaid benefits U.K.**  
F243 .....

**92 Death U.K.**  
F243 .....

**93 Payments into court U.K.**  
F243 .....

*Administration and adjudication*

**94 Provision of information U.K.**  
F243 .....

**95 Applications for certificates of total benefit U.K.**  
F243 .....

**96 Liability of compensator unenforceable if certificate not issued within time limit U.K.**  
F243 .....

**97 Review of certificates of total benefit U.K.**  
F243 .....

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**98 Appeals U.K.**

F243 .....

**99 Recovery in consequence of an appeal U.K.**

F243 .....

**100 Recovery of relevant payment in cases of default U.K.**

F243 .....

*Miscellaneous*

**101 Persons in Northern Ireland U.K.**

F243 .....

**102 Foreign compensators: duties of intended recipient U.K.**

F243 .....

**103 Interest on damages: reductions in respect of relevant payments U.K.**

F243 .....

**104 The Crown U.K.**

F243 .....

**PART V U.K.**

**INCOME SUPPORT AND THE DUTY TO MAINTAIN**

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

C11 Pt. V restricted (22.8.1996) by [Employment Tribunals Act 1996 \(c. 17\)](#), ss. 17(1)(a), 46

**105 Failure to maintain—general U.K.**

(1) If—

- (a) any person persistently refuses or neglects to maintain himself or any person whom he is liable to maintain; and
- (b) in consequence of his refusal or neglect [<sup>F244</sup>universal credit,] income support [<sup>F245</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] is paid to or in respect of him or such a person,

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he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine of an amount not exceeding level 4 on the standard scale or to both.

- (2) For the purposes of subsection (1) above 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.
- [<sup>F246</sup>(3) Subject to subsection (4), for the purposes of this Part, a person shall be liable to maintain another person if that other person is—
- (a) his or her spouse or civil partner, or
  - (b) a person whom he or she would be liable to maintain if sections 78(6)(c) and (9) had effect for the purposes of this Part.]
- [<sup>F247</sup>(4) For the purposes of this section, in its application to an income-based jobseeker's allowance [<sup>F248</sup>or an income-related employment and support allowance], [<sup>F249</sup>subsection (3)(b) shall not apply].]

#### Textual Amendments

**F244** Words in s. 105(1)(b) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 10**; S.I. 2013/983, art. 3(1)(b)(ii)

**F245** Words in s. 105(1)(b) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(10)(a)**; S.I. 2008/787, art. 2(4)(f)

**F246** S. 105(3) substituted (14.7.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 45(1), 62(3)**; S.I. 2008/1476, art. 2(2)(b)

**F247** S.105(4) inserted (11.6.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 53(4)**; S.I. 1996/1509, art. 2, **Sch.**

**F248** Words in s. 105(4) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(10)(b)**; S.I. 2008/787, art. 2(4)(f)

**F249** Words in s. 105(4) substituted (14.7.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 45(2), 62(3)**; S.I. 2008/1476, art. 2(2)(b)

## 106 Recovery of expenditure on benefit from person liable for maintenance **U.K.**

- (1) Subject to the following provisions of this section, if income support [<sup>F250</sup>or universal credit] is claimed by or in respect of a person whom another person is liable to maintain or paid to or in respect of such a person, the Secretary of State may make [<sup>F251</sup>an application] against the liable person to [<sup>F252</sup>the family court] for an order under this section.
- (2) On the hearing of [<sup>F251</sup>an application] under this section the court shall have regard to all the circumstances and, in particular, to the income of the liable person, and may order him to pay such sum, weekly or otherwise, as it may consider appropriate, except that in a case falling within section 78(6)(c) above that sum shall not include any amount which is not attributable to income support [<sup>F250</sup>or universal credit] (whether paid before or after the making of the order).
- (3) In determining whether to order any payments to be made in respect of income support [<sup>F250</sup>or universal credit] for any period before the [<sup>F253</sup>application] was made, or the amount of any such payments, the court shall disregard any amount by which the liable person's income exceeds the income which was his during that period.



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- (4) 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 income support [<sup>F254</sup>or universal credit] (whether paid before or after the making of the order);
  - (b) to the person claiming income support [<sup>F254</sup>or universal credit] or (if different) the dependant; or
  - (c) to such other person as appears to the court expedient in the interests of the dependant.

<sup>F255</sup>(5) .....

- (6) In the application of this section to Scotland, [<sup>F256</sup>for the references to the family court there shall be substituted references to the sheriff.]

<sup>F257</sup>(7) .....

#### Textual Amendments

- F250** Words in s. 106(1)(2)(3) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 2 para. 11](#); S.I. 2013/983, art. 3(1)(b)(ii)
- F251** Words in s. 106(1)(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 128\(1\)\(a\)](#) (with Sch. 11 para. 128(2)); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F252** Words in s. 106(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 128\(1\)\(b\)](#) (with Sch. 11 para. 128(2)); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F253** Word in s. 106(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 128\(1\)\(c\)](#) (with Sch. 11 para. 128(2)); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F254** Words in s. 106(4)(a)(b) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 2 para. 11](#); S.I. 2013/983, art. 3(1)(b)(ii)
- F255** S. 106(5) omitted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 128\(1\)\(d\)](#) (with Sch. 11 para. 128(2)); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F256** Words in s. 106(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 128\(1\)\(e\)](#) (with Sch. 11 para. 128(2)); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F257** S. 106(7) repealed (14.7.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 8](#); S.I. 2008/1476, art. 2(2)(c)(ii)

<sup>F258</sup>**107 Recovery of expenditure on income support: additional amounts and transfer of orders** **U.K.**

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#### Textual Amendments

- F258** S. 107 repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 8](#); S.I. 2008/2548, art. 3(d)(ii)

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## 108 **Reduction of expenditure on income support: certain maintenance orders to be enforceable by the Secretary of State** U.K.

- (1) This section applies where—
- (a) a person (“the claimant”) who is the parent of one or more children is in receipt of income support [<sup>F259</sup>or universal credit] either in respect of those children or in respect of both himself and those children; and
  - (b) there is in force a maintenance order made against the other parent (“the liable person”)—
    - (i) in favour of the claimant or one or more of the children, or
    - (ii) in favour of some other person for the benefit of the claimant or one or more of the children;
- and in this section “the primary recipient” means the person in whose favour that maintenance order was made.
- (2) If, in a case where this section applies, the liable person fails to comply with any of the terms of the maintenance order—
- (a) the Secretary of State may bring any proceedings or take any other steps to enforce the order that could have been brought or taken by or on behalf of the primary recipient; and
  - (b) any court before which proceedings are brought by the Secretary of State by virtue of paragraph (a) above shall have the same powers in connection with those proceedings as it would have had if they had been brought by the primary recipient.
- (3) The Secretary of State's powers under this section are exercisable at his discretion and whether or not the primary recipient or any other person consents to their exercise; but any sums recovered by virtue of this section shall be payable to or for the primary recipient, as if the proceedings or steps in question had been brought or taken by him or on his behalf.
- (4) The powers conferred on the Secretary of State by subsection (2)(a) above include power—
- (a) to apply for the registration of the maintenance order under—
    - (i) section 17 of the <sup>M9</sup>Maintenance Orders Act 1950;
    - (ii) section 2 of the <sup>M10</sup>Maintenance Orders Act 1958; <sup>F260</sup> ... [<sup>F261</sup>or]
    - (iii) the <sup>M11</sup>Civil Jurisdiction and Judgments Act 1982; <sup>F262</sup> ...
    - <sup>F262</sup>(iv) .....
  - <sup>F263</sup>(aa) to apply for recognition and enforcement of the maintenance order under the Maintenance Regulation, to the extent permitted by Article 64 of that Regulation;] <sup>F264</sup> ...
  - <sup>F265</sup>(ab) to apply for recognition and enforcement of the maintenance order under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, to the extent permitted by Article 36 of that Convention; and]
  - (b) to make an application under section 2 of the <sup>M12</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972 (application for enforcement in reciprocating country).
- (5) Where this section applies, the prescribed person shall in prescribed circumstances give the Secretary of State notice of any application—

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- (a) to alter, vary, suspend, discharge, revoke, revive or enforce the maintenance order in question; or
  - (b) to remit arrears under that maintenance order; and the Secretary of State shall be entitled to appear and be heard on the application.
- (6) Where, by virtue of this section, the Secretary of State commences any proceedings to enforce a maintenance order, he shall, in relation to those proceedings, be treated for the purposes of any enactment or instrument relating to maintenance orders as if he were a person entitled to payment under the maintenance order in question (but shall not thereby become entitled to any such payment).
- (7) Where, in any proceedings under this section in England and Wales, the court makes an order for the whole or any part of the arrears due under the maintenance order in question to be paid as a lump sum, the Secretary of State shall inform [<sup>F266</sup>the [<sup>F267</sup>Lord Chancellor]] of the amount of that lump sum if he knows—
- (a) that the primary recipient either—
    - (i) received legal aid under the <sup>M13</sup>Legal Aid Act 1974 in connection with the proceedings in which the maintenance order was made, or
    - (ii) was an assisted party, within the meaning of the <sup>M14</sup>Legal Aid Act 1988, in those proceedings; [<sup>F268</sup>or
    - (iii) received services funded by the Legal Services Commission as part of the Community Legal Service; [<sup>F269</sup>or]]
    - [<sup>F270</sup>(iv) was provided with civil legal services (within the meaning of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012) under arrangements made for the purposes of that Part of that Act; and]
  - (b) that a sum remains unpaid on account of the contribution required of the primary recipient—
    - (i) under section 9 of the Legal Aid Act 1974 in respect of those proceedings, or
    - (ii) under section 16 of the Legal Aid Act 1988 in respect of the costs of his being represented under Part IV of that Act in those proceedings, [<sup>F271</sup>or
    - (iii) by virtue of section 10 of the Access to Justice Act 1999 in respect of services funded by the Legal Services Commission as part of the Community Legal Service,]] [<sup>F272</sup>or
    - (iv) under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in respect of civil legal services (within the meaning of Part 1 of that Act) provided under arrangements made for the purposes of that Part of that Act,]
- as the case may be.

[<sup>F273</sup>(8) In this section “maintenance order”—

- (a) in England and Wales, means—
  - (i) any order for the making of periodical payments which is, or has at any time been, a maintenance order within the meaning of the Attachment of Earnings Act 1971;
  - (ii) any order under Part 3 of the Matrimonial and Family Proceedings Act 1984 (overseas divorce) for the making of periodical payments;
  - (iii) any order under Schedule 7 to the Civil Partnership Act 2004 for the making of periodical payments;

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- (b) in Scotland, means any order, except an order for the payment of a lump sum, falling within the definition of “maintenance order” in section 106 of the Debtors (Scotland) Act 1987, but disregarding paragraph (h) (alimentary bond or agreement).]

[<sup>F274</sup>(9) In this section “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.]

### Textual Amendments

- F259** Words in s. 108(1)(a) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 12**; S.I. 2013/983, art. 3(1)(b)(ii)
- F260** Word in s. 108(4)(a)(ii) omitted (1.3.2002) by virtue of The Civil Jurisdiction and Judgments Order 2001 (S.I. 2001/3929), art. 1(b), **Sch. 3 para. 24(a)**
- F261** Word in s. 108(4)(a)(ii) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 14(a)(i)**
- F262** S. 108(4)(a)(iv) and preceding word repealed (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 14(a)(ii)**
- F263** S. 108(4)(aa) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 14(b)**
- F264** Word in s. 108(4) repealed (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012 (S.I. 2012/2814), reg. 1(1), **Sch. 4 para. 6(a)**
- F265** S. 108(4)(ab) inserted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012 (S.I. 2012/2814), reg. 1(1), **Sch. 4 para. 6(b)**
- F266** Words in s. 108(7) substituted (1.4.2000) by Access to Justice Act 1999 (c. 22), s. 24, **Sch. 4 para. 48(2)**; S.I. 2000/774, arts. 2(a)(ii), 5
- F267** Words in s. 108(7) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 41(2)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F268** S. 108(7)(a)(iii) and preceding word substituted (1.4.2000) by Access to Justice Act 1999 (c. 22), s. 108(1), **Sch. 4 para. 48(3)**; S.I. 2000/774, arts. 2(a)(ii), 5
- F269** Word in s. 108(7)(a)(iii) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 41(3)(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F270** S. 108(7)(a)(iv) inserted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 41(3)(b)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F271** S. 108(7)(b)(iii) and preceding word inserted (1.4.2000) by Access to Justice Act 1999 (c. 22), s. 108(1), **Sch. 4 para. 48(4)**; S.I. 2000/774, arts. 2(a)(ii), 5
- F272** S. 108(7)(b)(iv) and preceding word inserted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 41(4)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F273** S. 108(8) substituted (27.10.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 2(2)**; S.I. 2008/2548, art. 3(c)
- F274** S. 108(9) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 14(c)**

### Marginal Citations

- M9** 1950 c. 37.  
**M10** 1958 c. 39.  
**M11** 1982 c. 27.

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**M12** 1972 c. 18

**M13** 1974 c. 4.

**M14** 1988 c. 34.

## **109**    **Diversion of arrested earnings to Secretary of State-Scotland** **U.K.**

- (1) Where in Scotland a creditor who is enforcing a maintenance order or alimentary bond or agreement by a current maintenance arrestment or a conjoined arrestment order is in receipt of [<sup>F275</sup>universal credit,] income support [<sup>F276</sup>or an income-related employment and support allowance], the creditor may in writing authorise the Secretary of State to receive any sums payable under the arrestment or order until the creditor ceases to be in receipt of [<sup>F275</sup>universal credit,] income support [<sup>F276</sup>or an income-related employment and support allowance] or in writing withdraws the authorisation, whichever occurs first.
- (2) On intimation by the Secretary of State—
  - (a) to the employer operating the current maintenance arrestment; or
  - (b) to the sheriff clerk operating the conjoined arrestment order; of an authorisation under subsection (1) above, the employer or sheriff clerk shall, until notified by the Secretary of State that the authorisation has ceased to have effect, pay to the Secretary of State any sums which would otherwise be payable under the arrestment or order to the creditor.

### **Textual Amendments**

**F275** Words in s. 109(1) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 13**; S.I. 2013/983, art. 3(1)(b)(ii)

**F276** Words in s. 109(1) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(11)**; S.I. 2008/787, art. 2(4)(f)

## **PART VI** **U.K.**

### ENFORCEMENT

#### *Inspection and offences*

## **[<sup>F277</sup>109A** Authorisations for investigators **U.K.**

- (1) An individual who for the time being has the Secretary of State's authorisation for the purposes of this Part shall be entitled, for any one or more of the purposes mentioned in subsection (2) below, to exercise any of the powers which are conferred on an authorised officer by sections 109B and 109C below.
- (2) Those purposes are—
  - (a) ascertaining in relation to any case whether a benefit is or was payable in that case in accordance with any provision of the relevant social security legislation;
  - (b) investigating the circumstances in which any accident, injury or disease which has given rise, or may give rise, to a claim for—

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- (i) industrial injuries benefit, or
    - (ii) any benefit under any provision of the relevant social security legislation, occurred or may have occurred, or was or may have been received or contracted;
  - (c) ascertaining whether provisions of the relevant social security legislation are being, have been or are likely to be contravened (whether by particular persons or more generally);
  - (d) preventing, detecting and securing evidence of the commission (whether by particular persons or more generally) of benefit offences.
- (3) An individual has the Secretary of State's authorisation for the purposes of this Part if, and only if, the Secretary of State has granted him an authorisation for those purposes and he is—
- (a) an official of a Government department;
  - (b) an individual employed by an authority administering housing benefit or council tax benefit;
  - (c) an individual employed by an authority or joint committee that carries out functions relating to housing benefit or council tax benefit on behalf of the authority administering that benefit; or
  - (d) an individual employed by a person authorised by or on behalf of any such authority or joint committee as is mentioned in paragraph (b) or (c) above to carry out functions relating to housing benefit or council tax benefit for that authority or committee.
- (4) An authorisation granted for the purposes of this Part to an individual of any of the descriptions mentioned in subsection (3) above—
- (a) must be contained in a certificate provided to that individual as evidence of his entitlement to exercise powers conferred by this Part;
  - (b) may contain provision as to the period for which the authorisation is to have effect; and
  - (c) may restrict the powers exercisable by virtue of the authorisation so as to prohibit their exercise except for particular purposes, in particular circumstances or in relation to particular benefits or particular provisions of the relevant social security legislation.
- (5) An authorisation granted under this section may be withdrawn at any time by the Secretary of State.
- (6) Where the Secretary of State grants an authorisation for the purposes of this Part to an individual employed by a local authority, or to an individual employed by a person who carries out functions relating to housing benefit or council tax benefit on behalf of a local authority—
- (a) the Secretary of State and the local authority shall enter into such arrangements (if any) as they consider appropriate with respect to the carrying out of functions conferred on that individual by or in connection with the authorisation granted to him; and
  - (b) the Secretary of State may make to the local authority such payments (if any) as he thinks fit in respect of the carrying out by that individual of any such functions.
- (7) The matters on which a person may be authorised to consider and report to the Secretary of State under section 139A below shall be taken to include the carrying

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out by any such individual as is mentioned in subsection (3)(b) to (d) above of any functions conferred on that individual by virtue of any grant by the Secretary of State of an authorisation for the purposes of this Part.

(8) The powers conferred by sections 109B and 109C below shall be exercisable in relation to persons holding office under the Crown and persons in the service of the Crown, and in relation to premises owned or occupied by the Crown, as they are exercisable in relation to other persons and premises.

[<sup>F278</sup>(9) This section and sections 109B to 109C below apply as if—  
(a) the Tax Credits Act 2002 were relevant social security legislation, and  
(b) accordingly, child tax credit and working tax credit were relevant social security benefits for the purposes of the definition of “benefit offence“.]

#### Textual Amendments

**F277** Ss. 109A, 109B, 109C substituted for s. 110 (2.4.2001) by the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, [Sch. 6 para. 2](#); S.I. 2001/1252, art. 2(1)(a)

**F278** S. 109A(9) inserted (6.6.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 122](#), 150(3); S.I. 2012/1246, art. 2(2) (as amended (31.5.2012) by S.I. 2012/1440, art. 2)

### 109B Power to require information **U.K.**

(1) An authorised officer who has reasonable grounds for suspecting that a person—  
(a) is a person falling within subsection (2) [<sup>F279</sup>or (2A)] below, and  
(b) has or may have possession of or access to any information about any matter that is relevant for any one or more of the purposes mentioned in section 109A(2) above,

may, by written notice, require that person to provide all such information described in the notice as is information of which he has possession, or to which he has access, and which it is reasonable for the authorised officer to require for a purpose so mentioned.

(2) The persons who fall within this subsection are—  
(a) any person who is or has been an employer or employee within the meaning of any provision made by or under the Contributions and Benefits Act;  
(b) any person who is or has been a self-employed earner within the meaning of any such provision;  
(c) any person who by virtue of any provision made by or under that Act falls, or has fallen, to be treated for the purposes of any such provision as a person within paragraph (a) or (b) above;  
(d) any person who is carrying on, or has carried on, any business involving the supply of goods for sale to the ultimate consumers by individuals not carrying on retail businesses from retail premises;  
(e) any person who is carrying on, or has carried on, any business involving the supply of goods or services by the use of work done or services performed by persons other than employees of his;  
(f) any person who is carrying on, or has carried on, an agency or other business for the introduction or supply, to persons requiring them, of persons available to do work or to perform services;  
(g) any local authority acting in their capacity as an authority responsible for the granting of any licence;

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- (h) any person who is or has been a trustee or manager of a personal or occupational pension scheme;
  - (i) any person who is or has been liable to make a compensation payment or a payment to the Secretary of State under section 6 of the Social Security (Recovery of Benefits) Act 1997 (payments in respect of recoverable benefits);
  - [<sup>F280</sup>(ia) a person of a prescribed description;] and
  - (j) the servants and agents of any such person as is specified in any of paragraphs (a) to [<sup>F281</sup>(ia)] above.
- [<sup>F282</sup>(2A) The persons who fall within this subsection are—
- (a) any bank;
  - [ the Director of National Savings;]
  - <sup>F283</sup>(aa) (b) any person carrying on a business the whole or a significant part of which consists in the provision of credit (whether secured or unsecured) to members of the public;
  - [<sup>F284</sup>(c) any insurer;]
  - (d) any credit reference agency (within the meaning given by section 145(8) of the Consumer Credit Act 1974 (c. 39));
  - (e) any body the principal activity of which is to facilitate the exchange of information for the purpose of preventing or detecting fraud;
  - (f) any person carrying on a business the whole or a significant part of which consists in the provision to members of the public of a service for transferring money from place to place;
  - (g) any water undertaker or sewerage undertaker, [<sup>F285</sup>Scottish Water or any local authority which is to collect charges by virtue of an order under section 37 of the [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#)];
  - [<sup>F286</sup>(h) any person who—
    - (i) is the holder of a licence under section 7 of the Gas Act 1986 (c. 44) to convey gas through pipes, or
    - (ii) is the holder of a licence under section 7A(1) of that Act to supply gas through pipes;]
  - [<sup>F287</sup>(i) any person who (within the meaning of the Electricity Act 1989 (c. 29)) distributes or supplies electricity;]
  - (j) any person who provides a telecommunications service;
  - (k) any person conducting any educational establishment or institution;
  - (l) any body the principal activity of which is to provide services in connection with admissions to educational establishments or institutions;
  - (m) the Student Loans Company;
  - (n) any servant or agent of any person mentioned in any of the preceding paragraphs.
- (2B) Subject to the following provisions of this section, the powers conferred by this section on an authorised officer to require information from any person by virtue of his falling within subsection (2A) above shall be exercisable for the purpose only of obtaining information relating to a particular person identified (by name or description) by the officer.



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- (2C) An authorised officer shall not, in exercise of those powers, require any information from any person by virtue of his falling within subsection (2A) above unless it appears to that officer that there are reasonable grounds for believing that the identified person to whom it relates is—
- (a) a person who has committed, is committing or intends to commit a benefit offence; or
  - (b) a person who (within the meaning of Part 7 of the Contributions and Benefits Act) is a member of the family of a person falling within paragraph (a) above.
- (2D) Nothing in subsection (2B) or (2C) above shall prevent an authorised officer who is an official of a Government department and whose authorisation states that his authorisation applies for the purposes of this subsection from exercising the powers conferred by this section for obtaining from—
- (a) a water undertaker or [<sup>F288</sup>Scottish Water,]
  - (b) any person who (within the meaning the Gas Act 1986) supplies gas conveyed through pipes,
  - (c) any person who (within the meaning of the Electricity Act 1989) supplies electricity conveyed by distribution systems, or
  - (d) any servant or agent of a person mentioned in any of the preceding paragraphs, any information which relates exclusively to whether and in what quantities water, gas or electricity are being or have been supplied to residential premises specified or described in the notice by which the information is required.
- (2E) The powers conferred by this section shall not be exercisable for obtaining from any person providing a telecommunications service any information other than information which (within the meaning of section 21 of the Regulation of Investigatory Powers Act 2000 (c. 23)) is communications data but not traffic data.
- (2F) Nothing in subsection (2B) or (2C) above shall prevent an authorised officer from exercising the powers conferred by this section for requiring information, from a person who provides a telecommunications service, about the identity and postal address of a person identified by the authorised officer solely by reference to a telephone number or electronic address used in connection with the provision of such a service.]
- (3) The obligation of a person to provide information in accordance with a notice under this section shall be discharged only by the provision of that information, at such reasonable time and in such form as may be specified in the notice, to the authorised officer who—
- (a) is identified by or in accordance with the terms of the notice; or
  - (b) has been identified, since the giving of the notice, by a further written notice given by the authorised officer who imposed the original requirement or another authorised officer.
- (4) The power of an authorised officer under this section to require the provision of information shall include a power to require the production and delivery up and (if necessary) creation of, or of copies of or extracts from, any such documents containing the information as may be specified or described in the notice imposing the requirement.
- [<sup>F289</sup>(5) No one shall be required under this section to provide—

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- (a) any information that tends to incriminate either himself or, in the case of a person who is <sup>F290</sup>married or is a civil partner, his spouse or civil partner]; or
- (b) any information in respect of which a claim to legal professional privilege or, in Scotland, confidentiality as between client and professional legal adviser, would be successful in any proceedings;

and for the purposes of this subsection it is immaterial whether the information is in documentary form or not.]

<sup>F291</sup>(6) Provision may be made by order—

- (a) adding any person to the list of persons falling within subsection (2A) above;
- (b) removing any person from the list of persons falling within that subsection;
- (c) modifying that subsection for the purpose of taking account of any change to the name of any person for the time being falling within that subsection.

(7) In this section—

<sup>F292</sup>“bank” means—

- (a) a person who has permission under <sup>F293</sup>Part 4A] of the Financial Services and Markets Act 2000 (c. 8) to accept deposits;
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits or other repayable funds from the public; or
- (c) a person who does not require permission under that Act to accept deposits, in the course of his business in the United Kingdom;]

“credit” includes a cash loan or any form of financial accommodation, including the cashing of a cheque;

<sup>F294</sup>“insurer” means—

- (a) a person who has permission under <sup>F293</sup>Part 4A] of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance;]

“residential premises”, in relation to a supply of water, gas or electricity, means any premises which—

- (a) at the time of the supply were premises occupied wholly or partly for residential purposes, or
- (b) are premises to which that supply was provided as if they were so occupied; and

“telecommunications service” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).]

<sup>F295</sup>(7A) The definitions of “bank” and “insurer” in subsection (7) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]]

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### Textual Amendments

- F277** Ss. 109A, 109B, 109C substituted for s. 110 (2.4.2001) by the [Child Support, Pensions and Social Security Act 2000 \(c. 19\), s. 86, Sch. 6 para. 2](#); S.I. 2001/1252, art. 2(1)(a)
- F279** Words in s. 109B(1)(a) inserted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 1\(2\), 20\(1\); S.I. 2002/1222, art. 2\(a\)](#)
- F280** S. 109B(2)(ia) inserted (17.6.2013 for specified purposes, 1.10.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), ss. 110\(a\), 150\(3\); S.I. 2013/1250, art. 3](#)
- F281** Word in s. 109B(2)(j) inserted (17.6.2013 for specified purposes, 1.10.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), ss. 110\(b\), 150\(3\); S.I. 2013/1250, art. 3](#)
- F282** Ss. 109B(2A)-(2F) inserted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 1\(2\), 20\(1\); S.I. 2002/1222, art. 2\(a\)](#)
- F283** S. 109B(2A)(aa) inserted (1.4.2002) by [The Social Security Administration Act 1992 \(Amendment\) Order 2002 \(S.I. 2002/817\), arts. 1, 2\(a\)](#)
- F284** S. 109B(2A)(c) substituted (1.4.2002) by [The Social Security Administration Act 1992 \(Amendment\) Order 2002 \(S.I. 2002/817\), arts. 1, 2\(b\)](#)
- F285** Words in s. 109B(2A)(g) substituted (14.7.2004) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\), art. 1\(1\), Sch. para. 16\(a\)](#)
- F286** S. 109B(2A)(h) substituted (1.4.2002) by [The Social Security Administration Act 1992 \(Amendment\) Order 2002 \(S.I. 2002/817\), arts. 1, 2\(c\)](#)
- F287** S. 109B(2A)(i) substituted (1.4.2002) by [The Social Security Administration Act 1992 \(Amendment\) Order 2002 \(S.I. 2002/817\), arts. 1, 2\(d\)](#)
- F288** Words in s. 109B(2D)(a) substituted (14.7.2004) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\), art. 1\(1\), Sch. para. 16\(b\)](#)
- F289** S. 109B(5) substituted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 1\(3\), 20\(1\); S.I. 2002/1222, art. 2\(a\)](#)
- F290** Words in s. 109B(5)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 64; S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F291** S. 109B(6)(7) inserted (26.2.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 1\(4\), 20\(1\); S.I. 2002/403, art. 2\(a\)](#)
- F292** Words in s. 109B(7) substituted (1.4.2002) by [The Social Security Administration Act 1992 \(Amendment\) Order 2002 \(S.I. 2002/817\), arts. 1, 3\(a\)\(i\)](#)
- F293** Words in s. 109B(7) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 18 para. 74\(3\) \(with Sch. 20\); S.I. 2013/423, art. 3, Sch.](#)
- F294** Words in s. 109B(7) inserted (1.4.2002) by [The Social Security Administration Act 1992 \(Amendment\) Order 2002 \(S.I. 2002/817\), arts. 1, 3\(a\)\(ii\)](#)
- F295** S. 109B(7A) inserted (1.4.2002) by [The Social Security Administration Act 1992 \(Amendment\) Order 2002 \(S.I. 2002/817\), arts. 1, 3\(b\)](#)

### [<sup>F296</sup>109BA] **Power of Secretary of State to require electronic access to information** **U.K.**

- (1) Subject to subsection (2) below, where it appears to the Secretary of State-
- that a person falling within section 109B(2A) keeps any electronic records,
  - that the records contain or are likely, from time to time, to contain information about any matter that is relevant for any one or more of the purposes mentioned in section 109A(2) above, and
  - that facilities exist under which electronic access to those records is being provided, or is capable of being provided, by that person to other persons,
- the Secretary of State may require that person to enter into arrangements under which authorised officers are allowed such access to those records.

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- (2) An authorised officer—
- (a) shall be entitled to obtain information in accordance with arrangements entered into under subsection (1) above only if his authorisation states that his authorisation applies for the purposes of that subsection; and
  - (b) shall not seek to obtain any information in accordance with any such arrangements other than information which relates to a particular person and could be the subject of a requirement under section 109B above.
- (3) The matters that may be included in the arrangements that a person is required to enter into under subsection (1) above may include-
- (a) requirements as to the electronic access to records that is to be made available to authorised officers;
  - (b) requirements as to the keeping of records of the use that is made of the arrangements;
  - (c) requirements restricting the disclosure of information about the use that is made of the arrangements; and
  - (d) such other incidental requirements as the Secretary of State considers appropriate in connection with allowing access to records to authorised officers.
- (4) An authorised officer who is allowed access in accordance with any arrangements entered into under subsection (1) above shall be entitled to make copies of, and to take extracts from, any records containing information which he is entitled to require under section 109B.]

#### Textual Amendments

**F296** S. 109BA inserted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), **ss. 2(1)**, 20(1); [S.I. 2002/1222](#), art. 2(b)

#### [<sup>F277</sup> 109 Powers of entry **U.K.**

- (1) An authorised officer shall be entitled, at any reasonable time and either alone or accompanied by such other persons as he thinks fit, to enter any premises which—
  - (a) are liable to inspection under this section; and
  - (b) are premises to which it is reasonable for him to require entry in order to exercise the powers conferred by this section.
- (2) An authorised officer who has entered any premises liable to inspection under this section may—
  - (a) make such an examination of those premises, and
  - (b) conduct any such inquiry there,
 as appears to him appropriate for any one or more of the purposes mentioned in section 109A(2) above.
- (3) An authorised officer who has entered any premises liable to inspection under this section may—
  - (a) question any person whom he finds there;
  - (b) require any person whom he finds there to do any one or more of the following—

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- (i) to provide him with such information,
  - (ii) to produce and deliver up and (if necessary) create such documents or such copies of, or extracts from, documents,  
as he may reasonably require for any one or more of the purposes mentioned in section 109A(2) above; and
  - (c) take possession of and either remove or make his own copies of any such documents as appear to him to contain information that is relevant for any of those purposes.
- (4) The premises liable to inspection under this section are any premises (including premises consisting in the whole or a part of a dwelling house) which an authorised officer has reasonable grounds for suspecting are—
- (a) premises which are a person's place of employment;
  - (b) premises from which a trade or business is being carried on or where documents relating to a trade or business are kept by the person carrying it on or by another person on his behalf;
  - (c) premises from which a personal or occupational pension scheme is being administered or where documents relating to the administration of such a scheme are kept by the person administering the scheme or by another person on his behalf;
  - (d) premises where a person who is the compensator in relation to any such accident, injury or disease as is referred to in section 109A(2)(b) above is to be found;
  - (e) premises where a person on whose behalf any such compensator has made, may have made or may make a compensation payment is to be found.
- (5) An authorised officer applying for admission to any premises in accordance with this section shall, if required to do so, produce the certificate containing his authorisation for the purposes of this Part.
- (6) Subsection (5) of section 109B applies for the purposes of this section as it applies for the purposes of that section.]

**Textual Amendments**

**F277** Ss. 109A, 109B, 109C substituted for s. 110 (2.4.2001) by the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, [Sch. 6 para. 2](#); S.I. 2001/1252, art. 2(1)(a)

<sup>F297</sup> **110 Appointment and powers of inspectors** **U.K.**

**Textual Amendments**

**F297** S. 110 substituted by ss. 109A-109C (2.4.2001) by the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, [Sch. 6 para. 2](#); S.I. 2001/1252, art. 2(1)(a)

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<sup>F298</sup> **110ZA Class 1, 1A, 1B or 2 contributions: powers to call for documents etc** **U.K.**

<sup>F299</sup>(1) Schedule 36 to the Finance Act 2008 (information and inspection powers) applies for the purpose of checking a person's position as regards relevant contributions as it applies for the purpose of checking a person's tax position, subject to the modifications in subsection (2).

(2) That Schedule applies as if—

- (a) references to any provision of the Taxes Acts were to any provision of this Act or the Contributions and Benefits Act <sup>F300</sup> or the National Insurance Contributions Act 2014] relating to relevant contributions,
- (b) references to prejudice to the assessment or collection of tax were to prejudice to the assessment of liability for, and payment of, relevant contributions,
- (c) the reference to information relating to the conduct of a pending appeal relating to tax were a reference to information relating to the conduct of a pending appeal relating to relevant contributions, and
- (d) paragraphs 21 <sup>F301</sup>, 21A], <sup>F302</sup>35(4A)(c), 36, 37(2) <sup>F303</sup> and (2A)], 37A and 37B] of that Schedule (restrictions on giving taxpayer notice where taxpayer has made tax return) were omitted.]

<sup>F304</sup>(2A) Part 3 of Schedule 38 to the Finance Act 2012 (power to obtain tax agent's files etc) applies in relation to relevant contributions as in relation to tax and, accordingly—

- (a) the cases described in paragraph 7 of that Schedule (case A and case B) include cases involving conduct or an offence relating to relevant contributions,
- (b) (whether the case involves conduct or an offence relating to tax or relevant contributions) the papers and other documents that may be sought under that Part include ones relating to relevant contributions, and
- (c) the other Parts of that Schedule apply so far as necessary to give effect to the application of Part 3 by virtue of this subsection.]

(3) In this section “relevant contributions” means Class 1, Class 1A, Class 1B or Class 2 contributions.]

#### Textual Amendments

**F298** S. 110ZA substituted (6.4.2005) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\)](#), **ss. 7, 13**; S.I. 2004/1943, art. 4(a)

**F299** S. 110ZA(1)(2) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 113(2), **Sch. 36 para. 84** (with [Sch. 36 para. 38](#)); S.I. 2009/404, art. 2 (with art. 9)

**F300** Words in s. 110ZA(2)(a) inserted (6.4.2014) by [National Insurance Contributions Act 2014 \(c. 7\)](#), **ss. 7(5), 8**

**F301** Word in s. 110ZA(2)(d) inserted (1.4.2010) by [The Finance Act 2009, Section 96 and Schedule 48 \(Appointed Day, Savings and Consequential Amendments\) Order 2009 \(S.I. 2009/3054\)](#), art. 1, **Sch. para. 3(a)**

**F302** Words in s. 110ZA(2)(d) substituted (13.8.2009) by [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\)](#), art. 1, **Sch. para. 27**

**F303** Words in s. 110ZA(2)(d) inserted (1.4.2010) by [The Finance Act 2009, Section 96 and Schedule 48 \(Appointed Day, Savings and Consequential Amendments\) Order 2009 \(S.I. 2009/3054\)](#), art. 1, **Sch. para. 3(b)**

**F304** S. 110ZA(2A) inserted (1.4.2013) by [Finance Act 2012 \(c. 14\)](#), **Sch. 38 para. 56**; S.I. 2013/279, art. 2

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## <sup>F305</sup> 110A Authorisations by local authorities **U.K.**

<sup>F306</sup>(1) An individual who for the time being has the authorisation for the purposes of this Part of an authority administering housing benefit or council tax benefit (“a local authority authorisation”) shall be entitled, for <sup>F307</sup>a relevant purpose], to exercise any of the powers which, subject to subsection (8) below, are conferred on an authorised officer by sections 109B and 109C above.

<sup>F308</sup>(1A) Each of the following is a relevant purpose—

- (a) a purpose mentioned in subsection (2) below;
- (b) a purpose mentioned in section 109A(2)(a), (c) or (d).

(1B) If the Secretary of State prescribes conditions for the purposes of this section, an authority must not proceed under this section for a purpose mentioned in section 109A(2)(a), (c) or (d) unless any such condition is satisfied.

(1C) An authorisation made for a purpose mentioned in section 109A(2)(a), (c) or (d)—

- (a) is subject to such restrictions as may be prescribed;
- (b) is not valid in such circumstances as may be prescribed.]

(2) <sup>F309</sup>The purposes in this subsection] are—

- (a) ascertaining in relation to any case whether housing benefit or council tax benefit is or was payable in that case;
- (b) ascertaining whether provisions of the relevant social security legislation that relate to housing benefit or council tax benefit are being, have been or are likely to be contravened (whether by particular persons or more generally);
- (c) preventing, detecting and securing evidence of the commission (whether by particular persons or more generally) of benefit offences relating to housing benefit or council tax benefit.

(3) An individual has the authorisation for the purposes of this Part of an authority administering housing benefit or council tax benefit if, and only if, that authority have granted him an authorisation for those purposes and he is—

- (a) an individual employed by that authority;
- (b) an individual employed by another authority or joint committee that carries out functions relating to housing benefit or council tax benefit on behalf of that authority;
- (c) an individual employed by a person authorised by or on behalf of—
  - (i) the authority in question,
  - (ii) any such authority or joint committee as is mentioned in paragraph (b) above,

to carry out functions relating to housing benefit or council tax benefit for that authority or committee;

- (d) an official of a Government department.

(4) Subsection (4) of section 109A above shall apply in relation to a local authority authorisation as it applies in relation to an authorisation under that section.

(5) A local authority authorisation may be withdrawn at any time by the authority that granted it or by the Secretary of State.

(6) The certificate or other instrument containing the grant or withdrawal by any local authority of any local authority authorisation must be issued under the hand of either—

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- (a) the officer designated under section 4 of the Local Government and Housing Act 1989 as the head of the authority's paid service; or
  - (b) the officer who is the authority's chief finance officer (within the meaning of section 5 of that Act).
- (7) It shall be the duty of any authority with power to grant local authority authorisations to comply with any directions of the Secretary of State as to—
- (a) whether or not such authorisations are to be granted by that authority;
  - (b) the period for which authorisations granted by that authority are to have effect;
  - (c) the number of persons who may be granted authorisations by that authority at any one time; and
  - (d) the restrictions to be contained by virtue of subsection (4) above in the authorisations granted by that authority for those purposes.
- (8) The powers conferred by sections 109B and 109C above shall have effect in the case of an individual who is an authorised officer by virtue of this section as if those sections had effect—
- (a) with the substitution for every reference to the purposes mentioned in section 109A(2) above of a reference to the purposes mentioned in subsection (2) above; <sup>F310</sup> ...
  - (b) with the substitution for every reference to the relevant social security legislation of a reference to so much of it as relates to housing benefit or council tax benefit [<sup>F311</sup>; and
  - (c) with the omission of section 109B(2D).]
- [<sup>F312</sup>but paragraphs (a) and (b) above do not apply in any case where the relevant purpose is as mentioned in subsection (1A)(b) above.]
- (9) Nothing in this section conferring any power on an authorised officer in relation to housing benefit or council tax benefit shall require that power to be exercised only in relation to cases in which the authority administering the benefit is the authority by whom that officer's authorisation was granted.]]

#### Textual Amendments

- F305** S. 110A substituted for ss. 110A, 110B (2.4.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, [Sch. 6 para. 3](#); S.I. 2001/1252, art. 2(1)(a)
- F306** S. 110A repealed (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, Sch. 5)
- F307** Words in s. 110A(1) substituted (19.2.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 46\(2\)](#), 70(2); S.I. 2008/411, art. 2(4)(a)(5)
- F308** S. 110A(1A)-(1C) inserted (19.2.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 46\(3\)](#), 70(2); S.I. 2008/411, art. 2(4)(a)(5)
- F309** Words in s. 110A(2) substituted (19.2.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 46\(4\)](#), 70(2); S.I. 2008/411, art. 2(4)(a)(5)
- F310** Word in s. 110A(8) repealed (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), s. 20(1), [Sch.](#); S.I. 2002/1222, art. 2(i)
- F311** S. 110A(8)(c) and preceding word inserted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), [ss. 1\(5\)](#), 20(1); S.I. 2002/1222, art. 2(a)
- F312** Words in s. 110A(8) inserted (19.2.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 46\(5\)](#), 70(2); S.I. 2008/411, art. 2(4)(a)(5)



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### <sup>F313</sup> **110A Power of local authority to require electronic access to information** **U.K.**

<sup>F314</sup>(1) Subject to subsection (2) below, where it appears to an authority administering housing benefit or council tax benefit—

- (a) that a person falling within section 109B(2A) keeps any electronic records,
- (b) that the records contain or are likely, from time to time, to contain information about any matter that is relevant for any one or more of the purposes mentioned in section 110A(2) above, and
- (c) that facilities exist under which electronic access to those records is being provided, or is capable of being provided, by that person to other persons,

that authority may require that person to enter into arrangements under which authorised officers are allowed such access to those records.

(2) An authorised officer—

- (a) shall be entitled to obtain information in accordance with arrangements entered into under subsection (1) above only if his authorisation states that his authorisation applies for the purposes of that subsection; and
- (b) shall not seek to obtain any information in accordance with any such arrangements other than information which—
  - (i) relates to a particular person; and
  - (ii) could be the subject of any such requirement under section 109B above as may be imposed in exercise of the powers conferred by section 110A(8) above.

(3) The matters that may be included in the arrangements that a person is required to enter into under subsection (1) above may include—

- (a) requirements as to the electronic access to records that is to be made available to authorised officers;
- (b) requirements as to the keeping of records of the use that is made of the arrangements;
- (c) requirements restricting the disclosure of information about the use that is made of the arrangements; and
- (d) such other incidental requirements as the authority in question considers appropriate in connection with allowing access to records to authorised officers.

(4) An authorised officer who is allowed access in accordance with any arrangements entered into under subsection (1) above shall be entitled to make copies of, and to take extracts from, any records containing information which he is entitled to make the subject of a requirement such as is mentioned in subsection (2)(b) above.

(5) An authority administering housing benefit or council tax benefit shall not—

- (a) require any person to enter into arrangements for allowing authorised officers to have electronic access to any records; or
- (b) otherwise than in pursuance of a requirement under this section, enter into any arrangements with a person specified in section 109B(2A) above for allowing anyone acting on behalf of the authority for purposes connected with any benefit to have electronic access to any private information contained in any records,

except with the consent of the Secretary of State and subject to any conditions imposed by the Secretary of State by the provisions of the consent.

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- (6) A consent for the purposes of subsection (5) may be given in relation to a particular case, or in relation to any case that falls within a particular description of cases.
- (7) In this section “private information”, in relation to an authority administering housing benefit or council tax benefit, means any information held by a person who is not entitled to disclose it to that authority except in compliance with a requirement imposed by the authority in exercise of their statutory powers.]]

**Textual Amendments**

**F313** S. 110AA inserted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 2\(2\), 20\(1\)](#); S.I. 2002/1222, art. 2(b)

**F314** S. 110AA repealed (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

<sup>F315</sup>**110B Powers of inspectors appointed under section 110A. U.K.**

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**Textual Amendments**

**F315** S. 110A substituted for ss 110A, 110B (2.4.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), s. 86, Sch. 6 para. 3](#); S.I. 2001/1252, art. 2(1)(a)

**111 Delay, obstruction etc. of inspector U.K.**

- (1) If a person—
  - (a) intentionally delays or obstructs an [<sup>F316</sup>authorised officer] in the exercise of any power under this Act [<sup>F317</sup>other than an Inland Revenue Power];
  - <sup>F318</sup>(ab) refuses or neglects to comply with any requirement under section 109BA [<sup>F319</sup>or 110AA] or with the requirements of any arrangements entered into in accordance with subsection (1) of that section, or]
  - (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this Act [<sup>F320</sup>otherwise than in the exercise of an Inland Revenue Power],
 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Where a person is convicted of an offence under [<sup>F321</sup>subsection (1)(ab) or (b)] above and the refusal or neglect is continued by him after his conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.
- <sup>F322</sup>(3) In subsection (1) “Inland Revenue power” means any power conferred on an officer of the Inland Revenue by [<sup>F323</sup>virtue of] section 110ZA above or by virtue of [<sup>F324</sup>an authorisation granted under section 109A [<sup>F325</sup>or 110A]] above.]
- <sup>F326</sup>(4) .....

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### Textual Amendments

- F316** Words in s. 111(1)(a) substituted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 1\(6\), 20\(1\); S.I. 2002/1222, art. 2\(a\)](#)
- F317** Words in s. 111(1) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 5 para. 4\(2\)\(a\); S.I. 1999/527, art. 2\(b\), Sch. 2](#)
- F318** S. 111(1)(ab) substituted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 2\(3\)\(a\), 20\(1\); S.I. 2002/1222, art. 2\(b\)](#)
- F319** Words in s. 111(1)(ab) repealed (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1; S.I. 2013/358, art. 8\(c\), Sch. 4 \(with arts. 9, 10, Sch. 5\)](#)
- F320** Words in s. 111(1) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 5 para. 4\(2\)\(b\); S.I. 1999/527, art. 2\(b\), Sch. 2](#)
- F321** Words in s. 111(2) substituted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 2\(3\)\(b\), 20\(1\); S.I. 2002/1222, art. 2\(b\)](#)
- F322** S. 111(3)(4) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 5 para. 4\(3\); S.I. 1999/527, art. 2\(b\), Sch. 2](#)
- F323** Words in s. 111(3) inserted (6.4.2005) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\), s. 13, Sch. 1 para. 3\(2\)\(a\); S.I. 2004/1943, art. 5\(b\)\(i\)](#)
- F324** Words in s. 111(3) substituted (2.4.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), s. 86, Sch. 6 para. 4\(a\); S.I. 2001/1252, art. 2\(1\)\(a\)](#)
- F325** Words in s. 111(3) repealed (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1; S.I. 2013/358, art. 8\(c\), Sch. 4 \(with arts. 9, 10, Sch. 5\)](#)
- F326** S. 111(4) repealed (6.4.2005) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\), s. 13, Sch. 1 para. 3\(2\)\(b\), Sch. 2; S.I. 2004/1943, arts. 5\(b\)\(i\), 6\(b\)\(ii\)](#)

### Modifications etc. (not altering text)

- C12** S. 111 applied (with modifications) by [The Welfare Food Regulations 1996 \(S.I. 1996/1434\), regs. 1, 22\(1\), Sch. 6](#) (as amended (28.11.2005) by [S.I. 2005/3262, regs. 1, 16\(d\)\(i\)\(e\)\(i\)](#))

## [<sup>F327</sup>111A] Dishonest representation for obtaining benefit etc **U.K.**

(1) If a person dishonestly—

- (a) makes a false statement or representation; [<sup>F328</sup>or]
- (b) produces or furnishes, or causes or allows to be produced or furnished, any document or information which is false in a material particular;

<sup>F329</sup>(c) .....

<sup>F329</sup>(d) .....

with the view to obtaining any benefit or other payment or advantage under the [<sup>F330</sup>relevant] social security legislation (whether for himself or for some other person), he shall be guilty of an offence.

[ A person shall be guilty of an offence if—

- <sup>F331</sup>(1A) (a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;

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- (c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and
  - (d) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1B) A person shall be guilty of an offence if—
- (a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;
  - (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
  - (c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and
  - (d) he dishonestly causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1C) This subsection applies where—
- (a) there has been a change of circumstances affecting any entitlement of a person ('the claimant') to any benefit or other payment or advantage under any provision of the relevant social security legislation;
  - (b) the benefit, payment or advantage is one in respect of which there is another person ('the recipient') who for the time being has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) the change is not a change that is excluded by regulations from the changes that are required to be notified.
- (1D) In a case where subsection (1C) above applies, the recipient is guilty of an offence if—
- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
  - (b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1E) In a case where that subsection applies, a person other than the recipient is guilty of an offence if—
- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
  - (b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) he dishonestly causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1F) In any case where subsection (1C) above applies but the right of the recipient is confined to a right, by reason of his being a person to whom the claimant is required to make payments in respect of a dwelling, to receive payments of housing benefit—

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- (a) a person shall not be guilty of an offence under subsection (1D) or (1E) above unless the change is one relating to one or both of the following—
    - (i) the claimant's occupation of that dwelling;
    - (ii) the claimant's liability to make payments in respect of that dwelling;but
  - (b) subsections (1D)(a) and (1E)(a) above shall each have effect as if after “knows” there were inserted “or could reasonably be expected to know”.
- (1G) For the purposes of subsections (1A) to (1E) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.]
- <sup>F332</sup>(2) . . . . .
- (3) A person guilty of an offence under this section shall be liable—
    - (a) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both; or
    - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years, or to a fine, or to both.
  - (4) In the application of this section to Scotland in [<sup>F333</sup>subsections (1) to (1E)] for “dishonestly” substitute “knowingly”.]

#### Textual Amendments

- F327** S. 111A inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 13, 25(1)**; [S.I. 1997/1577](#), **art. 2, Sch.**
- F328** Word in s. 111A(1)(a) inserted (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by [Social Security Fraud Act 2001 \(c. 11\)](#), **ss. 16(1)(a), 20(1)**; [S.I. 2001/3251](#), **art. 2(1)**
- F329** S. 111A(1)(c)(d) repealed (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by [Social Security Fraud Act 2001 \(c. 11\)](#), **ss. 16(1)(a), 20(1), Sch.**; [S.I. 2001/3251](#), **art. 2(1)**
- F330** Word in s. 111A(1) inserted (2.4.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **s. 86, Sch. 6 para. 5**; [S.I. 2001/1252](#), **art. 2(1)(a)**
- F331** S. 111A(1A)-(1G) inserted (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by [Social Security Fraud Act 2001 \(c. 11\)](#), **ss. 16(1)(b)(2), 20(1)**; [S.I. 2001/3251](#), **art. 2(1)**
- F332** S. 111A(2) repealed (2.4.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **s. 86, Sch. 9 Pt. VI**; [S.I. 2001/1252](#), **art. 2(1)(e)**
- F333** Word in s. 111A(4) substituted (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by [Social Security Fraud Act 2001 \(c. 11\)](#), **ss. 16(1)(c), 20(1)**; [S.I. 2001/3251](#), **art. 2(1)**

## 112 False representations for obtaining benefit etc **U.K.**

- (1) If a person for the purpose of obtaining any benefit or other payment under the [<sup>F334</sup>relevant][<sup>F335</sup>social security legislation] whether for himself or some other person, or for any other purpose connected with that legislation—
  - (a) makes a statement or representation which he knows to be false; or
  - (b) produces or furnishes or knowingly causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,he shall be guilty of an offence.

<sup>F336</sup>(1A) A person shall be guilty of an offence if—

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- (a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;
  - (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
  - (c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and
  - (d) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1B) A person is guilty of an offence under this section if—
- (a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;
  - (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
  - (c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and
  - (d) he causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1C) In a case where subsection (1C) of section 111A above applies, the recipient is guilty of an offence if—
- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
  - (b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1D) In a case where that subsection applies, a person other than the recipient is guilty of an offence if—
- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
  - (b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) he causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1E) Subsection (1F) of section 111A above applies in relation to subsections (1C) and (1D) above as it applies in relation to subsections (1D) and (1E) of that section.
- (1F) For the purposes of subsections (1A) to (1D) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.]
- (2) A person guilty of an offence under [<sup>F337</sup>this section] shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 3 months, or to both.

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F338(3) .....

#### Textual Amendments

- F334** Word in s. 112(1) inserted (2.4.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, [Sch. 6 para. 6](#); [S.I. 2001/1252](#), art. 2(1)(a)
- F335** Words in s. 112(1) substituted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), [Sch. 1 para. 4\(2\)](#); [S.I. 1997/1577](#), art. 2, Sch.
- F336** S. 112(1A)-(1F) substituted for s. 112(1A) (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by [Social Security Fraud Act 2001 \(c. 11\)](#), [ss. 16\(3\)](#), 20(1); [S.I. 2001/3251](#), art. 2(1)
- F337** Words in s. 112(2) substituted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), [Sch. 1 para. 4\(3\)](#); [S.I. 1997/1577](#), art. 2, Sch.
- F338** S. 112(3) repealed (2.4.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, [Sch. 9 Pt. VI](#); [S.I. 2001/1252](#), art. 2(1)(e)

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

- C13** S. 112 applied (with modifications) by [The Welfare Food Regulations 1996 \(S.I. 1996/1434\)](#), [regs. 1, 22\(1\)](#), [Sch. 6](#) (as amended (28.11.2005) by [S.I. 2005/3262](#), [regs. 1, 16\(d\)\(i\)\(e\)\(ii\)](#))

### [F339] 113 Breach of regulations **U.K.**

- (1) Regulations and schemes under any of the [F340]legislation to which this section applies] may provide that any person who contravenes, or fails to comply with, any provision contained in regulations made under [F340]that legislation]—
- in the case of a provision relating to contributions, shall be liable to a penalty;
  - in any other case, shall be guilty of an offence under [F340]any enactment contained in the legislation in question].

[F341](1A) The legislation to which this section applies is—

- the relevant social security legislation; and
  - the enactments specified in section 121DA(1) so far as relating to contributions [F342] ... ]
- (2) Any regulations or scheme making such provision as is mentioned in subsection (1) (a) above shall—
- prescribe the amount or rate of penalty, or provide for how it is to be ascertained;
  - provide for the penalty to be imposed by the [F343]Inland Revenue]—
    - within six years after the date on which the penalty is incurred; or
    - where the amount of the penalty is to be ascertained by reference to the amount of any contributions payable, at any later time within three years after the final determination of the amount of those contributions;
  - provide for determining the date on which, for the purposes of paragraph (b) above, the penalty is incurred;
  - prescribe the means by which the penalty is to be enforced; and
  - provide for enabling the [F343]Inland Revenue], in [F343]their] discretion, to mitigate or to remit any such penalty, or to stay or to compound any proceedings for a penalty.

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- (3) A person guilty of such an offence as is mentioned in subsection (1)(b) above shall be liable on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale;
  - (b) in the case of an offence of continuing a contravention or failure after conviction, to a fine not exceeding £40 for each day on which it is so continued.
- (4) Any provision contained in regulations which authorises statutory sick pay or statutory maternity pay to be set off against secondary Class 1 contributions is not a provision relating to contributions for the purposes of this section.]

#### Textual Amendments

- F339** S. 113 substituted (4.3.1999 for specified purposes, 6.4.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 60, 87(2)**; S.I. 1999/526, art. 2(2)(d)
- F340** Words in s. 113(1) substituted (1.11.2000) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, **Sch. 6 para. 7(1)**; S.I. 2000/2950, art. 2(d)(i)
- F341** S. 113(1A) inserted (1.11.2000) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, **Sch. 6 para. 7(2)**; S.I. 2000/2950, art. 2(d)(i)
- F342** Words in s. 113(1A)(b) repealed (6.4.2005) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\)](#), ss. 9(4), 13, **Sch. 2**; S.I. 2004/1943, arts. 4(c), 6(b)(ii)
- F343** Words in s. 113(2) substituted (6.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 5 para. 5**; S.I. 1999/527, art. 2(c), Sch. 3

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

- C14** S. 113 applied (with modifications) by [The Welfare Food Regulations 1996 \(S.I. 1996/1434\)](#), regs. 1, 22(1), **Sch. 6**

### [<sup>F344</sup>113A] Statutory sick pay and statutory maternity pay: breach of regulations **U.K.**

- (1) Where a person fails to produce any document or record, or provide any information, in accordance with—
- (a) regulations under section 5(1)(i) and (5), so far as relating to statutory sick pay or statutory maternity pay,
  - (b) regulations under section 130 or 132, or
  - (c) regulations under section 153(5)(b) of the Contributions and Benefits Act,
- that person is liable to the penalties mentioned in subsection (2).
- (2) The penalties are—
- (a) a penalty not exceeding £300, and
  - (b) if the failure continues after a penalty is imposed under paragraph (a), a further penalty or penalties not exceeding £60 for each day on which the failure continues after the day on which the penalty under that paragraph was imposed (but excluding any day for which a penalty under this paragraph has already been imposed).
- (3) Where a person fails to maintain a record in accordance with regulations under section 130 or 132, he is liable to a penalty not exceeding £3,000.
- (4) No penalty may be imposed under subsection (1) at any time after the failure concerned has been remedied.



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- (5) But subsection (4) does not apply to the imposition of a penalty under subsection (2) (a) in respect of a failure to produce any document or record in accordance with regulations under section 130(5) or 132(4).
- (6) Where, in the case of any employee, an employer refuses or repeatedly fails to make payments of statutory sick pay or statutory maternity pay in accordance with any regulations under section 5, the employer is liable to a penalty not exceeding £3,000.
- (7) Section 118(2) of the Taxes Management Act 1970 (extra time for compliance etc) applies for the purposes of subsections (1), (3) and (6) as it applies for the purposes of that Act.
- (8) Schedule 1 to the Employment Act 2002 (penalties relating to statutory paternity pay and statutory adoption pay: procedures and appeals) applies in relation to penalties imposed under this section (with the modifications set out in subsection (9)).
- (9) That Schedule applies as if—
  - (a) references to a penalty under section 11 or 12 of that Act were to a penalty under this section,
  - (b) in paragraph 1(2), the reference to section 11(2)(a) of that Act were to subsection (2)(a) of this section, and
  - (c) the provisions of the Taxes Management Act 1970 having effect in relation to an appeal mentioned in paragraph 3(2) of that Schedule did not include section 50(9) of that Act.]

#### Textual Amendments

**F344** Ss. 113A, 113B inserted (6.4.2005) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\), ss. 9\(5\), 13; S.I. 2004/1943, art. 4\(c\)](#)

#### [<sup>F344</sup>113B] Statutory sick pay and statutory maternity pay: fraud and negligence **U.K.**

- (1) Where a person fraudulently or negligently—
  - (a) makes any incorrect statement or declaration in connection with establishing entitlement to statutory sick pay or statutory maternity pay, or
  - (b) produces any incorrect document or record or provides any incorrect information of a kind mentioned in—
    - (i) regulations under section 5(1)(i) and (5), so far as relating to statutory sick pay or statutory maternity pay,
    - (ii) regulations under section 130 or 132, or
    - (iii) regulations under section 153(5)(b) of the Contributions and Benefits Act,he is liable to a penalty not exceeding £3,000.
- (2) Where an employer fraudulently or negligently makes an incorrect payment of statutory sick pay or statutory maternity pay, he is liable to a penalty not exceeding £3,000.
- (3) Where an employer fraudulently or negligently receives an overpayment in pursuance of regulations under section 167 of the Contributions and Benefits Act (statutory maternity pay: advance payments to employers), he is liable to a penalty not exceeding £3,000.

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- (4) Schedule 1 to the Employment Act 2002 (penalties relating to statutory paternity pay and statutory adoption pay: procedures and appeals) applies in relation to penalties imposed under this section (with the modifications set out in subsection (5)).
- (5) That Schedule applies as if—
- (a) references to a penalty under section 11 or 12 of that Act were to a penalty under this section, and
  - (b) the provisions of the Taxes Management Act 1970 having effect in relation to an appeal mentioned in paragraph 3(2) of that Schedule did not include section 50(9) of that Act.]

#### Textual Amendments

**F344** Ss. 113A, 113B inserted (6.4.2005) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\)](#), **ss. 9(5), 13**; S.I. 2004/1943, art. 4(c)

#### [<sup>F345</sup>113] **Health in pregnancy grant: civil penalty for fraud, etc.** **U.K.**

Schedule 3A (health in pregnancy grant: civil penalty for fraud, etc.) has effect.]

#### Textual Amendments

**F345** S. 113C inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), **ss. 133(1), 170**; S.I. 2008/3137, art. 2

#### [<sup>F346</sup>114] **Offences relating to contributions** **U.K.**

- (1) Any person who is knowingly concerned in the fraudulent evasion of any contributions which he or any other person is liable to pay shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine or to both;
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.]]

#### Textual Amendments

**F346** Ss. 114, 114A substituted for s. 114 (4.3.1999 for specified purposes, 6.4.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), **ss. 61, 87(2)**; S.I. 1999/526, art. 2(2)(e)

#### [<sup>F347</sup>114A] **Penalties relating to contributions** **U.K.**

#### Textual Amendments

**F347** S. 114A repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 5 para. 6, **Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), Sch. 2

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**U.K.**

- (1) Where an offence under this Act<sup>F348</sup>, or under the Jobseekers Act 1995,] 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.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above 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.

**Textual Amendments**

**F348** Words in s. 115(1) inserted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\), s. 41\(2\), Sch. 2 para. 55; S.I. 1996/1509, art. 2, Sch.](#)

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

**C15** S. 115 applied (with modifications) by [The Welfare Food Regulations 1996 \(S.I. 1996/1434\), regs. 1, 22\(1\), Sch. 6](#)

<sup>F349</sup>**115A** **Penalty as alternative to prosecution** **U.K.**

- (1) This section applies where an overpayment is recoverable from a person by, or due from a person to, the Secretary of State [<sup>F350</sup>or an authority] under or by virtue of section 71, [<sup>F351</sup>71ZB][<sup>F350</sup>71A, 75 or 76] above and it appears to the Secretary of State [<sup>F350</sup>or authority] that—
    - (a) the making of the overpayment was attributable to an act or omission on the part of that person; and
    - (b) there are grounds for instituting against him proceedings for an offence (under this Act or any other enactment) relating to the overpayment.
- [ This section also applies where —
- <sup>F352</sup>(1A) (a) it appears to the Secretary of State [<sup>F350</sup>or an authority] that there are grounds for instituting proceedings against a person for an offence (under this Act or any other enactment) relating to an act or omission on the part of that person in relation to any benefit, and
- (b) if an overpayment attributable to the act or omission had been made, the overpayment would have been recoverable from the person by, or due from the person to, the Secretary of State [<sup>F350</sup>or an authority] under or by virtue of section 71, 71ZB, [<sup>F350</sup>71A, 75 or 76] above.]
- (2) The Secretary of State [<sup>F353</sup>or authority] may give the person a written notice—
    - (a) stating that he may be invited to agree to pay a penalty and that, if he does so in the manner specified by the Secretary of State [<sup>F353</sup>or authority], no [<sup>F354</sup>proceedings referred to in subsection (1) or (1A) above] will be instituted against him; and
    - (b) containing such information relating to the operation of this section as may be prescribed.

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- [<sup>F355</sup>(3) The amount of the penalty in a case falling within subsection (1) is 50% of the amount of the overpayment (rounded down to the nearest whole penny), subject to—
- (a) a minimum amount of £350, and
  - (b) a maximum amount of £2000.
- (3A) The amount of the penalty in a case falling within subsection (1A) is £350.
- (3B) The Secretary of State may by order amend—
- (a) the percentage for the time being specified in subsection (3);
  - (b) any figure for the time being specified in subsection (3)(a) or (b) or (3A).]

(4) If the person agrees in the specified manner to pay the penalty—

    - (a) the amount of the penalty shall be recoverable by the same methods as those by which the overpayment is [<sup>F356</sup>or would have been] recoverable; and
    - (b) no proceedings will be instituted against him for an offence (under this Act or any other enactment) relating to the overpayment [<sup>F357</sup>or to the act or omission referred to in subsection (1A)(a).]

(5) The person may withdraw his agreement to pay the penalty by notifying the Secretary of State [<sup>F358</sup>or authority] in the manner specified by the Secretary of State [<sup>F358</sup>or authority], at any time during the period of [<sup>F359</sup>14] days beginning with the day on which he agrees to pay it; and if he does so—

    - (a) so much of the penalty as has already been recovered shall be repaid; and
    - (b) subsection (4)(b) above shall not apply.

(6) [<sup>F360</sup>In a case referred to in subsection (1)] where, after the person has agreed to pay the penalty, it is decided on a review or appeal or in accordance with regulations that the overpayment is not recoverable or due so much of the penalty as has already been recovered shall be repaid.

(7) [<sup>F360</sup>In a case referred to in subsection (1)] where, after the person has agreed to pay the penalty, the amount of the overpayment is revised on a review or appeal or in accordance with regulations—

    - (a) so much of the penalty as has already been recovered shall be repaid; and
    - (b) subsection (4)(b) above shall no longer apply by reason of the agreement;

but if a new agreement is made under this section in relation to the revised overpayment, the amount already recovered by way of penalty, to the extent that it does not exceed the amount of the new penalty, may be treated as recovered under the new agreement instead of being repaid.

[<sup>F362</sup>Subject to subsection (7B) below, the Secretary of State and an authority which

<sup>F361</sup>(7A) administers housing benefit or council tax benefit may agree that, to the extent determined by the agreement, one may carry out on the other's behalf, or may join in the carrying out of, any of the other's functions under this section.]

(7B) [<sup>F362</sup>Subsection (7A) above shall not authorise any delegation of—

    - (a) the function of the person by whom any overpayment is [<sup>F363</sup>or would have been] recoverable, or to whom it is [<sup>F363</sup>or would have been] due, of determining whether or not a notice should be given under subsection (2) above in respect of that overpayment; or
    - (b) the Secretary of State's power to make regulations for the purposes of paragraph (b) of that subsection.]]

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(8) In this section “overpayment” means—

- (a) a payment which should not have been made;
- (b) a sum which the Secretary of State should have received;
- (c) an amount of benefit paid in excess of entitlement; or
- (d) an amount equal to an excess of benefit allowed;

and the reference in subsection (1)(a) [<sup>F364</sup>or (1A)(b)] above to the making of the overpayment is to the making of the payment, the failure to receive the sum, the payment of benefit in excess of entitlement or the allowing of an excess of benefit.]

#### Textual Amendments

- F349** S. 115A inserted (21.11.1997 for specified purposes, 18.12.1997 for all other purposes) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 15, 25(1)** (with s. 25(7)); S.I. 1997/2766, art. 2(1)
- F350** Words in s. 115A(1)(1A) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F351** Word in s. 115A(1) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 105(3)**, 150(3); S.I. 2013/358, art. 5(2)(3)(b)
- F352** S. 115A(1A) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(2)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F353** Words in s. 115A(2) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F354** Words in s. 115A(2)(a) substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(3)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F355** S. 115A(3)-(3B) substituted for s. 115A(3) (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 114(1)**, 150(3); S.I. 2012/863, art. 2(3)(b)
- F356** Words in s. 115A(4)(a) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(4)(a)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F357** Words in s. 115A(4)(b) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(4)(b)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F358** Words in s. 115A(5) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F359** Figure in s. 115A(5) substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 115(2)**, 150(3); S.I. 2012/863, art. 2(3)(c)
- F360** Words in s. 115A(6)(7) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(5)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F361** S. 115A(7A)(7B) inserted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), **ss. 14**, 20(1); S.I. 2002/1222, art. 2(e)
- F362** S. 115A(7A)(7B) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F363** Words in s. 115A(7B)(a) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(6)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F364** Words in s. 115A(8) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(7)**, 150(3); S.I. 2012/863, art. 2(3)(a)

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**[<sup>F365</sup>115B] Penalty as alternative to prosecution: colluding employers etc U.K.**

- (1) This section applies where it appears to the Secretary of State [<sup>F366</sup>or an authority that administers housing benefit or council tax benefit]—
  - (a) that there are grounds for instituting proceedings against any person ('the responsible person') for an offence (whether or not under this Act) in respect of any conduct; and
  - (b) that the conduct in respect of which there are grounds for instituting the proceedings is conduct falling within subsection (2) below.
- (2) Conduct in respect of which there appear to be grounds for instituting proceedings falls within this subsection if—
  - (a) those proceedings would be for an offence under this Act in connection with an inquiry relating to the employment of relevant employees or of any one or more particular relevant employees; or
  - (b) it is conduct which was such as to facilitate the commission of a benefit offence by a relevant employee (whether or not such an offence was in fact committed).
- (3) The Secretary of State [<sup>F367</sup>or authority] may give to the responsible person a written notice—
  - (a) specifying or describing the conduct in question;
  - (b) stating that he may be invited to agree to pay a penalty in respect of that conduct;
  - (c) stating that, if he does so in the manner specified by the Secretary of State [<sup>F367</sup>or authority], no criminal proceedings will be instituted against him in respect of that conduct; and
  - (d) containing such information relating to the operation of this section as may be prescribed.
- [<sup>F368</sup>(4) If the recipient of a notice under subsection (3) above agrees, in the specified manner, to pay the penalty—
  - (a) the amount of the penalty shall be recoverable from the recipient by the Secretary of State [<sup>F369</sup>or authority]; and
  - (b) no criminal proceedings shall be instituted against the recipient in respect of the conduct to which the notice relates.
- (4A) Sections 71ZC, 71ZD and 71ZE above apply in relation to amounts recoverable under subsection (4)(a) above as to amounts recoverable by the Secretary of State under section 71ZB above [<sup>F370</sup>(and, where the notice is given by an authority administering housing benefit or council tax benefit, those sections so apply as if references to the Secretary of State were to that authority)].
- (5) The amount of the penalty shall be—
  - (a) in a case in which the conduct in question falls within paragraph (a) of subsection (2) above but not within paragraph (b) of that subsection, £1,000;
  - (b) in a case in which that conduct falls within paragraph (b) of that subsection and the number of relevant employees by reference to whom it falls within that subsection is five or more, £5,000; and
  - (c) in any other case, the amount obtained by multiplying £1,000 by the number of relevant employees by reference to whom that conduct falls within that subsection.

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- (6) The responsible person may withdraw his agreement to pay a penalty under this section by notifying the Secretary of State [<sup>F371</sup>or authority], in the manner specified by the Secretary of State [<sup>F371</sup>or authority], at any time during the period of [<sup>F372</sup>14] days beginning with the day on which he agrees to pay it.
- (7) Where the responsible person withdraws his agreement in accordance with subsection (6) above—
- (a) so much of the penalty as has already been recovered shall be repaid; and
  - (b) subsection (4)(b) above shall not apply.
- (8) For the purposes of this section an individual is a relevant employee in relation to any conduct of the responsible person if—
- (a) that conduct was at or in relation to a time when that individual was an employee of the responsible person;
  - (b) that conduct was at or in relation to a time when that individual was an employee of a body corporate of which the responsible person is or has been a director; or
  - (c) the responsible person, in engaging in that conduct, was acting or purporting to act on behalf of, in the interests of or otherwise by reason of his connection with, any person by whom that individual is or has been employed.
- (9) In this section—
- “conduct” includes acts, omissions and statements;
  - “director”—
    - (a) in relation to a company ([<sup>F373</sup>as defined in section 1(1) of the Companies Act 2006]), includes a shadow director;
    - (b) in relation to any such company that is a subsidiary of another, includes any director or shadow director of the other company; and
    - (c) in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate;  - “employee” means any person who—
    - (a) is employed under a contract of service or apprenticeship, or in an office (including an elective office), or
    - (b) carries out any work under any contract under which he has undertaken to provide his work, and “employment” shall be construed accordingly;  - <sup>F374</sup> .....
  - “shadow director” means a shadow director as defined in [<sup>F375</sup>section 251 of the Companies Act 2006];
  - “subsidiary” means a subsidiary as defined in [<sup>F376</sup>section 1159 of the Companies Act 2006].]

#### Textual Amendments

**F365** S. 115B inserted (30.4.2002) by Social Security Fraud Act 2001 (c. 11), ss. 15(1), 20(1); S.I. 2002/1222, art. 2(f)

**F366** Words in s. 115B(1) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 1; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

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- F367** Words in s. 115B(3) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F368** S. 115B(4)(4A) substituted for s. 115B(4) (1.10.2012) by Welfare Reform Act 2012 (c. 5), **ss. 105(4)(a)**, 150(3); S.I. 2012/1246, art. 2(5)(b)
- F369** Words in s. 115B(4)(a) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F370** Words in s. 115B(4A) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F371** Words in s. 115B(6) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F372** Figure in s. 115B(6) substituted (8.5.2012) by Welfare Reform Act 2012 (c. 5), **ss. 115(3)**, 150(3); S.I. 2012/863, art. 2(3)(c)
- F373** Words in s. 115B(9) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 129(a)** (with art. 10)
- F374** Words in s. 115B(9) repealed (1.10.2012) by Welfare Reform Act 2012 (c. 5), **ss. 105(4)(b)**, 150(3); S.I. 2012/1246, art. 2(5)(b)
- F375** Words in s. 115B(9) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 1(3)(a), **Sch. 4 para. 68** (with art. 12)
- F376** Words in s. 115B(9) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 129(b)** (with art. 10)

### *f<sup>F377</sup> Civil penalties*

#### **Textual Amendments**

- F377** Ss. 115C, 115D and cross-heading inserted (10.5.2012 for specified purposes, 1.10.2012 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), **ss. 116(1)**, 150(3); S.I. 2012/1246, art. 2(1)(a)(5)(c)

## **115C Incorrect statements etc** **U.K.**

- (1) This section applies where—
- (a) a person negligently makes an incorrect statement or representation, or negligently gives incorrect information or evidence—
    - (i) in or in connection with a claim for a relevant social security benefit, or
    - (ii) in connection with an award of a relevant social security benefit,
  - (b) the person fails to take reasonable steps to correct the error,
  - (c) the error results in the making of an overpayment, and
  - (d) the person has not been charged with an offence or cautioned, or been given a notice under section 115A, in respect of the overpayment.
- (2) A penalty of a prescribed amount may be imposed by the appropriate authority—



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- (a) in any case, on the person;
  - (b) in a case where the person (“A”) is making, or has made, a claim for the benefit for a period jointly with another (“B”), on B instead of A.
- (3) Subsection (2)(b) does not apply if B was not, and could not reasonably be expected to have been, aware that A had negligently made the incorrect statement or representation or given the incorrect information or evidence.
- (4) A penalty imposed under subsection (2) is recoverable by the appropriate authority from the person on whom it is imposed.
- (5) Sections 71ZC, 71ZD and 71ZE apply in relation to amounts recoverable by the appropriate authority under subsection (4) as to amounts recoverable by the Secretary of State under section 71ZB (and, where the appropriate authority is not the Secretary of State, those sections so apply as if references to the Secretary of State were to that authority).
- (6) In this section and section 115D—
- “appropriate authority” means—
    - (a) the Secretary of State, or
    - (b) an authority which administers housing benefit or council tax benefit;
  - “overpayment” has the meaning given in section 115A(8), and the reference to the making of an overpayment is to be construed in accordance with that provision;
  - “relevant social security benefit” has the meaning given in section 121DA(7).

## **115D Failure to disclose information** **U.K.**

- (1) A penalty of a prescribed amount may be imposed on a person by the appropriate authority where—
- (a) the person, without reasonable excuse, fails to provide information or evidence in accordance with requirements imposed on the person by the appropriate authority in connection with a claim for, or an award of, a relevant social security benefit,
  - (b) the failure results in the making of an overpayment, and
  - (c) the person has not been charged with an offence or cautioned, or been given a notice under section 115A, in respect of the overpayment.
- (2) A penalty of a prescribed amount may be imposed on a person by the appropriate authority where—
- (a) the person, without reasonable excuse, fails to notify the appropriate authority of a relevant change of circumstances in accordance with requirements imposed on the person under relevant social security legislation,
  - (b) the failure results in the making of an overpayment, and
  - (c) the person has not been charged with an offence or cautioned, or been given a notice under section 115A, in respect of the overpayment.
- (3) Where a person is making, or has made, a claim for a benefit for a period jointly with another, and both of them fail as mentioned in subsection (1) or (2), only one penalty may be imposed in respect of the same overpayment.

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- (4) A penalty imposed under subsection (1) or (2) is recoverable by the appropriate authority from the person on whom it is imposed.
- (5) Sections 71ZC, 71ZD and 71ZE apply in relation to amounts recoverable by the appropriate authority under subsection (4) as to amounts recoverable by the Secretary of State under section 71ZB (and, where the appropriate authority is not the Secretary of State, those sections so apply as if references to the Secretary of State were to that authority).
- (6) In this section “relevant change of circumstances”, in relation to a person, means a change of circumstances which affects any entitlement of the person to any benefit or other payment or advantage under any provision of the relevant social security legislation.]

### *Legal proceedings*

## 116 Legal proceedings **U.K.**

- (1) Any person authorised by the Secretary of State in that behalf may conduct any proceedings [<sup>F378</sup>under any provision of this Act other than section 114 or under any provision of] [<sup>F379</sup>the Jobseekers Act 1995] before a magistrates' court although not a barrister or solicitor.
- (2) Notwithstanding anything in any Act—
  - (a) proceedings for an offence under this Act [<sup>F380</sup> [<sup>F381</sup>(other than proceedings to which paragraph (b) applies)] [<sup>F382</sup>, or for an offence under the Jobseekers Act 1995,] may be begun 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 a period of 12 months from the commission of the offence, whichever period last expires; [<sup>F383</sup> and]
  - (b) [<sup>F383</sup> proceedings [<sup>F384</sup> brought by the appropriate authority] for an offence under this Act relating to housing benefit or [<sup>F385</sup> council tax benefit] may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the appropriate authority to justify a prosecution for the offence, comes to the authority's knowledge or within a period of 12 months from the commission of the offence, whichever period last expires.]
- [<sup>F386</sup>(2A) Subsection (2) above shall not be taken to impose any restriction on the time when proceedings may be begun for an offence under section 111A above.]
- (3) For the purposes of subsection (2) above—
  - (a) 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 (a) of that subsection came to his knowledge shall be conclusive evidence of that date; [<sup>F387</sup> and]
  - (b) [<sup>F387</sup> a certificate of the appropriate authority as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to the authority's knowledge shall be conclusive evidence of that date.]
- (4) [<sup>F388</sup>In subsections (2) and (3) above “the appropriate authority” means, in relation to an offence which relates to housing benefit and concerns any dwelling

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- <sup>F389</sup>(a) .....
- (b) if it relates to a rent rebate, the authority who are the appropriate housing authority by virtue of [<sup>F390</sup>section 134 below]; and
- (c) if it relates to rent allowance, the authority who are the appropriate local authority by virtue of [<sup>F391</sup>that section].]
- (5) [<sup>F388</sup>In subsection (2) and (3) above “the appropriate authority” means, in relation to an offence relating to [<sup>F392</sup>council tax benefit], such authority as is prescribed in relation to the offence.]
- [<sup>F393</sup>(5A) [<sup>F394</sup>In relation to proceedings for an offence under section 114 above], the references in subsections (2)(a) and (3)(a) to the Secretary of State shall have effect as references to the Inland Revenue.]
- <sup>F395</sup>(6) .....
- (7) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) [<sup>F396</sup>to (5A)] above—
- (a) proceedings for an offence under this Act [<sup>F397</sup>or the Jobseekers Act 1995] may, notwithstanding anything in [<sup>F398</sup>section 136 of the Criminal Procedure (Scotland) Act 1995], be commenced at any time within the period of 3 months from the date of which evidence, sufficient in the opinion of the Lord Advocate to justify proceedings, comes to his knowledge, or within the period of 12 months from the commission of the offence, whichever period last expires;
- [<sup>F399</sup>(aa) this subsection shall not be taken to impose any restriction on the time when proceedings may be commenced for an offence under section 111A above;]
- (b) for the purposes of this subsection—
- (i) a certificate purporting to be signed by or on behalf of the Lord Advocate as to the date on which such evidence as is mentioned above came to his knowledge shall be conclusive evidence of that date; and
- (ii) subsection (3) of [<sup>F400</sup>section 136 of the said Act of 1995] (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

### Textual Amendments

- F378** Words in s. 116(1) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 21\(2\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F379** Words in s. 116(1) substituted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\), s. 41\(2\), Sch. 2 para. 56\(2\)](#); S.I. 1996/1509, art. 2, Sch.
- F380** Words in s. 116(2)(a) substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 111\(a\), 150\(2\)\(e\)](#)
- F381** Words in s. 116(2)(a) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F382** Words in s. 116(2)(a) substituted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\), s. 41\(2\), Sch. 2 para. 56\(3\)](#); S.I. 1996/1509, art. 2, Sch.
- F383** S. 116(2)(b) and preceding word repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F384** Words in s. 116(2)(b) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 111\(b\), 150\(2\)\(e\)](#)

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- F385** Words in s. 116(2) substituted (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 118(4), **Sch. 9 para. 17(1)**
- F386** S. 116(2A) inserted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), **Sch. 1 para. 5**; S.I. 1997/1577, art. 2, Sch.
- F387** S. 116(3)(b) and preceding word repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F388** S. 116(4)(5) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F389** S. 116(4)(a) omitted (1.4.1997) by virtue of Housing Act 1996 (c. 52), s. 232(3), **Sch. 13 para. 3(3) (a)**; S.I. 1997/618, art. 2(1) (with Sch.)
- F390** Words in s. 116(4)(b) substituted (1.4.1997) by Housing Act 1996 (c. 52), s. 232(3), **Sch. 13 para. 3(3) (b)**; S.I. 1997/618, art. 2(1) (with Sch.)
- F391** Words in s. 116(4)(c) substituted (1.4.1997) by Housing Act 1996 (c. 52), s. 232(3), **Sch. 13 para. 3(3) (c)**; S.I. 1997/618, art. 2(1) (with Sch.)
- F392** Words in s. 116(5) substituted (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 118(4), **Sch. 9 para. 17(2)**
- F393** S. 116(5A) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 21(3)**; S.I. 1999/527, art. 2(b), Sch. 2
- F394** Words in s. 116(5A) substituted (11.11.99) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(4)(d), **Sch. 11 para. 5**.
- F395** S. 116(6) repealed (29.11.99) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 83, **Sch. 8**; S.I. 1999/3178, art. 2(1), Sch. 1
- F396** Words in s. 116(7) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 21(4)**; S.I. 1999/527, art. 2(b), Sch. 2
- F397** Words in s. 116(7)(a) inserted (11.6.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 56(4)**; S.I. 1996/1509, art. 2, Sch.
- F398** Words in s. 116(7)(a) substituted (1.4.1996) by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), s. 7(2), **Sch. 4 para. 82(a)**
- F399** S. 116(7)(aa) inserted (30.4.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 17, 20(1)**; S.I. 2002/1222, art. 2(g)
- F400** Words in s. 116(7)(b) substituted (1.4.1996) by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), s. 7(2), **Sch. 4 para. 82(b)**

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

- C16** S. 116 applied (7.2.1994) by Pension Schemes Act 1993 (c. 48), **s. 167(1)(2)**, 193(2); S.I. 1994/86, art. 2
- C17** S. 116 applied in part (with modifications) by The Welfare Food Regulations 1996 (S.I. 1996/1434), regs. 1, 22(1), **Sch. 6**

#### [<sup>F401</sup>116A] Local authority powers to prosecute benefit fraud **E+W**

[<sup>F402</sup>(1)] This section applies if an authority administering housing benefit or council tax benefit has power to bring proceedings for a benefit offence relating to that benefit.

(2) The authority may bring proceedings for a benefit offence relating to any other relevant social security benefit unless—

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- (a) the proceedings relate to any benefit or circumstances or any description of benefit or circumstances which the Secretary of State prescribes for the purposes of this paragraph, or
  - (b) the Secretary of State has directed that the authority must not bring the proceedings,and a direction under paragraph (b) may relate to a particular authority or description of authority or to particular proceedings or any description of proceedings.
- (3) If the Secretary of State prescribes conditions for the purposes of this section, an authority must not bring proceedings under this section unless any such condition is satisfied.
- (4) The Secretary of State may continue proceedings which have been brought by an authority under this section as if the proceedings had been brought in his name or he may discontinue the proceedings if—
  - (a) he makes provision under subsection (2)(a), such that the authority would no longer be entitled to bring the proceedings under this section,
  - (b) he gives a direction under subsection (2)(b) in relation to the proceedings, or
  - (c) a condition prescribed under subsection (3) ceases to be satisfied in relation to the proceedings.
- (5) In the exercise of its power under subsection (2), a local authority must have regard to the Code for Crown Prosecutors issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985—
  - (a) in determining whether the proceedings should be instituted;
  - (b) in determining what charges should be preferred;
  - (c) in considering what representations to make to a magistrates' court about mode of trial;
  - (d) in determining whether to discontinue proceedings.
- (6) An authority must not bring proceedings for a benefit offence which does not relate to housing benefit or council tax benefit otherwise than in accordance with this section.
- (7) In subsection (2), “relevant social security benefit” has the same meaning as in section 121DA below.
- (8) This section does not apply to Scotland.]]

#### Textual Amendments

**F401** S. 116A inserted (19.2.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 47, 70(2)**; S.I. 2008/411, **art. 2(4)(b)(5)**

**F402** S. 116A repealed (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), **s. 150(3)**, **Sch. 14 Pt. 1**; S.I. 2013/358, **art. 8(c)**, **Sch. 4** (with **arts. 9, 10, Sch. 5**)

#### [<sup>F403</sup>117 Issues arising in proceedings **U.K.**

- (1) This section applies to proceedings before a court—
  - (a) for an offence under this Act or the Jobseekers Act 1995; or
  - (b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable by the Inland Revenue); or

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- (c) for the recovery of any sums due to the Secretary of State<sup>F404</sup>, the Inland Revenue] or the National Insurance Fund,
- (2) A decision of the Secretary of State which—
- (a) falls within Part II of Schedule 3 to the Social Security Act 1998 (“the 1998 Act”; and
  - (b) relates to or affects an issue arising in the proceedings,
- shall be conclusive for the purposes of the proceedings.
- (3) If—
- (a) any such decision is necessary for the determination of the proceedings; and
  - (b) the decision of the Secretary of State has not been obtained or an application with respect to the decision has been made under section 9 or 10 of the 1998 Act,
- the decision shall be referred to the Secretary of State to be made in accordance (subject to any necessary modifications) with Chapter II of Part I of that Act.
- (4) Subsection (2) above does not apply where, in relation to the decision—
- (a) an appeal has been brought but not determined;
  - (b) an application for leave to appeal has been made but not determined;
  - (c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or
  - (d) an application has been made under section 9 or 10 of the 1998 Act.
- (5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.]

#### Textual Amendments

**F403** S. 117 substituted (5.7.1999) by [Social Security Act 1998 \(c. 14\)](#), [Sch. 7 para. 84](#)

**F404** Words in s. 117(1)(c) inserted (5.7.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 7 para. 12](#); S.I. 1999/1662, art. 2(b), Sch. Pt. II

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

**C18** S. 117 modified (temp.) (1.4.1999) by [The Social Security Contributions, etc. \(Decisions and Appeals —Transitional Modifications\) Regulations 1999 \(S.I. 1999/978\)](#), regs. 1, 2, [Sch.](#)

### <sup>F405</sup>117A Issues arising in proceedings: contributions, etc **U.K.**

- (1) This section applies to proceedings before a court—
- (a) for an offence under this Act or the Jobseekers Act 1995; or
  - (b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable in accordance with section 15 of the Contributions and Benefits Act); or
  - (c) for the recovery of any sums due to the Inland Revenue or the National Insurance Fund.
- (2) A decision of an officer of the Inland Revenue which—
- (a) falls within section 8(1) of the Social Security Contributions (Transfer of Functions, etc.) Act 1999; and

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- (b) relates to or affects an issue arising in the proceedings, shall be conclusive for the purposes of the proceedings.
- (3) If—
  - (a) any such decision is necessary for the determination of the proceedings, and
  - (b) the decision of an officer of the Inland Revenue has not been obtained under section 8 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999,  
the decision shall be referred to such an officer to be made in accordance (subject to any necessary modifications) with Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999.
- (4) Subsection (2) above does not apply where, in relation to the decision—
  - (a) an appeal has been brought but not determined;
  - (b) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or
  - (c) an application for variation of the decision has been made under regulations made under section 10 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999.
- (5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.]

#### Textual Amendments

**F405** S. 117A inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999](#) (c. 2), s. 28(3), [Sch. 7 para. 13](#); S.I. 1999/527, art. 2(b), Sch. 2

### *Unpaid contributions etc*

## 118 Evidence of non-payment **U.K.**

<sup>F406</sup>(1) .....

<sup>F407</sup>(1A) .....

<sup>F407</sup>(2) .....

<sup>F408</sup>(3) .....

- (4) A statutory declaration by an officer of the [<sup>F409</sup>Inland Revenue] that the searches specified in the declaration <sup>F410</sup>... for a record of the payment of a particular contribution have been made, and that <sup>F410</sup>... a record of the payment of the contribution in question has not been found, is admissible in any proceedings for an offence as evidence of the facts stated in the declaration.
- (5) Nothing in subsection (4) above makes a statutory declaration admissible as evidence in proceedings for an offence except in a case where, and to the extent to which, oral evidence to the like effect would have been admissible in those proceedings.
- (6) Nothing in subsections (4) and (5) above makes a statutory declaration admissible as evidence in proceedings for an offence—

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- (a) unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence in any manner in which a summons or, in Scotland, a citation in a summary prosecution may be served; or
- (b) if that person, not later than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, gives notice to the prosecutor requiring the attendance at the trial of the person by whom the declaration was made.

<sup>F411</sup>(7) .....

#### Textual Amendments

- F406** S. 118(1) omitted (21.7.2008) by virtue of Finance Act 2008 (c. 9), **Sch. 44 para. 4**
- F407** S. 118(1A)(2) repealed (6.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), Sch. 5 para. 7(3), **Sch. 10 Pt. I**; S.I. 1999/527, art. 2(c), Sch. 3
- F408** S. 118(3) omitted (21.7.2008) by virtue of Finance Act 2008 (c. 9), **Sch. 44 para. 4**
- F409** Words in s. 118(4) substituted (6.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 5 para. 7(5)**; S.I. 1999/527, art. 2(c), Sch. 3
- F410** Words in s. 118(4) repealed (6.4.1999) by Social Security Act 1998 (c. 14), ss 62(3), 87(2), **Sch. 8**; S.I. 1999/526, art. 2(4)(a)(c)(i)
- F411** S. 118(7) omitted (21.7.2008) by virtue of Finance Act 2008 (c. 9), **Sch. 44 para. 4**

## 119 Recovery of unpaid contributions on prosecution **U.K.**

- (1) Where—
- (a) a person has been convicted of any offence under section 114(1) above of failing to pay a contribution at or within the time prescribed for the purpose; and
  - (b) the contribution remains unpaid at the date of the conviction,
- he shall be liable to pay to the [<sup>F412</sup>Inland Revenue] a sum equal to the amount which he failed to pay.

<sup>F413</sup>(2) .....

#### Textual Amendments

- F412** Words in s. 119(1) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 22**; S.I. 1999/527, art. 2(b), Sch. 2
- F413** S. 119(2) repealed (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 85, **Sch. 8**; S.I. 1999/526, art. 2(3)(4)(b)

## 120 Proof of previous offences **U.K.**

- (1) Subject to and in accordance with subsections (2) to (5) below, where a person is convicted of an offence mentioned in section 119(1) <sup>F414</sup>... above, evidence may be given of any previous failure by him to pay contributions within the time prescribed for the purpose; and in those subsections “the conviction” and “the offence” mean respectively the conviction referred to in this subsection and the offence of which the person is convicted.



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- (2) Such evidence may be given only if notice of intention to give it is served with the summons or warrant or, in Scotland, the complaint on which the person appeared before the court which convicted him.
- (3) If the offence is one of failure to pay a Class 1 contribution, evidence may be given of failure on his part to pay (whether or not in respect of the same person) such contributions or any Class 1A [<sup>F415</sup>or Class 1B] contributions or [<sup>F416</sup>contributions equivalent premiums] on the date of the offence, or during the [<sup>F417</sup>6 years] preceding that date.
- (4) If the offence is one of failure to pay Class 1A contribution, evidence may be given of failure on his part to pay (whether or not in respect of the same person or the same [<sup>F418</sup>amount]) such contributions, or any Class 1 [<sup>F415</sup>or Class 1B] contributions or [<sup>F416</sup>contributions equivalent premiums], on the date of the offence, or during the [<sup>F417</sup>6 years] preceding that date.
- [<sup>F419</sup>(4A) If the offence is one of failure to pay a Class 1B contribution, evidence may be given of failure on his part to pay such contributions, or any Class 1 or Class 1A contributions or contributions equivalent premiums, on the date of the offence, or during the 6 years preceding that date.]
- (5) If the offence—
- (a) is one of failure to pay Class 2 contributions; <sup>F420</sup> ...
- <sup>F420</sup>(b) .....  
evidence may be given of his failure to pay such contributions during those [<sup>F421</sup>6 years].
- (6) On proof of any matter of which evidence may be given under subsection (3), (4), [<sup>F422</sup>(4A)] or (5) above, the person convicted shall be liable to pay to the [<sup>F423</sup>Inland Revenue] a sum equal to the total of all amounts which he is so proved to have failed to pay and which remain unpaid at the date of the conviction.

#### Textual Amendments

- F414** Words in s. 120(1) repealed (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 86(1), Sch. 8; S.I. 1999/526, art. 2(3)(4)(b)
- F415** Words in s. 120(3)(4) inserted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 86(2)(a)(3)(a); S.I. 1998/2209, art. 2(c), Sch. Pt. III
- F416** Words in s. 120(3)(4) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 15(3); S.I. 1997/664, art. 2(3), Sch. Pt. II
- F417** Words in s. 120(3)(4) substituted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 86(2)(b)(3)(b); S.I. 1998/2209, art. 2(3)(4)(b)
- F418** Word in s. 120(4) substituted (with effect in relation to the tax year beginning 6.4.2000 and subsequent tax years) by Child Support, Pensions and Social Security Act 2000 (c. 19), ss. 74(6), 86 (with s. 74(8))
- F419** S. 120(4A) inserted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 86(4); S.I. 1998/2209, art. 2(c), Sch. Pt. III
- F420** S. 120(5)(b) and preceding word repealed (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 86(5)(a), Sch. 8; S.I. 1999/526, art. 2(3), (4)(b), (c)(iv)
- F421** Words in s. 120(5) substituted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 86(5)(b), Sch. 8; S.I. 1999/526, art. 2(3), (4)(b)
- F422** Word in s. 120(6) inserted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 86(6); S.I. 1998/2209, art. 2(c), Sch. Pt. III

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**F423** Words in s. 120(6) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 23](#); S.I. 1999/527, art. 2(b), Sch. 2

## 121 Unpaid contributions—supplementary **U.K.**

(1) Where in England and Wales a person charged with an offence mentioned in section 119(1) <sup>F424</sup>... above is convicted of that offence in his absence under section <sup>F425</sup>12(5) of the <sup>M15</sup>Magistrates' Courts Act 1980, then if—

- (a) it is proved to the satisfaction of the court, on oath or in the manner prescribed by <sup>F426</sup>Criminal Procedure Rules], that notice under section 120(2) above has been duly served specifying the other contributions in respect of which the prosecutor intends to give evidence; and
- (b) the <sup>F427</sup>designated officer for] the court has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit failing to pay the other contributions so specified or any of them,

section 120 above shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.

(2) In England and Wales, where a person is convicted of an offence mentioned in section 119(1) <sup>F428</sup>... above and an order is made under <sup>F429</sup>section 12 of the Powers of Criminal Courts (Sentencing) Act 2000] discharging him absolutely or conditionally, sections 119 and 120 above, and subsection (1) above, shall apply as if it were a conviction for all purposes.

(3) In Scotland, where a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence, and an order is made under Part I of the <sup>M16</sup>Criminal Procedure (Scotland) Act 1975 discharging him absolutely or placing him on probation, sections 119 and 120 above shall apply as if—

- (a) the conviction on indictment were a conviction for all purposes; or
- (b) (as the case may be) the making of the order by the court of summary jurisdiction were a conviction.

(4) In England and Wales, any sum which a person is liable to pay under section 119 or 120 above or under subsection (1) above shall be recoverable from him as a penalty.

(5) Sums recovered by the <sup>F430</sup>Inland Revenue] under the provisions mentioned in subsection (4) above, so far as representing contributions of any class, are to be treated for all purposes of the Contributions and Benefits Act and this Act (including in particular the application of section 162 below) as contributions of that class received by the <sup>F430</sup>Inland Revenue].

(6) Without prejudice to subsection (5) above, in so far as such sums represent primary Class 1 or Class 2 contributions, they are to be treated as contributions paid in respect of the person in respect of whom they were originally payable; and enactments relating to earnings factors shall apply accordingly.

### Textual Amendments

**F424** Words in s. 121(1) repealed (6.4.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 87, Sch. 8](#); S.I. 1999/526, art. 2

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- F425** Word in s. 121(1) substituted (1.9.1998) by Magistrates' Courts (Procedure) Act 1998 (c. 15), **ss. 4(2)(a), 5(2)**; S.I. 1998/1837, art. 2
- F426** Words in s. 121(1)(a) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 355(a)**; S.I. 2004/2066, art. 2(c)(xv) (with art. 3)
- F427** Words in s. 121(1)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 355(b)**; S.I. 2005/910, art. 3(y)
- F428** Words in s. 121(2) repealed (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 87, **Sch. 8**; S.I. 1999/526, art. 2
- F429** Words in s. 121(2) substituted (25.8.2000) by Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), s. 168(1), **Sch. 9 para. 150**
- F430** Words in s. 121(5) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 24**; S.I. 1999/527, art. 2(b), Sch. 2

**Marginal Citations**

- M15** 1980 c. 43
- M16** 1975 c. 21.

**<sup>F431</sup>121A Recovery of contributions etc. in England and Wales U.K.**

.....

**Textual Amendments**

- F431** S. 121A omitted (6.4.2014) by virtue of Finance Act 2008 (c. 9), s. 129(4), **Sch. 43 para. 2**; S.I. 2014/906, art. 2

**<sup>F432</sup>121B Recovery of contributions etc. in Scotland U.K.**

.....

**Textual Amendments**

- F432** S. 121B omitted (23.11.2009) by virtue of Finance Act 2008 (c. 9), s. 129(4), **Sch. 43 para. 14**; S.I. 2009/3024, art. 3 (with art. 4)

**<sup>F433</sup>121C Liability of directors etc. for company's contributions U.K.**

- (1) This section applies to contributions which a body corporate is liable to pay, where-
  - (a) the body corporate has failed to pay the contributions at or within the time prescribed for the purpose; and
  - (b) the failure appears to the [<sup>F434</sup>Inland Revenue] to be attributable to fraud or neglect on the part of one or more individuals who, at the time of the fraud or neglect, were officers of the body corporate (“culpable officers”).
- (2) The [<sup>F434</sup>Inland Revenue] may issue and serve on any culpable officer a notice (a “personal liability notice”)-
  - (a) specifying the amount of the contributions to which this section applies (“the specified amount”);
  - (b) requiring the officer to pay to the [<sup>F434</sup>Inland Revenue]—

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- (i) a specified sum in respect of that amount; and
    - (ii) specified interest on that sum; and
  - (c) where that sum is given by paragraph (b) of subsection (3) below, specifying the proportion applied by the [<sup>F434</sup>Inland Revenue] for the purposes of that paragraph.
- (3) The sum specified in the personal liability notice under subsection (2)(b)(i) above shall be—
  - (a) in a case where there is, in the opinion of the [<sup>F434</sup>Inland Revenue], no other culpable officer, the whole of the specified amount; and
  - (b) in any other case, such proportion of the specified amount as, in the opinion of the [<sup>F434</sup>Inland Revenue], the officer's culpability for the failure to pay that amount bears to that of all the culpable officers taken together.
- (4) In assessing an officer's culpability for the purposes of subsection (3)(b) above, the [<sup>F434</sup>Inland Revenue] may have regard both to the gravity of the officer's fraud or neglect and to the consequences of it.
- (5) The interest specified in the personal liability notice under subsection (2)(b)(ii) above shall be [<sup>F435</sup>at the Class 1 rate on the Class 1 element of the specified sum, and otherwise at the prescribed rate,] and shall run from the date on which the notice is issued.
- (6) An officer who is served with a personal liability notice shall be liable to pay to the [<sup>F434</sup>Inland Revenue] the sum and the interest specified in the notice under subsection (2)(b) above.
- (7) Where, after the issue of one or more personal liability notices, the amount of contributions to which this section applies is reduced by a payment made by the body corporate—
  - (a) the amount that each officer who has been served with such a notice is liable to pay under this section shall be reduced accordingly;
  - (b) the [<sup>F434</sup>Inland Revenue] shall serve on each such officer a notice to that effect; and
  - (c) where the reduced liability of any such officer is less than the amount that he has already paid under this section, the difference shall be repaid to him together with interest on it [<sup>F436</sup>at the Class 1 rate on the Class 1 element of it and otherwise] at the prescribed rate.
- (8) Any amount paid under a personal liability notice shall be deducted from the liability of the body corporate in respect of the specified amount.
- [ The amount which an officer is liable to pay under this section is to be recovered in
- <sup>F437</sup>(8A) the same manner as a Class 1 contribution to which regulations under paragraph 6 of Schedule 1 to the Contributions and Benefits Act apply and for this purpose references in those regulations to Class 1 contributions are to be construed accordingly.]
- (9) In this section—
  - [<sup>F438</sup>“the Class 1 rate”—
  - (a) in subsection (5) means the rate from time to time applicable under section 103(1) of the Finance Act 2009; and
  - (b) in subsection (7)(c) means the rate from time to time applicable under section 103(2) of that Act;]

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[<sup>F438</sup>“the Class 1 element”, in relation to any amount, means so much of that amount as is calculated by—

- (a) multiplying that amount by so much of the specified amount as consists of Class 1 contributions; and
- (b) dividing the product of that multiplication by the specified amount;]

“contributions” includes any interest or penalty in respect of contributions [<sup>F439</sup>(and accordingly, in the definition of “the Class 1 element” given by this subsection, “Class 1 contributions” includes any interest or penalty in respect of Class 1 contributions)];

“officer”, in relation to a body corporate, means-

- (a) any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act as such; and
- (b) in a case where the affairs of the body corporate are managed by its members, any member of the body corporate exercising functions of management with respect to it or purporting to do so;

“the prescribed rate” means the rate from time to time prescribed by regulations under section 178 of the Finance Act 1989 for the purposes of the corresponding provision of Schedule 1 to the Contributions and Benefits Act, that is to say-

- (a) in relation to subsection (5) above, paragraph 6(2)(a);
- (b) in relation to subsection (7) above, paragraph 6(2)(b).]

#### Textual Amendments

- F433** Ss. 121C, 121D inserted (6.4.1999) by [Social Security Act 1998 \(c. 14\)](#), **ss. 64, 87(2)**; S.I. 1999/526, art. 2(4)(a)
- F434** Words in s. 121C substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 5 para. 10**; S.I. 1999/527, art. 2(b), **Sch. 2**
- F435** Words in s. 121C(5) substituted (with effect in accordance with art. 1(2) of the amending S.I.) by [The Finance Act 2009, Sections 101 and 102 \(Interest on Late Payments and Repayments\) \(Consequential Amendments\) Order 2014 \(S.I. 2014/1283\)](#), art. 1(1), **Sch. para. 2(a)**
- F436** Words in s. 121C(7)(c) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by [The Finance Act 2009, Sections 101 and 102 \(Interest on Late Payments and Repayments\) \(Consequential Amendments\) Order 2014 \(S.I. 2014/1283\)](#), art. 1(1), **Sch. para. 2(b)**
- F437** S. 121C(8A) inserted (1.9.2004) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\)](#), **ss. 5(3), 13**; S.I. 2004/1943, art. 2(e)
- F438** Words in s. 121C(9) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by [The Finance Act 2009, Sections 101 and 102 \(Interest on Late Payments and Repayments\) \(Consequential Amendments\) Order 2014 \(S.I. 2014/1283\)](#), art. 1(1), **Sch. para. 2(c)(i)**
- F439** Words in s. 121C(9) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by [The Finance Act 2009, Sections 101 and 102 \(Interest on Late Payments and Repayments\) \(Consequential Amendments\) Order 2014 \(S.I. 2014/1283\)](#), art. 1(1), **Sch. para. 2(c)(ii)**

#### [<sup>F433</sup>121D] Appeals in relation to personal liability notices **U.K.**

- (1) No appeal shall lie in relation to a personal liability notice except as provided by this section.

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- (2) An individual who is served with a personal liability notice may appeal <sup>F440</sup>... against the [<sup>F441</sup>Inland Revenue's] decision as to the issue and content of the notice on the ground that—
- (a) the whole or part of the amount specified under subsection (2)(a) of section 121C above (or the amount so specified as reduced under subsection (7) of that section) does not represent contributions to which that section applies;
  - (b) the failure to pay that amount was not attributable to any fraud or neglect on the part of the individual in question;
  - (c) the individual was not an officer of the body corporate at the time of the alleged fraud or neglect; or
  - (d) the opinion formed by the [<sup>F441</sup>Inland Revenue] under subsection (3)(a) or (b) of that section was unreasonable.
- (3) The [<sup>F441</sup>Inland Revenue] shall give a copy of any notice of an appeal under this section, within 28 days of the giving of the notice, to each other individual who has been served with a personal liability notice.
- (4) On an appeal under this section, the burden of proof as to any matter raised by a ground of appeal shall be on the [<sup>F441</sup>Inland Revenue].
- (5) Where an appeal under this section—
- (a) is brought on the basis of evidence not considered by the [<sup>F441</sup>Inland Revenue], or on the ground mentioned in subsection (2)(d) above; and
  - (b) is not allowed on some other basis or ground,
- <sup>F442</sup>and is notified to the tribunal, the tribunal shall<sup>F443</sup> either dismiss the appeal or remit the case to the Inland Revenue, with any recommendations the [<sup>F444</sup>tribunal sees] fit to make, for the Inland Revenue to consider whether to vary their] decision as to the issue and content of the personal liability notice.
- (6) In this section—
- <sup>F445</sup>.....  
“officer”, in relation to a body corporate, has the same meaning as in section 121C above;  
“personal liability notice” has the meaning given by subsection (2) of that section;
- <sup>F445</sup>.....  
<sup>F446</sup>“tribunal” means the First-tier Tribunal or, where determined under Tribunal Procedure Rules, the Upper Tribunal;]
- <sup>F447</sup>“vary” means vary under regulations made under section 10 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999.]]

#### Textual Amendments

**F433** Ss. 121C, 121D inserted (6.4.1999) by Social Security Act 1998 (c. 14), ss. 64, 87(2); S.I. 1999/526, art. 2(4)(a)

**F440** Words in s. 121D(2) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), Sch. 1 para. 171(2)

**F441** Words in s. 121D substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), Sch. 5 para. 11(2); S.I. 1999/527, art. 2(b), Sch. 2

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- F442** Words in s. 121D(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 171(3)(a)**
- F443** Words in s. 121D(5) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 5 para. 11(4)**; S.I. 1999/527, art. 2(b), Sch. 2
- F444** Words in s. 121D(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 171(3)(b)**
- F445** Words in s. 121D(6) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 5 para. 11(5), **Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), Sch. 2
- F446** Words in s. 121D(6) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 171(4)**
- F447** Words in s. 121D(6) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 5 para. 11(5)**; S.I. 1999/527, art. 2(b), Sch. 2

## <sup>F448</sup> **121D Interpretation of Part VI** **U.K.**

(1) In this Part “the relevant social security legislation” means the provisions of any of the following, except so far as relating to contributions, <sup>F449</sup> ... statutory sick pay or statutory maternity pay, that is to say—

- (a) the Contributions and Benefits Act;
- (b) this Act;
- (c) the Pensions Act, except Part III;
- (d) section 4 of the Social Security (Incapacity for Work) Act 1994;
- (e) the Jobseekers Act 1995;
- (f) the Social Security (Recovery of Benefits) Act 1997;
- (g) Parts I and IV of the Social Security Act 1998;
- (h) Part V of the Welfare Reform and Pensions Act 1999;
- <sup>F450</sup>(hh) [ the State Pension Credit Act 2002;]
- <sup>F451</sup>(hi) [ Part 1 of the Welfare Reform Act 2007;]
- <sup>F452</sup>(hj) [ Part 1 of the Welfare Reform Act 2012;]
- <sup>F453</sup>(hk) [ Part 4 of that Act;]
- (i) the Social Security Pensions Act 1975;
- (j) the Social Security Act 1973;
- (k) any subordinate legislation made, or having effect as if made, under any enactment specified in paragraphs (a) to (j) above.

(2) In this Part “authorised officer” means a person acting in accordance with any authorisation for the purposes of this Part which is for the time being in force in relation to him.

(3) For the purposes of this Part—

- (a) references to a document include references to anything in which information is recorded in electronic or any other form;
- (b) the requirement that a notice given by an authorised officer be in writing shall be taken to be satisfied in any case where the contents of the notice—
  - (i) are transmitted to the recipient of the notice by electronic means; and

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(ii) are received by him in a form that is legible and capable of being recorded for future reference.

(4) In this Part “premises” includes—

- (a) moveable structures and vehicles, vessels, aircraft and hovercraft;
- (b) installations that are offshore installations for the purposes of the Mineral Workings (Offshore Installations) Act 1971; and
- (c) places of all other descriptions whether or not occupied as land or otherwise;

and references in this Part to the occupier of any premises shall be construed, in relation to premises that are not occupied as land, as references to any person for the time being present at the place in question.

(5) In this Part—

“benefit” includes any allowance, payment, credit or loan;

[<sup>F454</sup> “benefit offence” means—

- (a) any criminal offence in connection with a claim for a relevant social security benefit;
- (b) any criminal offence in connection with the receipt or payment of any amount by way of such a benefit;
- (c) any criminal offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence;
- (d) any attempt or conspiracy to commit a benefit offence;] and

“compensation payment” has the same meaning as in the Social Security (Recovery of Benefits) Act 1997.

(6) [<sup>F455</sup> In this Part—

- (a) any reference to a person authorised to carry out any function relating to housing benefit or council tax benefit shall include a reference to a person providing services relating to the benefit directly or indirectly to an authority administering it; and
- (b) any reference to the carrying out of a function relating to such a benefit shall include a reference to the provision of any services relating to it.]

(7) In this section

[<sup>F456</sup> “relevant social security benefit” means a benefit under any provision of the relevant social security legislation; and]

“subordinate legislation” has the same meaning as in the Interpretation Act 1978.]

#### Textual Amendments

**F448** S. 121DA inserted (1.11.1000 for specified purposes, 2.4.2001 in so far as not already in force) by the Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86, **Sch. 6 para. 8**; S.I. 2000/2950, art. 2(d)(ii); S.I. 2001/1252, art. 2(1)(a)

**F449** Words in s. 121DA(1) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), **Sch. 2** (with art. 3)

**F450** S. 121DA(1)(hh) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 12**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)



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- F451** S. 121DA(1)(hi) inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(12)**; S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F452** S. 121DA(1)(hj) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 14**; S.I. 2013/983, art. 3(1)(b)(ii)
- F453** S. 121DA(1)(hk) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 12**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F454** Words in s. 121DA(5) substituted (30.4.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 1(7)**, 20(1); S.I. 2002/1222, art. 2(a)
- F455** S. 121DA(6) repealed (1.4.2013 in so far as relates to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F456** Words in s. 121DA(7) inserted (30.4.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 1(8)**, 20(1); S.I. 2002/1222, art. 2(a)

## PART VII **U.K.**

### INFORMATION

*[<sup>F457</sup>Information relating to, or required for purposes of, contributions, statutory sick pay or statutory maternity pay]*

#### Textual Amendments

- F457** Ss. 121E, 121F and cross-heading inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 6 para. 1**; S.I. 1999/527, art. 2(b), Sch. 2

### 121E **Supply of contributions etc. information held by Inland Revenue** **U.K.**

- (1) This section applies to information which is held for the purposes of functions relating to contributions, [<sup>F458</sup>health in pregnancy grant,] statutory sick pay or statutory maternity pay [<sup>F459</sup>or functions under Part III of the Pensions Act]—
- by the Inland Revenue, or
  - by a person providing services to them, in connection with the provision of those services.
- [<sup>F460</sup>(2) Information to which this section applies may, and <sup>F461</sup>... must if an authorised officer so requires, be supplied—
- to the Secretary of State, or
  - to a person providing services to the Secretary of State,  
for use for the purposes of functions relating to <sup>F461</sup>... war pensions <sup>F461</sup>...
- (2ZA) Information to which this section applies may, and <sup>F462</sup>... must if an authorised officer so requires, be supplied—
- to the Northern Ireland Department, or
  - to a person providing services to that Department,  
for use for the purposes of functions relating to <sup>F462</sup>... child support <sup>F462</sup>...

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F463(2A) .....

(3) In [F464 this section] “authorised officer” means an officer of the Secretary of State or the Northern Ireland Department authorised for the purposes of this section by the Secretary of State or the Northern Ireland Department.

**Textual Amendments**

- F458 Words in s. 121E(1) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), **ss. 132(6)**, 170; S.I. 2008/3137, art. 2
- F459 Words in s 121E inserted (11.11.1999) by the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(4) (d), **Sch. 11 para. 7**
- F460 S. 121E(2)(2ZA) substituted for s. 121E(2) (1.6.2009) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 7 para. 2(3)**; S.I. 2009/1314, art. 2(2)(b)(i)
- F461 Words in s. 121E(2) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(2)(f), **Sch. 14 Pt. 13**
- F462 Words in s. 121E(2ZA) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(2)(f), **Sch. 14 Pt. 13**
- F463 S. 121E(2A) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(2)(f), **Sch. 14 Pt. 13**
- F464 Words in s. 121E(3) substituted (9.9.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 6 para. 11(c)**; S.I. 2002/2256, art. 2(a)

**121F Supply to Inland Revenue for purposes of contributions etc. of information held by Secretary of State U.K.**

[F465(1) This section applies to information which is held for the purposes of functions relating to F466 ... war pensions F466 ...—

- (a) by the Secretary of State, or
- (b) by a person providing services to the Secretary of State, in connection with the provision of those services.

(1A) This section also applies to information which is held for the purposes of functions relating to F467 ... child support, war pensions F467 ...—

- (a) by the Northern Ireland Department, or
- (b) by a person providing services to that Department, in connection with the provision of those services.]

(2) Information to which this section applies may, and F468 ... must if an officer of the Inland Revenue authorised by the Inland Revenue for the purposes of this section so requires, be supplied—

- (a) to the Inland Revenue, or
- (b) to a person providing services to the Inland Revenue,

for use for the purposes of functions relating to contributions, [F469 health in pregnancy grant,]F470 ... statutory sick pay or statutory maternity pay [F471 or functions under Part III of the Pensions Act.]

F472(2A) .....

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**Textual Amendments**

- F465** S. 121F(1)(1A) substituted for s. 121F(1) (1.6.2009) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 2\(5\)](#); S.I. 2009/1314, art. 2(2)(b)(i)
- F466** Words in s. 121F(1) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(2\)\(f\), Sch. 14 Pt. 13](#)
- F467** Words in s. 121F(1A) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(2\)\(f\), Sch. 14 Pt. 13](#)
- F468** Words in s. 121F(2) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(2\)\(f\), Sch. 14 Pt. 13](#)
- F469** Words in s. 121F(2) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), ss. 132\(7\), 170](#); S.I. 2008/3137, art. 2
- F470** Words in s. 121F(2) omitted (16.2.2011) by virtue of [Savings Accounts and Health in Pregnancy Grant Act 2010 \(c. 36\), ss. 2\(2\), 4\(2\)](#)
- F471** Words in s. 121F(2) inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(4\) \(d\), Sch. 11 para. 8](#)
- F472** S. 121F(2A) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(2\)\(f\), Sch. 14 Pt. 13](#)

*[<sup>F473</sup>Information held by tax authorities]*

**Textual Amendments**

- F473** Ss. 122, 122A and cross-heading substituted for s. 122 and cross-heading (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\), ss. 1\(1\), 25\(1\)](#); S.I. 1997/1577, art. 2, Sch.

<sup>F474</sup>**122 Supply of information held by tax authorities for fraud prevention and verification** **U.K.**

.....

**Textual Amendments**

- F474** S. 122 repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(2\)\(f\), Sch. 14 Pt. 13](#)

<sup>F475</sup>**122ZA Supply of tax information to assess certain employment or training schemes** **U.K.**

.....

**Textual Amendments**

- F475** S. 122ZA repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(2\)\(f\), Sch. 14 Pt. 13](#)

<sup>F476</sup>**122AD Disclosure of contributions etc. information by** <sup>F477</sup>**Her Majesty's Revenue and Customs** **U.K.**

- (1) No obligation as to secrecy imposed by statute or otherwise on <sup>F478</sup>Revenue and Customs officials (within the meaning of section 18 of the Commissioners for Revenue

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and Customs Act 2005 (confidentiality)] shall prevent information held for the purposes of the functions of [<sup>F479</sup>Her Majesty's Revenue and Customs] in relation to contributions, statutory sick pay [<sup>F480</sup>, statutory maternity pay, [<sup>F481</sup>ordinary statutory paternity pay, additional statutory paternity pay] or statutory adoption pay] from being disclosed—

- (a) to any of the authorities to which this paragraph applies, or any person authorised to exercise any function of that authority, for the purposes of the functions of that authority, or
- (b) in a case where the disclosure is necessary for the purpose of giving effect to any agreement to which an order under section 179(1) below relates.

(2) The authorities to which subsection (1)(a) above applies are—

- (a) the Health and Safety Executive,
- (b) the Government Actuary's Department,
- (c) the [<sup>F482</sup>Statistics Board] and
- (d) the [<sup>F483</sup>Pensions Regulator].]

#### Textual Amendments

- F476** S. 122AA inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 6 para. 3**; S.I. 1999/527, art. 2(b), **Sch. 2**
- F477** Words in s. 122AA heading substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 46(b)**; S.I. 2005/1126, art. 2(2)(h)
- F478** Words in s. 122AA(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 46(a)(i)**; S.I. 2005/1126, art. 2(2)(h)
- F479** Words in s. 122AA(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 46(a)(ii)**; S.I. 2005/1126, art. 2(2)(h)
- F480** Words in s. 122AA(1) substituted (8.12.2002) by Employment Act 2002 (c. 22), s. 55(2), **Sch. 7 para. 13**; S.I. 2002/2866, art. 2(2), **Sch. 1 Pt. 2**
- F481** Words in s. 122AA(1) substituted (6.4.2010) by Work and Families Act 2006 (c. 18), s. 19(2), **Sch. 1 para. 25**; S.I. 2010/495, art. 4(d)
- F482** Words in s. 122AA(2)(c) substituted (1.4.2008) by Statistics and Registration Service Act 2007 (c. 18), s. 74(1), **Sch. 2 para. 5**; S.I. 2008/839, art. 2
- F483** Words in s. 122AA(2)(d) substituted (6.4.2005) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 7**; S.I. 2005/695, art. 2(7), **Sch. 1**

<sup>F484</sup>**122A**Supply of information by Inland Revenue for purposes of contributions **U.K.**

.....

#### Textual Amendments

- F484** S. 122A repealed (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 6 para. 4**, **Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), **Sch. 2**

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## <sup>F485</sup>Other government information

### Textual Amendments

**F485** S. 122B and cross-heading inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997](#) (c. 47), **ss. 2(1), 25(1)**; S.I. 1997/1577, art. 2, **Sch.**

## **122B Supply of other government information for fraud prevention and verification** **U.K.**

- (1) This section applies to information which is held by, or by a person providing services to, a Minister of the Crown or a government department (including a Northern Ireland Department) and which relates to—
  - (a) passports, immigration and emigration, nationality or prisoners; or
  - (b) any other matter which is prescribed.
- (2) Information to which this section applies may be supplied to, or to a person providing services to, the Secretary of State or the Northern Ireland Department—
  - (a) for use in the prevention, detection, investigation or prosecution of offences relating to social security [<sup>F486</sup>or tax credits]; or
  - (b) for use in checking the accuracy of information relating to benefits, <sup>F487</sup>... or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.
- (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
  - (a) it could be supplied to that person or body under that subsection
  - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act 1995, the Jobseekers Act 1995 [<sup>F488</sup>, the Tax Credits Act 2002] [<sup>F489</sup>, Part 1 of the Welfare Reform Act 2007] [<sup>F490</sup>, Part 1 of the Welfare Reform Act 2012] [<sup>F491</sup>, Part 4 of that Act] or this Act or to any provision of Northern Ireland legislation corresponding to any of them; <sup>F492</sup>...
  - (c) it is supplied under section 122C below [<sup>F493</sup>or
  - (d) it is supplied under section 127 of the Welfare Reform Act 2012.]
- (4) But where information supplied under subsection (2) above has been used (in accordance with paragraph (b) of that subsection) in amending or supplementing other information, it is lawful for it to be—
  - (a) supplied to any person or body to whom that other information could be supplied; or
  - (b) used for any purpose for which that other information could be used.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.]

### Textual Amendments

**F486** Words in s. 122B(2)(a) inserted (6.6.2012) by [Welfare Reform Act 2012](#) (c. 5), **ss. 123(2), 150(3)**; S.I. 2012/1246, art. 2(2) (as amended (31.5.2012) by S.I. 2012/1440, art. 2)

**F487** Words in s. 122B(2)(b) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999](#) (c. 2), s. 28(3), Sch. 6 para. 5, **Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), **Sch. 2**

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- F488** Words in s. 122B(3)(b) inserted (6.6.2012) by Welfare Reform Act 2012 (c. 5), **ss. 123(3)(a)**, 150(3); S.I. 2012/1246, art. 2(2) (as amended (31.5.2012) by S.I. 2012/1440, art. 2)
- F489** Words in s. 122B(3)(b) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(14)**; S.I. 2008/787, art. 2(4)(f)
- F490** Words in s. 122B(3)(b) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 15**; S.I. 2013/983, art. 3(1)(b)(ii)
- F491** Words in s. 122B(3)(b) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 13**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F492** Word in s. 122B(3) repealed (6.6.2012) by Welfare Reform Act 2012 (c. 5), **ss. 123(3)(b)**, 150(3); S.I. 2012/1246, art. 2(2) (as amended (31.5.2012) by S.I. 2012/1440, art. 2)
- F493** S. 122B(3)(d) and preceding word inserted (6.6.2012) by Welfare Reform Act 2012 (c. 5), **ss. 123(3)(c)**, 150(3); S.I. 2012/1246, art. 2(2) (as amended (31.5.2012) by S.I. 2012/1440, art. 2)

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

- C19** Ss. 122B-122E modified (31.5.2001) by Departments (Transfer of Functions) Order (Northern Ireland) 2001 (S.R. 2001/229), arts. 1(2), **4(1)(b)**

<sup>F494</sup> *Authorities administering housing benefit or council tax benefit*

#### Textual Amendments

- F494** Ss. 122C-122E and cross-heading inserted (1.7.1997 for specified purposes, 2.3.2004 in so far as not already in force) by Social Security Administration (Fraud) Act 1997 (c. 47), **ss. 3**, 25(1); S.I. 1997/1577, art. 2, Sch.; S.I. 2004/564, art. 2

### 122C Supply of information to authorities administering benefit **U.K.**

- <sup>F495</sup>(1) This section applies to information relating to social security<sup>F496</sup>, child support or war pensions, or employment or training,] which is held—
- (a) by the Secretary of State or the Northern Ireland Department; or
  - (b) by a person providing services to the Secretary of State or the Northern Ireland Department in connection with the provision of those services.
- (2) Information to which this section applies may be supplied to—
- (a) an authority administering housing benefit or council tax benefit; or
  - (b) a person authorised to exercise any function of such an authority relating to such a benefit,
- for use in the administration of such a benefit <sup>F497</sup>or for the purposes of anything the authority is permitted to do in relation to any other benefit by virtue of section 110A or 116A above].
- (3) But where information to which this section applies has been supplied to the Secretary of State, the Northern Ireland Department or the person providing services under section 122 or 122B above, it may only be supplied under subsection (2) above—
- (a) for use in the prevention, detection, investigation or prosecution of <sup>F498</sup>benefit offences (within the meaning of Part 6 above)]; or
  - (b) for use in checking the accuracy of information relating to housing benefit or to council tax benefit and (where appropriate) amending or supplementing such information.

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- (4) The Secretary of State or the Northern Ireland Department—
- (a) may impose conditions on the use of information supplied under subsection (2) above; and
  - (b) may charge a reasonable fee in respect of the cost of supplying information under that subsection.
- (5) Where information is supplied to an authority or other person under subsection (2) above, the authority or other person shall have regard to it in the exercise of any function relating to housing benefit or council tax benefit.
- (6) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
- (a) it is supplied—
    - (i) by an authority to a person authorised to exercise any function of the authority relating to housing benefit or council tax benefit; or
    - (ii) by a person authorised to exercise any function of an authority relating to such a benefit to the authority;
  - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers Act 1995<sup>[F499]</sup>, Part 1 of the Welfare Reform Act 2007<sup>[F500]</sup>, Part 4 of the Welfare Reform Act 2012<sup>[F500]</sup> or this Act or to any provision of Northern Ireland legislation corresponding to any of them; or
  - (c) it is supplied under section 122D or 122E below.
- (7) This section does not limit the circumstances in which information may be supplied apart from this section (in particular by reason of section 122(4) or 122B(4) above).
- <sup>[F501]</sup>(8) In this section and section 122D below “war pension” has the same meaning as in section 25 of the Social Security Act 1989.]

#### Textual Amendments

- F495** Ss. 122C-122E repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F496** Words in s. 122C(1) inserted (9.9.2020) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch 6 para 2\(a\)](#); S.I. 2002/2256, art. 2(a)
- F497** Words in s. 122C(2) inserted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\), s. 48\(1\)\(a\)](#); S.I. 2009/1608, art. 2
- F498** Words in s. 122C(3)(a) substituted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\), s. 48\(1\)\(b\)](#); S.I. 2009/1608, art. 2
- F499** Words in s. 122C(6)(b) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 3 para. 10\(15\)](#); S.I. 2008/787, art. 2(4)(b)(f)
- F500** Words in s. 122C(6)(b) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 9 para. 14](#); S.I. 2013/358, art. 7(1)(2)(k), [Sch. 3](#); S.I. 2013/1250, art. 2
- F501** S. 122C(8) inserted (9.9.2002) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 6 para. 2\(b\)](#); S.I. 2002/2256, art. 2(a)

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

- C19** Ss. 122B-122E modified (31.5.2001) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2001 \(S.R. 2001/229\), arts. 1\(2\), 4\(1\)\(b\)](#)

*Status: Point in time view as at 26/11/2014.*

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**C20** S. 122C modified (6.4.2003) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 8 para. 34; S.I. 2003/936, art. 2](#)

## 122D Supply of information by authorities administering benefit **U.K.**

- (1) The Secretary of State or the Northern Ireland Department may require—
- (a) an authority administering housing benefit or council tax benefit; or
  - (b) a person authorised to exercise any function of such an authority relating to such a benefit,

to supply [<sup>F502</sup>relevant benefit information] held by the authority or other person to, or to a person providing services to, the Secretary of State or the Northern Ireland Department for use for any purpose relating to social security<sup>F503</sup>, child support or war pensions, [<sup>F504</sup>employment or training, private pensions policy or retirement planning].

- (2) The Secretary of State or the Northern Ireland Department may require—
- (a) an authority administering housing benefit or council tax benefit; or
  - (b) a person authorised to exercise any function of such an authority relating to such a benefit,

to supply benefit policy information held by the authority or other person to, or to a person providing services to, the Secretary of State or the Northern Ireland Department.

[<sup>F505</sup>(2A) Information supplied under subsection (2)<sup>F506</sup>, in addition to any other purpose for which the information may be used,] may be used for any purpose relating to private pensions policy or retirement planning.]

- (3) Information shall be supplied under subsection (1) or (2) above in such manner and form, and in accordance with such requirements, as may be [<sup>F507</sup>specified in directions given by the Secretary of State or, as the case may be, the Northern Ireland Department].

[<sup>F508</sup>(4) In subsection (1) “relevant benefit information”, in relation to an authority or other person, means any information which is relevant to the exercise of any function relating to a relevant social security benefit by the authority or other person.]

- (5) In subsection (2) above “benefit policy information” means any information which may be relevant to the Secretary of State or the Northern Ireland Department—
- (a) in preparing estimates of likely future expenditure on [<sup>F509</sup>any relevant social security benefit]; or
  - (b) in developing policy relating to [<sup>F509</sup>any relevant social security benefit].

[<sup>F510</sup>(6) In this section—

“private pensions policy” means policy relating to occupational pension schemes or personal pension schemes (within the meaning given by section 1 of the Pension Schemes Act 1993);

[<sup>F511</sup>“relevant social security benefit” has the same meaning as in section 121DA above;]

“retirement planning” means promoting financial planning for retirement.]



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### Textual Amendments

- F495** Ss. 122C-122E repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F502** Words in s. 122D(1) substituted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 48(2)(a); S.I. 2009/1608, art. 2
- F503** Words in s. 122D(1) inserted (9.9.2002) by [Employment Act 2002 \(c. 22\)](#), [Sch. 6 para. 3](#); S.I. 2002/2256, art. 2(a)
- F504** Words in s. 122D(1) substituted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), s. 322(2)(a), [Sch. 10 para. 3\(2\)](#)
- F505** S. 122D(2A) inserted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), s. 322(2)(a), [Sch. 10 para. 3\(3\)](#)
- F506** Words in s. 122D(2A) inserted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 48(2)(b); S.I. 2009/1608, art. 2
- F507** Words in s. 122D(3) substituted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), s. 6; S.I. 2002/1222, art. 2(d)
- F508** S. 122D(4) substituted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 48(2)(c); S.I. 2009/1608, art. 2
- F509** Words in s. 122D(5) substituted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 48(2)(d); S.I. 2009/1608, art. 2
- F510** S. 122D(6) inserted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), s. 322(2)(a), [Sch. 10 para. 3\(4\)](#)
- F511** Words in s. 122D(6) inserted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 48(2)(e); S.I. 2009/1608, art. 2

### Modifications etc. (not altering text)

- C19** Ss. 122B-122E modified (31.5.2001) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2001 \(S.R. 2001/229\)](#), arts. 1(2), [4\(1\)\(b\)](#)
- C21** S. 122D modified (6.4.2003) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 34](#); S.I. 2003/936, art. 2
- C22** S. 122D extended by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8\)](#), s. 155A(5) (as inserted (14.2.2003) by [Social Security Fraud Act 2001 \(c. 11\)](#), s. 5(2))

## 122E Supply of information between authorities administering benefit **U.K.**

- (1) This section applies to [<sup>F512</sup>relevant benefit information] which is held by—
- an authority administering housing benefit or council tax benefit; or
  - a person authorised to exercise any function of such an authority relating to such a benefit.
- (2) Information to which this section applies may be supplied to another such authority or person—
- for use in the prevention, detection, investigation or prosecution of [<sup>F513</sup>benefit offences (within the meaning of Part 6 above)]; or
  - for use in checking the accuracy of information relating to housing benefit or to council tax benefit and (where appropriate) amending or supplementing such information.
- (3) The Secretary of State or the Northern Ireland Department may require information to which this section applies and which is of a prescribed description to be supplied in prescribed circumstances to another such authority or person for use in the administration of housing benefit or council tax benefit.

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- (4) Information shall be supplied under subsection (3) above in such manner and form, and in accordance with such requirements, as may be <sup>F514</sup>specified in directions given by the Secretary of State or, as the case may be, the Northern Ireland Department].
- (5) Where information supplied under subsection (2) or (3) above has been used in amending or supplementing other information, it is lawful for it to be—
- (a) supplied to any person or body to whom that other information could be supplied; or
  - (b) used for any purpose for which that other information could be used.
- <sup>F515</sup>(6) In this section “relevant benefit information”, in relation to an authority or other person, means any information which is relevant to the exercise of any function relating to a relevant social security benefit (within the meaning of section 121DA above) by the authority or other person.]
- (7) This section does not limit the circumstances in which information may be supplied apart from this section.]]

#### Textual Amendments

- F495** Ss. 122C-122E repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F512** Words in s. 122E(1) substituted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 48\(3\)\(a\)](#), 70(2); S.I. 2009/1608, art. 2
- F513** Words in s. 122E(2)(a) substituted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 48\(3\)\(b\)](#), 70(2); S.I. 2009/1608, art. 2
- F514** Words in s. 122E(4) substituted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), [ss. 6](#), 20(1); S.I. 2002/1222, art. 2(d)
- F515** S. 122E(6) substituted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 48\(3\)\(c\)](#), 70(2); S.I. 2009/1608, art. 2

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

- C19** Ss. 122B-122E modified (31.5.2001) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2001 \(S.R. 2001/229\)](#), arts. 1(2), [4\(1\)\(b\)](#)
- C23** S. 122E modified (6.4.2003) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 34](#); S.I. 2003/936, art. 2

### <sup>F516</sup>Rent officers and housing benefit

#### Textual Amendments

- F516** S. 122F and cross-heading inserted (27.3.2009) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 36](#), 70(2); S.I. 2009/775, art. 2(a)

### 122F Supply by rent officers of <sup>F517</sup>benefit information] **U.K.**

- (1) The Secretary of State may require a rent officer to supply <sup>F518</sup>benefit information] held by the rent officer to, or to a person providing services to, the Secretary of State for use for purposes relating to any of the following—

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- (a) social security;
  - (b) child support;
  - (c) war pensions;
  - (d) employment or training;
  - (e) private pensions policy or retirement planning.
- (2) Information must be supplied under subsection (1) in such manner and form, and in accordance with such requirements, as may be specified in directions given by the Secretary of State.
- (3) A person who receives information by virtue of subsection (1) must not disclose the information to any person unless the disclosure is made—
- (a) for a purpose mentioned in that subsection (including disclosure to another rent officer in connection with any function he has under section 122 of the Housing Act 1996 relating to [<sup>F519</sup>universal credit] housing benefit),
  - (b) in accordance with any other enactment, or
  - (c) in accordance with the order of a court.
- (4) [<sup>F520</sup>Benefit information] is any information which relates to the exercise by the rent officer of any function he has under section 122 of the Housing Act 1996 relating to [<sup>F521</sup>universal credit] housing benefit.]

#### Textual Amendments

- F517** Words in s. 122F heading substituted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 2 para. 16\(2\)](#); S.I. 2013/983, art. 3(1)(b)(ii)
- F518** Words in s. 122F(1) substituted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 2 para. 16\(3\)](#); S.I. 2013/983, art. 3(1)(b)(ii)
- F519** Words in s. 122F(3)(a) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 2 para. 16\(4\)](#); S.I. 2013/983, art. 3(1)(b)(ii)
- F520** Words in s. 122F(4) substituted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 2 para. 16\(5\)\(a\)](#); S.I. 2013/983, art. 3(1)(b)(ii)
- F521** Words in s. 122F(4) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 2 para. 16\(5\)\(b\)](#); S.I. 2013/983, art. 3(1)(b)(ii)

*Persons employed or formerly employed in social security administration or adjudication*

## 123 Unauthorised disclosure of information relating to particular persons **U.K.**

- (1) A person who is or has been employed in social security administration or adjudication is guilty of an offence if he discloses without lawful authority any information which he acquired in the course of his employment and which relates to a particular person.
- (2) A person who is or has been employed in the audit of expenditure or the investigation of complaints is guilty of an offence if he discloses without lawful authority any information—
  - (a) which he acquired in the course of his employment;
  - (b) which is, or is derived from, information acquired or held by or for the purposes of any of the government departments or other bodies or persons referred to in Part I of Schedule 4 to this Act or Part I of [<sup>F522</sup>Schedule 4] to the Northern Ireland Administration Act; and

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(c) which relates to a particular person.

(3) It is not an offence under this section—

- (a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
- (b) to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence—

- (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
- (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both; or
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

(6) For the purposes of this section the persons who are “employed in social security administration or adjudication” are—

- (a) any person specified in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Northern Ireland;
- (b) any other person who carries out the administrative work of any of the government departments or other bodies or persons referred to in that Part of that Schedule or that corresponding enactment; and
- (c) any person who provides, or is employed in the provision of, services to any of those departments, persons or bodies;

and “employment”, in relation to any such person, shall be construed accordingly.

[<sup>F523</sup>(6A) Subsection (6) above shall have effect as if any [<sup>F524</sup>health care professional] who, for the purposes of [<sup>F525</sup>section 19 of the Social Security Act 1998], is provided by any person in pursuance of a contract entered into with the Secretary of State were specified in Part I of Schedule 4 to this Act.]

(7) For the purposes of subsections (2) and (6) above, any reference in Part I of Schedule 4 to this Act or any corresponding enactment having effect in Northern Ireland to a government department shall be construed in accordance with Part II of that Schedule or any corresponding enactment having effect in Northern Ireland, and for this purpose “government department” shall be taken to include—

- <sup>F526</sup>(a) . . . . .
- [<sup>F527</sup>(aa) the Scottish Administration;]
- (b) the Scottish Courts Administration.

(8) For the purposes of this section, the persons who are “employed in the audit of expenditure or the investigation of complaints” are—

- (a) the Comptroller and Auditor General;
- [<sup>F528</sup>(aa) any member or employee of the National Audit Office;

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- (ab) any other person who carries out the administrative work of the National Audit Office, or who provides, or is employed in the provision of, services to that Office;]
  - (b) the Comptroller and Auditor General for Northern Ireland;
  - [<sup>F529</sup>(ba) the Auditor General for Wales and any member of his staff;]
  - [<sup>F530</sup>(bb) any member of the staff of the Wales Audit Office, and any person providing services to that Office];
  - (c) the Parliamentary Commissioner for Administration;
  - (d) the Northern Ireland Parliamentary Commissioner for Administration;
  - (e) the Health Service Commissioner for England;
  - <sup>F531</sup>(f) .....
  - (g) [<sup>F532</sup>the Scottish Public Services Ombudsman];
  - (h) the Northern Ireland Commissioner for Complaints;
  - [<sup>F533</sup>(ha) a member of the Local Commission for England;]
  - <sup>F531</sup>(hb) .....
  - <sup>F534</sup>(hc) .....
  - <sup>F531</sup>(hd) .....
  - [<sup>F535</sup>(he) the Public Services Ombudsman for Wales and any member of his staff;]
  - (i) any member of the staff of <sup>F536</sup>... the Northern Ireland Audit Office;
  - (j) any other person who carries out the administrative work of [<sup>F537</sup>the Northern Ireland Audit Office], or who provides, or is employed in the provision of, services to [<sup>F538</sup>that Office]; <sup>F539</sup> ...
  - [<sup>F540</sup>(jza) the following persons—
    - (i) any member of the staff of the National Audit Office that was established by section 3 of the National Audit Act 1983, or
    - (ii) any other person who carried out the administrative work of that Office, or who provided, or who was employed in the provision of, services to that Office;]
  - [<sup>F541</sup>(ja) a member of the Audit Commission for Local Authorities and the National Health Service in England <sup>F542</sup>... and any auditor appointed by that Commission;
  - (jb) a member of the Accounts Commission for Scotland and any auditor within the meaning of Part VII of the Local Government (Scotland) Act 1973;
  - (jc) a Northern Ireland local government auditor; and]
  - (k) any officer of any of the Commissioners[<sup>F543</sup>, Ombudsman][<sup>F544</sup>or Commissions referred to in paragraphs (c) to [<sup>F545</sup>(ha)], (ja) and (jb) above and any person assisting an auditor referred to in paragraph (ja), (jb) or (jc) above]; and “employment”, in relation to any such person, shall be construed accordingly.
- (9) For the purposes of this section a disclosure is to be regarded as made with lawful authority, if, and only if, it is made—
- (a) in accordance with his official duty—
    - (i) by a civil servant; or
    - (ii) by a person employed in the audit of expenditure or the investigating-action of complaints, who does not fall within subsection (8)(j) above;
  - (b) by any other person either—

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- (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the person responsible; or
  - (ii) to, or in accordance with an authorisation duly given by, the person responsible;
  - (c) in accordance with any enactment or order or a court;
  - (d) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or before any tribunal or other body or person referred to in Part I of Schedule 4 to this Act or Part I of <sup>F546</sup>Schedule 4] to the Northern Ireland Administration Act; or
  - (e) with the consent of the appropriate person;
- and in this subsection “the person responsible” means the Secretary of State, the Lord Chancellor or any person authorised by the Secretary of State or the Lord Chancellor for the purposes of this subsection and includes a reference to “the person responsible” within the meaning of any corresponding enactment having effect in Northern Ireland.
- (10) For the purposes of subsection (9)(e) above, “the appropriate person” means the person to whom the information in question relates, except that if the affairs of that person are being dealt with—
- (a) under a power of attorney;
  - (b) by <sup>F547</sup>... a controller appointed under Article 101 of the <sup>M17</sup>Mental Health (Northern Ireland) Order 1986;
  - (c) by a Scottish mental health custodian, that is to say <sup>F548</sup>a guardian or other person entitled to act on behalf of the person under the Adults with Incapacity (Scotland) Act 2000 (asp 4);
  - (d) by a mental health appointee, that is to say—
    - (i) a person directed or authorised as mentioned in <sup>F549</sup>... sub-paragraph (a) of rule 38(1) of Order 109 of the <sup>M18</sup>Rules of the Supreme Court (Northern Ireland) 1980; or
    - (ii) <sup>F550</sup>... a controller ad interim appointed under sub-paragraph (b) of the said rule 38(1),
- the appropriate person is the attorney, <sup>F551</sup>... controller, custodian or appointee, as the case may be, or, in a case falling within paragraph (a) above, the person to whom the information relates.
- <sup>F552</sup>(11) Where the person to whom the information relates lacks capacity (within the meaning of the Mental Capacity Act 2005) to consent to its disclosure, the appropriate person is—
- (a) a donee of an enduring power of attorney or lasting power of attorney (within the meaning of that Act), or
  - (b) a deputy appointed for him, or any other person authorised, by the Court of Protection,
- with power in that respect.]

#### Textual Amendments

**F522** Words in s. 123(2)(b) substituted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997](#) (c. 47), s. 25(1), [Sch. 1 para. 6](#); S.I. 1997/1577, art. 2, Sch.

**F523** S. 123(6A) inserted (3.1.1995) by [Deregulation and Contracting Out Act 1994](#) (c. 40), s. 82(2)(f), [Sch. 16 para. 21](#)

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- F524** Words in s. 123(6A) substituted (3.7.2007) by Welfare Reform Act 2007 (c. 5), s. 70(1), **Sch. 7 para. 3(3)**
- F525** Words in s. 123(6A) substituted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 88**; S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2, Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F526** Ss. 123(7)(a) repealed (1.4.99) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch 10 Pt. I**; S.I. 1999/527, art. 2(b), Sch. 2
- F527** S. 123(7)(aa) inserted (1.7.1999) by The Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820), art. 1(2), **Sch. 2 para. 105(2)**
- F528** S. 123(8)(aa)(ab) inserted (1.4.2012) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, **Sch. 5 para. 15(2)**; S.I. 2011/2576, art. 5
- F529** S. 123(8)(ba) inserted (1.2.1999) by Government of Wales Act 1998 (c. 38), s. 158(1), **Sch. 12 para. 32(a)**; S.I. 1999/118, art. 2
- F530** S. 123(8)(bb) inserted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 3** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)
- F531** S. 123(8)(f)(hb)(hd) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 26(a), **Sch. 7**; S.I. 2005/2800, art. 5(1)(3)
- F532** Words in s. 123(8)(g) substituted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **12(a)**
- F533** S. 123(8)(ha)-(hc) inserted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), **ss. 4(2)(a)**, 25(1); S.I. 1997/1577, art. 2, Sch.
- F534** S. 123(8)(hc) omitted (14.7.2004) by virtue of The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **12(b)**
- F535** S. 123(8)(he) inserted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 26(b)**; S.I. 2005/2800, art. 5(1)(3)
- F536** Words in s. 123(8)(i) omitted (1.4.2012) by virtue of Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, **Sch. 5 para. 15(3)**; S.I. 2011/2576, art. 5
- F537** Words in s. 123(8)(j) substituted (1.4.2012) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, **Sch. 5 para. 15(4)(a)**; S.I. 2011/2576, art. 5
- F538** Words in s. 123(8)(j) substituted (1.4.2012) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, **Sch. 5 para. 15(4)(b)**; S.I. 2011/2576, art. 5
- F539** Word in s. 123(8) repealed (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), **Sch. 2**; S.I. 1997/1577, art. 2, Sch.
- F540** S. 123(8)(jza) inserted (1.4.2012) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, **Sch. 5 para. 15(5)**; S.I. 2011/2576, art. 5
- F541** S. 123(8)(ja)-(jc) inserted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), **ss. 4(2)(b)**, 25(1); S.I. 1997/1577, art. 2, Sch.
- F542** Words in s. 123(8)(ja) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 9 para. 1(2)(h), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)
- F543** Word in s. 123(8)(k) inserted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **12(c)(i)**
- F544** Words in s. 123(8)(k) substituted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), **ss. 4(2)(c)**, 25(1); S.I. 1997/1577, art. 2, Sch.
- F545** Word in s. 123(8)(k) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 26(c)**; S.I. 2005/2800, art. 5(1)(3)
- F546** Words in s. 123(9)(d) substituted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), **Sch. 1 para. 6**; S.I. 1997/1577, art. 2, Sch.
- F547** Words in s. 123(10)(b) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), Sch. 6 para. 37(a)(i), **Sch. 7** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F548** Words in s. 123(10)(c) substituted (S.) (2.4.2001 for specified purposes, 1.4.2002 in so far as not already in force) by Adults with Incapacity (Scotland) Act 2000 (asp 4), s. 89(2), **Sch. 5 para. 23**;

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S.S.I. 2001/81, arts. 2, 3, Schs. 1, 2; and substituted (E.W.) (30.6.2005) by The Adults with Incapacity (Scotland) Act 2000 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2005 (S.I. 2005/1790), arts. 1(1), 3

**F549** Words in s. 123(10)(d)(i) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), Sch. 6 para. 37(a)(ii), **Sch. 7** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

**F550** Words in s. 123(10)(d)(ii) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), Sch. 6 para. 37(a)(iii), **Sch. 7** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

**F551** Word in s. 123(10) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), Sch. 6 para. 37(a)(iv), **Sch. 7** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

**F552** S. 123(11) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 37(b)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

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

**C24** S. 123 applied (1.10.2004) by The Welfare Food Regulations 1996 (S.I. 1996/1434), reg. 22(1), **Sch. 6** (as amended by S.I. 2004/2311, regs. 1(2), 2)

**C25** S. 123 applied (8.11.2001) by Health and Social Care Act 2001 (c. 15), **ss 51(5), 70(2)**; S.I. 2001/3752, art. 3

**C26** S. 123(8)(c) modified (1.7.1999) by The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999 (S.I. 1999/1351), arts. 1, **17(2)(d)** (with art. 18).

#### Marginal Citations

**M17** S.I. 1986/595 (N.I. 4).

**M18** S.R. (N.I.) 1980 No. 346.

### The Registration Service

#### 124 Provisions relating to age, death and marriage **U.K.**

(1) Regulations made by the Registrar General under section 20 of the Registration Service Act 1953 or section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 may provide for the furnishing by superintendent registrars and registrars, subject to the payment of such fee as may be prescribed by the regulations, of such information for the purposes—

(a) of the provisions of the Contributions and Benefits Act to which this section applies;

[<sup>F553</sup>(aa) of the provisions of Parts I and II of the Jobseekers Act 1995;]

[<sup>F554</sup>(ab) of the provisions of the State Pension Credit Act 2002;]

[<sup>F555</sup>(ac) of the provisions of Part 1 of the Welfare Reform Act 2007;]<sup>F556</sup> ...

[<sup>F557</sup>(ad) of the provisions of Part 1 of the Welfare Reform Act 2012;]

[<sup>F558</sup>(ae) of the provisions of Part 4 of that Act;]

(b) of the provisions of this Act so far as they have effect in relation to matters arising under those provisions,

including copies of extracts from the registers in their custody, as may be so prescribed.

(2) This section applies to the following provisions of the Contributions and Benefits Act—

(a) Parts I to VI except section 108;

(b) Part VII, so far as it relates to income support <sup>F559</sup> ... ;

(c) Part VIII, so far as it relates to any social fund payment such as is mentioned in section 138(1)(a) or (2);



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- (d) Part IX;
  - (e) Part XI; and
  - (f) Part XII.
- (3) Where the age, marriage or death of a person is required to be ascertained or proved for the purposes mentioned in subsection (1) above, any person—
- (a) on presenting to the custodian of the register under the enactments relating to the registration of births, marriages and deaths in which particulars of the birth, marriage or death (as the case may be) of the first-mentioned person are entered, a duly completed requisition in writing in that behalf; and
  - (b) on payment of a fee of [<sup>F560</sup>£4.00] in England and Wales and [<sup>F561</sup>£10.00] in Scotland,
- shall be entitled to obtain a copy, certified under the hand of the custodian, of the entry of those particulars.
- (4) Requisitions for the purposes of subsection (3) above shall be in such form and contain such particulars as may from time to time be specified by the Registrar General, and suitable forms of requisition shall, on request, be supplied without charge by superintendent registrars and registrars.
- (5) In the section—
- (a) as it applies to England and Wales—
    - “Registrar General” means the Registrar General for England and Wales; and
    - “superintendent registrar” and “registrar” mean a superintendent registrar or, as the case may be, registrar for the purposes of the enactments relating to the registration of births, deaths and marriages; and
  - (b) as it applies to Scotland—
    - “Registrar General” means the Registrar General of Births, Deaths and Marriages for Scotland;
    - “registrar” means a district registrar, senior registrar or assistant registrar for the purposes of the enactments relating to the registration of births, deaths and marriages.

#### Textual Amendments

- F553** S. 124(1)(aa) inserted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 59](#); S.I. 1996/1509, art. 2, [Sch.](#)
- F554** S. 124(1)(ab) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 2 para. 13](#); S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F555** S. 124(1)(ac) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(16\)](#); S.I. 2008/787, art. 2(4)(f)
- F556** Word in s. 124(1)(ac) repealed (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 17\(a\)](#); S.I. 2013/983, art. 3(1)(b)(ii)
- F557** S. 124(1)(ad) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 17\(b\)](#); S.I. 2013/983, art. 3(1)(b)(ii)
- F558** S. 124(1)(ae) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 15](#); S.I. 2013/358, art. 7(1)(2)(k), [Sch. 3](#); S.I. 2013/1250, art. 2

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**F559** Words in s. 124(2)(b) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6](#); S.I. 2003/962, art. 2(4)(e), [Sch. 2](#) (with art. 3)

**F560** Sum in s. 124(3) amended (along with other sums in specified circumstances) by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\), Sch.](#) (as last amended (1.9.2014) by S.I. 2014/1790, arts. 1, 2)

**F561** Sum in s. 124(3)(b) substituted (1.1.2011) by virtue of [The Registration of Births, Deaths and Marriages \(Fees\) \(Scotland\) Order 2010 \(S.S.I. 2010/428\), arts. 1\(1\), 2, Sch.](#)

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

**C27** Ss. 124-124B modified by [Pension Schemes Act 1993 \(c. 48\), s. 167\(5\)](#) (as substituted (5.12.2006) by S.I. 2005/3129, [Sch. 1 para. 5](#))

### [<sup>F562</sup>124A] Provisions relating to civil partnership: England and Wales **U.K.**

- (1) Regulations made by the Registrar General under section 36 of the Civil Partnership Act 2004 may provide for the furnishing by registration authorities, subject to the payment of the prescribed fee, of such information for the purposes mentioned in section 124(1) above as may be so prescribed.
- (2) Where the civil partnership of a person is required to be ascertained or proved for those purposes, any person—
  - (a) on presenting to the registration authority for the area in which the civil partnership was formed a request in the prescribed manner in that behalf, and
  - (b) on payment of the prescribed fee,
 shall be entitled to obtain a certified copy of such entries in the register as are prescribed by regulations made under section 36 of the 2004 Act.
- (3) “The prescribed fee” means any fee prescribed under section 34(1) of the 2004 Act.
- (4) “The prescribed manner” means—
  - (a) in accordance with any regulations made under section 36 of the 2004 Act, and
  - (b) in such form as is approved by the Registrar General for England and Wales, and forms for making a request under subsection (2) shall, on request, be supplied without charge by registration authorities.]

#### Textual Amendments

**F562** Ss. 124A, 124B inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Overseas Relationships and Consequential, etc. Amendments\) Order 2005 \(S.I. 2005/3129\), art. 1, Sch. 1 para. 4\(1\)](#)

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

**C27** Ss. 124-124B modified by [Pension Schemes Act 1993 \(c. 48\), s. 167\(5\)](#) (as substituted (5.12.2006) by S.I. 2005/3129, [Sch. 1 para. 5](#))

### [<sup>F562</sup>124B] Provisions relating to civil partnership: Scotland **U.K.**

- (1) Where the civil partnership of a person is required to be ascertained or proved for the purposes mentioned in section 124(1) above, any person, on presenting to a district registrar a request in the approved manner in that behalf, [<sup>F563</sup>and on payment of the sum of [<sup>F564</sup>£10.00],] shall be entitled to obtain a copy, certified by the registrar, of the entry in the civil partnership register of the particulars of the civil partnership.

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- (2) “The approved manner” means in such form and containing such particulars as may be approved by the Registrar General for Scotland.
- (3) Forms for making a request under subsection (1) shall, on request, be supplied without charge by district registrars.
- (4) “Civil partnership register” has the same meaning as in Part 3 of the Civil Partnership Act 2004.]

#### Textual Amendments

- F562** Ss. 124A, 124B inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Overseas Relationships and Consequential, etc. Amendments\) Order 2005 \(S.I. 2005/3129\)](#), art. 1, **Sch. 1 para. 4(1)**
- F563** Words in s. 124B inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 53(2)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4)
- F564** Sum in s. 124B(1) substituted (1.1.2011) by virtue of [The Registration of Births, Deaths and Marriages \(Fees\) \(Scotland\) Order 2010 \(S.S.I. 2010/428\)](#), arts. 1(1), 2, **sch.**

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

- C27** Ss. 124-124B modified by [Pension Schemes Act 1993 \(c. 48\)](#), **s. 167(5)** (as substituted (5.12.2006) by [S.I. 2005/3129](#), Sch. 1 para. 5)

## 125 Regulations as to notification of deaths **U.K.**

- (1) Regulations [<sup>F565</sup>made with the concurrence of the Inland Revenue] may provide that it shall be the duty of any of the following persons—
  - (a) the Registrar General for England and Wales;
  - (b) the Registrar General of Births, Deaths and Marriages for Scotland;
  - (c) each registrar of births and deaths,to furnish the Secretary of State, [<sup>F566</sup>or the Inland Revenue, for the purposes of their respective functions] under the Contributions and Benefits Act<sup>F567</sup>, the Jobseekers Act 1995], [<sup>F568</sup>the Social Security (Recovery of Benefits) Act 1997][<sup>F569</sup>the Social Security Act 1998][<sup>F570</sup>the State Pension Credit Act 2002][<sup>F571</sup>Part 1 of the Welfare Reform Act 2007][<sup>F572</sup>Part 1 of the Welfare Reform Act 2012][<sup>F573</sup>Part 4 of that Act] and this Act and the functions of the Northern Ireland Department under any Northern Ireland legislation corresponding to [<sup>F574</sup>any of those Acts], with the prescribed particulars of such deaths as may be prescribed.
- (2) The regulations may make provision as to the manner in which the times at which the particulars are to be furnished.

#### Textual Amendments

- F565** Words in s. 125(1) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(2)(a), **Sch. 1 para. 25(a)**; S.I. 1999/527, art. 2(b), Sch. 2
- F566** Words in s. 125(1) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(2)(a), **Sch. 1 para. 25(b)**; S.I. 1999/527, art. 2(b), Sch. 2
- F567** Words in s. 125(1) inserted (11.6.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 60(a)**; S.I. 1996/1509, art. 2, Sch.

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- F568** Words in s. 125(1) inserted (6.10.1997) by **Social Security (Recovery of Benefits) Act 1997 (c. 27), Sch. 3 para. 5**; S.I. 1997/2085, art. 2(2)
- F569** Words in s. 125(1) inserted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by **Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 89**; S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2, Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F570** Words in s. 125(1) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by **State Pension Credit Act 2002 (c. 16), s. 22(3), Sch. 2 para. 14**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F571** Words in s. 125(1) inserted (27.10.2008) by **Welfare Reform Act 2007 (c. 5), s. 70(2), Sch. 3 para. 10(17)**; S.I. 2008/787, art. 2(4)(f)
- F572** Words in s. 125(1) inserted (29.4.2013) by **Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 2 para. 18**; S.I. 2013/983, art. 3(1)(b)(ii)
- F573** Words in s. 125(1) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by **Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 9 para. 16**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F574** Words in s. 125(1) substituted (11.6.1996) by **Jobseekers Act 1995 (c. 18), s. 41(2), Sch. 2 para. 60(b)**; S.I. 1996/1509, art. 2, Sch.

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

- C28** S. 125 applied (7.2.1994) by **Pension Schemes Act 1993 (c. 48), s. 167(1)(2), 193(2)**; S.I. 1994/86, art. 2

*Personal representatives—income support and supplementary benefit*

**126 Personal representatives to give information about the estate of a deceased person who was in receipt of income support or supplementary benefit U.K.**

- (1) The personal representatives of a person who was in receipt of [<sup>F575</sup>universal credit] income support [<sup>F576</sup>, an income-based jobseeker's allowance][<sup>F577</sup>, state pension credit][<sup>F578</sup>, an income-related employment and support allowance] or supplementary benefit at any time before his death shall provide the Secretary of State with such information as he may require relating to the assets and liabilities of that person's estate.
- (2) If the personal representatives fail to supply any information within 28 days of being required to do so under subsection (1) above, then—
- (a) the appropriate court may, on the application of the Secretary of State, make an order directing them to supply that information within such time as may be specified in the order, and
  - (b) any such order may provide that all costs (or, in Scotland, expenses) of and incidental to the application shall be borne personally by any of the personal representatives.
- (3) In this section “the appropriate court” means—
- (a) in England and Wales, [<sup>F579</sup>the county court];
  - (b) in Scotland, the sheriff;
- and any application to the sheriff under this section shall be made by summary application.

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#### Textual Amendments

- F575** Words in s. 126(1) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 19](#); [S.I. 2013/983](#), art. 3(1)(b)(ii)
- F576** Words in s. 126(1) inserted (11.6.96) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 61](#); [S.I. 1996/1509](#), art. 2, [Sch.](#)
- F577** Words in s. 126(1) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 2 para. 15](#); [S.I. 2002/1691](#), art. 2(1); [S.I. 2003/1766](#), art. 2(a)
- F578** Words in s. 126(1) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(18\)](#); [S.I. 2008/787](#), art. 2(4)(f)
- F579** Words in s. 126(3)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### <sup>F580</sup> *Landlords and agents*

#### Textual Amendments

- F580** S. 126A and cross-heading inserted (8.10.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), [ss. 11, 25\(1\)](#); [S.I. 1997/2417](#), art. 2(1)

## 126A Power to require information from landlords and agents **U.K.**

- (1) Regulations shall provide that where a claim for housing benefit in respect of a dwelling is made to an authority and the circumstances are such as are prescribed—
- the authority; or
  - a person authorised to exercise any function of authority relating to housing benefit,
- may require any appropriate person to supply information of a prescribed description to the authority or other person.
- (2) Subject to subsection (4) below, for the purposes of subsection (1) above a person is an appropriate person in relation to a dwelling if he is—
- a person to whom anyone is, or claims to be, liable to make relevant payments;
  - a person to whom, or at whose direction, a person within paragraph (a) above has agreed to make payments in consequence of being entitled to receive relevant payments; or
  - a person acting on behalf of a person within paragraph (a) or (b) above in connection with any aspect of the management of the dwelling.
- (3) In subsection (2) above “relevant payments” in relation to a dwelling, means payments in respect of the dwelling which are of a described description in relation to which housing benefit may be paid.
- (4) Regulations may provide that any prescribed person, or any person of a prescribed description, is not an appropriate person for the purposes of subsection (1) above.
- (5) The descriptions of information which may be prescribed for the purposes of subsection (1) above include, in particular, any description of information relating to,

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or to any interest in or other connection with, dwellings and other property situated anywhere in the United Kingdom.

- (6) Information shall be supplied under subsection (1) above in such a manner and form, and at such time and in accordance with such other requirements as may be prescribed.
- (7) Information supplied to an authority or other person under subsection (1) above may be used by the authority or other person only in the exercise of any function relating to housing benefit or council tax benefit.
- (8) The provisions of sections 122D and 122E above apply in relation to any information supplied under subsection (1) above which is not [<sup>F581</sup>relevant benefit information] (within the meaning of those provisions) as if it were.]

**Textual Amendments**

**F581** Words in s. 126A(8) substituted (2.7.2009) by [Welfare Reform Act 2007 \(c. 5\), ss. 48\(4\), 70\(2\)](#); S.I. 2009/1608, art. 2

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

**C29** S. 126A modified (6.4.2003) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\)](#), [Sch. 8 para. 34](#); S.I. 2003/936, art. 2

<sup>F582</sup>127 ..... **U.K.**

**Textual Amendments**

**F582** Ss. 127, 128, 128A and cross-headings repealed (1.7.1997 except for the repeal of s. 128A and cross-heading) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\), Sch. 2](#); S.I. 1997/1577, art. 2, [Sch.](#)

<sup>F583</sup>128 ..... **U.K.**

**Textual Amendments**

**F583** Ss. 127, 128, 128A and cross-headings repealed (1.7.1997 except for the repeal of s. 128A and cross-heading) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\), s. 25\(1\)](#), [Sch. 2](#); S.I. 1997/1577, art. 2, [Sch.](#)

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*[<sup>F584</sup><sup>F585</sup>Expedited claims for housing and council tax benefit]*

**Textual Amendments**

- F584** S. 128A and cross-heading inserted (12.12.1995 for specified purposes, 1.4.1996 in so far as not already in force) by *Jobseekers Act 1995 (c. 18)*, **ss. 28(2), 41(2)**; S.I. 1995/3228, **art. 2(d)**
- F585** S. 128A and cross-heading repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by *Welfare Reform Act 2012 (c. 5)*, s 150(3), **Sch 14 Pt. 1**; S.I. 2013/358, **art. 8(c)**, **Sch. 4** (with **arts. 9, 10, Sch. 5**)

**128A Disclosure of information by authorities** **U.K.**

- <sup>F585</sup>(1) Regulations may make provision requiring the disclosure by one authority (“the disclosing authority”) to another authority (“the receiving authority”), in prescribed circumstances, of information of a prescribed description obtained by the disclosing authority in respect of persons who have been entitled to a jobseeker’s allowance or to income support.
- (2) The regulations may in particular provide for—
- (a) information to be disclosed—
    - (i) at the request of the receiving authority;
    - (ii) at the request of any person who falls within a prescribed category; or
    - (iii) otherwise than in response to such a request;
  - (b) the period within which information is to be disclosed; and
  - (c) information to be disclosed only if it has been obtained by the disclosing authority in the exercise of any of their functions in relation to housing benefit or council tax benefit.]]

*Statutory sick pay and other benefits*

**129 Disclosure by Secretary of State for purpose of determination of period of entitlement to statutory sick pay** **U.K.**

Where the Secretary of State considers that it is reasonable for information held by him to be disclosed to an employer, for the purpose of enabling that employer to determine the duration of a period of entitlement under Part XI of the Contributions and Benefits Act in respect of an employee, or whether such a period exists, he may disclose the information to that employer.

**130 Duties of employers—statutory sick pay and claims for other benefits** **U.K.**

- (1) Regulations may make provision requiring an employer, in a case falling within subsection (3) below to furnish information in connection with the making, by a person who is, or has been, an employee of that employer, of a claim for—
- <sup>F586</sup>(za) universal credit;]
  - <sup>F587</sup>(a) short term incapacity benefit];
  - (b) a maternity allowance;
  - <sup>F588</sup>(c) long-term incapacity benefit;]
  - (d) industrial injuries benefit, <sup>F589</sup>...

*Status: Point in time view as at 26/11/2014.*

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<sup>F589</sup>(e) .....  
<sup>F590</sup>(f) an employment and support allowance.]

(2) Regulations under this section shall prescribe—

- (a) the kind of information to be furnished in accordance with the regulations;
- (b) the person to whom information of the prescribed kind is to be furnished; and
- (c) the manner in which, and period within which, it is to be furnished.

(3) The cases are—

- (a) where, by virtue of paragraph 2 of Schedule 11 to the Contributions and Benefits Act or of regulations made under paragraph 1 of that Schedule, a period of entitlement does not arise in relation to a period of incapacity for work;
- (b) where a period of entitlement has come to an end but the period of incapacity for work which was running immediately before the period of entitlement came to an end continues; and
- (c) where a period of entitlement has not come to an end but, on the assumption that—
  - (i) the period of incapacity for work in question continues to run for a prescribed period; and
  - (ii) there is no material change in circumstances,
 the period of entitlement will have ended on or before the end of the prescribed period.

(4) Regulations [<sup>F591</sup>made with the concurrence of the Inland Revenue]—

- (a) may require employers to maintain such records in connection with statutory sick pay as may be prescribed;
- (b) may provide for—
  - (i) any person claiming to be entitled to statutory sick pay; or
  - (ii) any other person who is a party to proceedings arising under Part XI of the Contributions and Benefits Act,
 to furnish to the Secretary of State [<sup>F592</sup>or the Inland Revenue (as the regulations may require)], within a prescribed period, any information required for the determination of any question arising in connection therewith; and
- (c) may require employers who have made payments of statutory sick pay to furnish to the Secretary of State [<sup>F592</sup>or the Inland Revenue (as the regulations may require)] such documents and information, at such times, as may be prescribed.

<sup>F593</sup>(5) Regulations made with the concurrence of the Inland Revenue may require employers to produce wages sheets and other documents and records to officers of the Inland Revenue, within a prescribed period, for the purpose of enabling them to satisfy themselves that statutory sick pay has been paid, and is being paid, in accordance with regulations under section 5 above, to employees or former employees who are entitled to it.]

#### Textual Amendments

**F586** S. 130(1)(za) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 20](#); [S.I. 2013/983](#), art. 3(1)(b)(ii)



*Status: Point in time view as at 26/11/2014.*

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- F587** S. 130(1)(a) substituted (13.4.1995) by Social Security (Incapacity for Work) Act 1994 (c. 18), s. 16(3), **Sch. 1 para. 49(a)**; S.I. 1994/2926, art. 2(4), Sch. Pt. IV
- F588** S. 130(1)(c) substituted (13.4.1995) by Social Security (Incapacity for Work) Act 1994 (c. 18), s. 16(3), **Sch. 1 para. 49(b)**; S.I. 1994/2926, art. 2(4), Sch. Pt. IV
- F589** S. 130(1)(e) and preceding word repealed (3.11.2000 for specified purposes, 6.4.2001 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), s 89(1), **Sch. 13 Pt. IV**; S.I. 2000/2958, art. 2(3)-(5) (with art. 4)
- F590** S. 130(1)(f) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(19)**; S.I. 2008/787, art. 2(4)(f)
- F591** Words in s. 130(4) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 26(a)**; S.I. 1999/527, art. 2(b), Sch. 2
- F592** Words in s. 130(4)(b)(c) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 26(b)**; S.I. 1999/527, art. 2(b), Sch. 2
- F593** S. 130(5) inserted (1.1.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 9(2), 13**; S.I. 2004/1943, art. 3(a)

### *Statutory maternity pay and other benefits*

#### **131 Disclosure by Secretary of State for purpose of determination of period of entitlement to statutory maternity pay U.K.**

Where the Secretary of State considers that it is reasonable for information held by him to be disclosed to a person liable to make payments of statutory maternity pay for the purpose of enabling that person to determine—

- (a) whether a maternity pay period exists in relation to a women who is or has been an employee of his; and
- (b) if it does, the date of its commencement and the weeks in it in respect of which he may be liable to pay statutory maternity pay,

he may disclose the information to that person.

#### **132 Duties of employers—statutory maternity pay and claims for other benefits U.K.**

(1) Regulations may make provision requiring an employer in prescribed circumstances to furnish information in connection with the making of a claim by a woman who is or has been his employee for—

- <sup>F594</sup>(za) universal credit; [
- (a) a maternity allowance;
- <sup>F595</sup>(aa) an employment and support allowance; ]
- (b) <sup>F596</sup>short-term incapacity benefit; ]
- (c) an <sup>F597</sup>long-term incapacity benefit under section 30A], 40 or 41 of the Contributions and benefits Act; <sup>F598</sup> ...
- <sup>F598</sup>(d) .....

(2) Regulations under this section shall prescribe—

- (a) the kind of information to be furnished in accordance with the regulations;
- (b) the person to whom information of the prescribed kind is to be furnished; and
- (c) the manner in which, and period within which, it is to be furnished.

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- (3) Regulations [<sup>F599</sup>made with the concurrence of the Inland Revenue]—
- (a) may require employers to maintain such records in connection with statutory maternity pay as may be prescribed;
  - (b) may provide for—
    - (i) any woman claiming to be entitled to statutory maternity pay; or
    - (ii) any other person who is a party to proceedings arising under Part XII of the Contributions and Benefits Act,
 to furnish to the Secretary of State [<sup>F599</sup>or the Inland Revenue (as the regulations may require)], within a prescribed period, any information required for the determination of any question arising in connection therewith; and
  - (c) may require persons who have made payments of statutory maternity pay to furnish to the Secretary of State [<sup>F599</sup>or the Inland Revenue (as the regulations may require)] such documents and information, at such time, as may be prescribed.
- [<sup>F600</sup>(4) Regulations made with the concurrence of the Inland Revenue may require employers to produce wages sheets and other documents and records to officers of the Inland Revenue, within a prescribed period, for the purpose of enabling them to satisfy themselves that statutory maternity pay has been paid, and is being paid, in accordance with regulations under section 5 above, to employees or former employees who are entitled to it.]

#### Textual Amendments

- F594** S. 132(1)(za) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 21**; S.I. 2013/983, art. 3(1)(b)(ii)
- F595** S. 132(1)(aa) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(20)**; S.I. 2008/787, art. 2(4)(f)
- F596** Words in s. 130(1)(b) substituted (13.4.1995) by Social Security (Incapacity for Work) Act 1994 (c. 18), s. 16(3), **Sch. 1 para. 50(a)**; S.I. 1994/2926, art. 2(4), Sch. Pt. IV
- F597** Words in s. 130(1)(c) substituted (13.4.1995) by Social Security (Incapacity for Work) Act 1994 (c. 18), s. 16(3), **Sch. 1 para. 50(b)**; S.I. 1994/2926, art. 2(4), Sch. Pt. IV
- F598** S. 132(1)(d) and preceding word repealed (3.11.2000 for specified purposes, 6.4.2001 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 13 Pt. IV**; S.I. 2000/2958, art. 2(3)-(5) (with art. 4)
- F599** Words in s. 130(6) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 27**; S.I. 1999/527, art. 2(b), Sch. 2
- F600** S. 132(4) inserted (1.1.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 9(3), 13**; S.I. 2004/1943, art. 3(a)

#### <sup>F601</sup>Contributions avoidance arrangements

#### Textual Amendments

- F601** S. 132A and cross-heading inserted (30.3.2006) by National Insurance Contributions Act 2006 (c. 10), **ss. 7(2), 9**

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### 132A Disclosure of contributions avoidance arrangements **U.K.**

- (1) The Treasury may by regulations make provision requiring, or relating to, the disclosure of information in relation to any notifiable contribution arrangements or notifiable contribution proposal.
- (2) The only provision which may be made under subsection (1) is provision applying (with or without modification), or corresponding to, any of the following provisions—
  - (a) any provision of, or made under, Part 7 of the Finance Act 2004 (disclosure of tax avoidance schemes) so far as that provision relates to income tax;
  - (b) section 98C of the Taxes Management Act 1970 (penalties for failure to comply with Part 7 of the Finance Act 2004) and any other provision of the Taxes Management Act 1970 so far as it relates to a penalty under that section;
  - (c) any provision made under section 132 of the Finance Act 1999 or section 135 of the Finance Act 2002 (electronic communications);
  - (d) any provision of any other enactment or instrument (including any enactment or instrument passed or made on or after the day on which the National Insurance Contributions Act 2006 was passed) which requires, or relates to, the disclosure of information in relation to tax avoidance arrangements which relate in whole or in part to income tax.
- (3) For the purposes of subsection (1)—

“notifiable contribution arrangements” means any arrangements which—

  - (a) enable, or might be expected to enable, any person to obtain an advantage in relation to a contribution, and
  - (b) are such that the main benefit, or one of the main benefits, that might be expected to arise from the arrangements is the obtaining of that advantage;

“notifiable contribution proposal” means a proposal for arrangements which, if entered into, would be notifiable contribution arrangements (whether the proposal relates to a particular person or to any person who may seek to take advantage of it).
- (4) Where, at any time after the passing of the National Insurance Contributions Act 2006, a relevant tax provision is passed or made which changes the notifiable tax matters, the Treasury may, by regulations, amend the definitions in subsection (3) so as to make an analogous change to the matters in respect of which information may be required to be disclosed by virtue of this section.
- (5) In subsection (4)—

“the notifiable tax matters” means the arrangements, proposals or other matters in respect of which information is or may be required to be disclosed under a relevant tax provision;

“relevant tax provision” means a provision mentioned in subsection (2).
- (6) No provision made by regulations under this section may require any person to disclose to the Commissioners for Her Majesty's Revenue and Customs, or any other person, any information with respect to which a claim to legal professional privilege, or, in Scotland, to confidentiality of communications, could be maintained in legal proceedings.
- (7) In this section—

“advantage”, in relation to any contribution, means—

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- (a) the avoidance or reduction of a liability for that contribution, or
  - (b) the deferral of the payment of that contribution;
- “arrangements” includes any scheme, transaction or series of transactions;
- “contribution” means a contribution under—
- (a) Part 1 of the Social Security Contributions and Benefits Act 1992, or
  - (b) Part 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- “tax avoidance arrangements” includes arrangements which enable, or might be expected to enable, a person to obtain an advantage in relation to any tax (within the meaning of Part 7 of the Finance Act 2004).]

### *Maintenance proceedings*

## 133 Furnishing of addresses for maintenance proceedings, etc **U.K.**

The Secretary of State may incur expenses for the purpose of furnishing the address at which a [<sup>F602</sup>person] is recorded by him as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order for the making by the [<sup>F602</sup>person] of payments—

- (a) for the maintenance of the [<sup>F603</sup>person’s spouse, former spouse, civil partner or former civil partner]; or
- [<sup>F604</sup>(b) for the maintenance or education of any child of the person, or of any child of the person’s spouse, former spouse, civil partner or former civil partner.]

#### Textual Amendments

**F602** Word in s. 133 substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 6(2)**

**F603** Words in s. 133(a) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 6(3)**

**F604** S. 133(b) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 6(4)**

### *[<sup>F605</sup>Universal Credit information]*

#### Textual Amendments

**F605** [S. 133A](#) and cross-heading inserted (26.11.2014 with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **9(1)(a)(b)**

## [<sup>F605</sup>133A] **Supply of universal credit information** **E+W+S**

- (1) This section applies to information that is held by—
  - (a) the Secretary of State; or
  - (b) a person providing services to the Secretary of State, in connection with the provision of those services,
 that relates to an award of universal credit.

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- (2) Information to which this section applies may be supplied to—
- (a) a local housing authority;
  - (b) a licensing authority; or
  - (c) a person authorised to exercise any function of a local housing authority or a licensing authority,
- for use in connection with obtaining a rent repayment order in respect of an award of universal credit or recovering an amount payable under such an order.
- (3) For the purposes of this section—
- “licensing authority” means a person designated by order under section 3 of the Housing (Wales) Act 2014;
- “local housing authority” has the meaning given by section 261 of the Housing Act 2004; and
- “rent repayment order” means a rent repayment order as referred to in section 73 or 96 of the Housing Act 2004 or section 32 of the Housing (Wales) Act 2014.]

## PART VIII U.K.

### X<sup>2</sup> ARRANGEMENTS FOR HOUSING BENEFIT AND COMMUNITY CHARGE BENEFITS AND RELATED SUBSIDIES

#### Editorial Information

X<sup>2</sup> Unreliable words in heading.

#### *Housing benefit*

### 134 Arrangements for housing benefit U.K.

- [<sup>F606</sup>(1) Housing benefit provided by virtue of a scheme under section 123 of the Social Security Contributions and Benefits Act 1992 (in this Part referred to as “the housing benefit scheme”) shall be funded and administered by the appropriate housing authority or local authority.
- (1A) Housing Benefit in respect of payments which the occupier of a dwelling is liable to make to a housing authority shall take the form of a rent rebate or, in prescribed cases, a rent allowance funded and administered by that authority. The cases that may be so prescribed do not include any where the payment is in respect of property within the authority's Housing Revenue Account.
- (1B) In any other case housing benefit shall take the form of a rent allowance funded and administered by the local authority for the area in which the dwelling is situated or by such other local authority as is specified by an order made by the Secretary of State.]
- (2) The rebates and allowances referred to in [<sup>F607</sup>subsections (1A) and (1B)] above may take any of the following forms, that is to say—
- (a) a payment or payments by the authority to the person entitled to the benefit;

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- (b) a reduction in the amount of any payments which that person is liable to make to the authority by way of rent<sup>F608</sup> ...; or
  - (c) such a payment or payments and such a reduction;
- and in any enactment or instrument (whenever passed or made) “pay”, in relation to housing benefit, includes discharge in any of those forms.

<sup>F609</sup>(3) .....

<sup>F609</sup>(4) .....

[<sup>F610</sup>(5) Authorities may—

- (a) agree that one shall discharge functions relating to housing benefit on another's behalf; or
- (b) discharge any such functions jointly or arrange for their discharge by a joint committee.

(5A) Nothing in this section shall be read as excluding the general provisions of the Local Government Act 1972 or the Local Government (Scotland) Act 1973 from applying in relation to the housing benefit functions of a local authority.]

<sup>F611</sup>(6) .....

<sup>F611</sup>(7) .....

(8) An authority may modify any part of the housing benefit scheme administered by the authority—

- (a) so as to provide for disregarding, in determining a person's income (whether he is the occupier of a dwelling or any other person whose income falls to be aggregated with that of the occupier of a dwelling), the whole or part of any [<sup>F612</sup>prescribed] war disablement pension or [<sup>F612</sup>prescribed] war widow's <sup>F613</sup> ... pension payable to that person;
  - (b) to such extent in other respects as may be prescribed,
- and any such modifications may be adopted by resolution of an authority.

(9) Modifications other than such modification as are mentioned in subsection (8)(a) above shall be so framed as to secure that, in the estimate of the authority adopting them, the total of [<sup>F614</sup>the housing benefit which will be paid by the authority in any year ill not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State.]

(10) An authority who have adopted modifications by resolution revoke or vary them.

(11) If the housing benefit scheme includes power for an authority to exercise a discretion in awarding housing benefit, the authority shall not exercise that discretion so that the total of [<sup>F615</sup>the housing benefit paid by them during the year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State.]

[<sup>F616</sup>(12) The Secretary of State—

- (a) shall by order specify the permitted total of housing benefit payable by any authority in any year; and
- (b) may by order specify one or more subsidiary limits on the amount of housing benefit payable by any authority in any year in respect of any matter or matters specified in the order.

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The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.]

(13) In this section “modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly.

[<sup>F617</sup>(14) In this section “war widow's pension” includes any corresponding pension payable to a widower or surviving civil partner.]

#### Textual Amendments

- F606** S. 134(1)-(1B) substituted for s. 134(1) (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 1\(2\)](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F607** Words in s. 134(2) substituted (retrospective to 1.4.1997) by [Local Government Act 2003 \(c. 26\)](#), s. 128(1)(b), [Sch. 7 para. 35\(1\)](#) (with [Sch. 7 para. 35\(2\)](#))
- F608** Words in s. 134(2) omitted (1.4.1997) by virtue of [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 1\(3\)](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F609** S. 134(3)(4) omitted (1.4.1997) by virtue of [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 1\(4\)](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F610** S. 134(5)(5A) substituted for s. 134(5) (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 1\(5\)](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F611** S. 134(6)(7) omitted (1.4.1997) by virtue of [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 1\(4\)](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F612** Word in s. 134(8)(a) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 3\(a\)](#)
- F613** Words in s. 134(8)(a) repealed (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 3\(b\)](#), [Sch. 8](#)
- F614** Words in s. 134(9) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 1\(6\)](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F615** Words in s. 134(11) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 1\(7\)](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F616** S. 134(12) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 1\(8\)](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))
- F617** S. 134(14) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 3\(c\)](#)

<sup>F618</sup>135 ..... **U.K.**

#### Textual Amendments

- F618** Ss. 135-137 repealed (24.9.1996) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 19 Pt. VI](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))

<sup>F618</sup>136 ..... **U.K.**

#### Textual Amendments

- F618** Ss. 135-137 repealed (24.9.1996) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 19 Pt. VI](#); [S.I. 1997/618](#), art. 2(1) (with [Sch.](#))

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<sup>F618</sup>137 ..... **U.K.**

#### Textual Amendments

**F618** Ss. 135-137 repealed (24.9.1996) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), **Sch. 19 Pt. VI**; S.I. 1997/618, art. 2(1) (with [Sch.](#))

### *Community charge benefits*

<sup>F619</sup>138 Nature of benefits **U.K.**

<sup>F620</sup>(1) Regulations shall provide that where a person is entitled to council tax benefit in respect of council tax payable to a billing authority or <sup>F621</sup>local authority in Scotland] the benefit shall take such of the following forms as is prescribed in the case of the person—

- (a) a payment or payments by the authority to the person;
- (b) a reduction in the amount the person is or becomes liable to pay to the authority in respect of the tax for the relevant or any subsequent financial year;
- (c) both such payment or payments and such reduction.]

<sup>F622</sup>References in any enactment or instrument (whenever passed or made) to payment, in relation to council tax benefit, include any of those ways of giving the benefit.]

<sup>F623</sup>(3) .....

<sup>F623</sup>(4) .....

(5) For the purposes of <sup>F624</sup>subsection (1)] above the relevant <sup>F625</sup>financial year] is the <sup>F625</sup>financial year] in which the relevant day falls; and the relevant day is the day in respect of which the person concerned is entitled to the benefit.

<sup>F626</sup>(6) .....

<sup>F626</sup>(7) .....

<sup>F626</sup>(8) .....

(9) Regulations under subsection (1) <sup>F627</sup>... above may include such supplementary, incidental or consequential provisions as appear to the Secretary of State to be necessary or expedient; and any such provisions may include provisions amending or adapting provisions of <sup>F628</sup>Part I or II of the Local Government Finance Act 1992].

#### Textual Amendments

**F619** Ss. 138-140G repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), **Sch. 4** (with arts. 9, 10, **Sch. 5**)

**F620** S. 138(1) substituted for s. 138(1)(2) (1.4.1993) by [Local Government Finance Act 1992 \(c.14\)](#), **Sch. 9 para. 19(1)**

**F621** Words in s. 138(1) substituted (1.4.1996) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 184(2), **Sch. 13 para. 175(3)**; S.I. 1996/323, art. 4(1)(c)



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- F622** Words in s. 138(1) inserted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 2](#); S.I. 1997/618, art. 2(1) (with [Sch.](#))
- F623** S. 138(3)(4) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 19\(2\)](#), [Sch. 14](#)
- F624** Words in s. 138(5) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 19\(3\)](#)
- F625** Words in s. 138(5) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 19\(3\)](#)
- F626** S. 138(6)-(8) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 19\(4\)](#), [Sch. 14](#)
- F627** Words in s. 138(9) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 19\(5\)](#), [Sch. 14](#)
- F628** Words in s. 138(9) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 19\(5\)](#)

### 139 Arrangements for community charge benefits **U.K.**

- (1) [<sup>F629</sup>Council tax benefit] provided for by virtue of a scheme under section 123 of the Contributions and Benefits Act (in this Act referred to as a [<sup>F630</sup>council tax benefit scheme]) is to be administered by the appropriate authority.
- [<sup>F631</sup>(2) For the purposes of this section the appropriate authority is the billing authority or [<sup>F632</sup>local authority in Scotland] which levied the council tax as regards which a person is entitled to the benefit.]
- [<sup>F633</sup>(4) Nothing in this section shall be read as excluding the general provisions of the Local Government Act 1972 or the Local Government (Scotland) Act 1973 from applying in relation to the council tax benefit functions of a local authority.]
- (6) A [<sup>F634</sup>billing authority] or [<sup>F635</sup>local authority in Scotland] may modify any part of the [<sup>F636</sup>council tax benefit scheme] administered by the authority—
- (a) so as to provide for disregarding, in determining a person's income, the whole or part of any [<sup>F637</sup>prescribed] war disablement pension or [<sup>F637</sup>prescribed] war widow's pension payable to that person or to his partner or to a person to whom he is polygamously married;
- (b) to such extent in other respects as may be prescribed,
- and any such modifications may be adopted by resolution of an authority.
- (7) Modifications other than such modifications as are mentioned in subsection (6)(a) above shall be so framed as to secure that, in the estimate of the authority adopting them, the total of [<sup>F638</sup>the amount of benefit which will be paid by them in any year will not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State].
- (8) An authority which has adopted modifications may by resolution revoke or vary them.
- (9) If the [<sup>F639</sup>council tax benefit scheme] includes power for an authority to exercise a discretion in allowing [<sup>F640</sup>council tax benefit], the authority shall not exercise that discretion so that the total of [<sup>F641</sup>the amount of benefit paid by them in any year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State.]
- [<sup>F642</sup>(10) The Secretary of State—

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- (a) shall by order specify the permitted total of council tax benefit payable by any authority in any year; and
- (b) may by order specify one or more subsidiary limits on the amount of council tax benefit payable by any authority in any year in respect of any matter or matters specified in the order.

The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.]

(11) In this section—

“modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly;

“partner”, in relation to a person, means the other member of the couple concerned;

F643

[<sup>F644</sup>“war widow's pension” includes any corresponding pension payable to a widower or surviving civil partner].

#### Textual Amendments

- F619** Ss. 138-140G repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F629** Words in s. 139(1) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(1\)](#)
- F630** Words in s. 139(1) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(1\)](#)
- F631** S. 139(2) substituted for s. 139(2)(3) (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(2\)](#)
- F632** Words in s. 139(2) substituted (1.4.1996) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 184(2), [Sch. 13 para. 175\(3\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F633** S. 139(4) substituted for s. 139(4)(5) (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 3\(2\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))
- F634** Words in s. 139(6) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(5\)](#)
- F635** Words in s. 139(6) substituted (1.4.1996) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 184(2), [Sch. 13 para. 175\(3\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F636** Words in s. 139(6) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(5\)](#)
- F637** Word in s. 139(6)(a) inserted by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 4\(a\)](#)
- F638** Words in s. 139(7) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 3\(3\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))
- F639** Words in s. 139(9) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(7\)\(a\)](#)
- F640** Words in s. 139(9) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 20\(7\)\(b\)](#)
- F641** Words in s. 139(9) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 3\(4\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))
- F642** S. 139(10) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 3\(5\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))
- F643** Words in s. 139(11) repealed by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 4\(b\)](#)
- F644** Words in s. 139(11) substituted by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 4\(b\)](#)

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## <sup>F645</sup> Reports

### Textual Amendments

**F645** Ss. 139A-139C and cross-heading inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), [ss. 5, 25\(1\)](#); [S.I. 1997/1577](#), [art. 2](#), [Sch.](#)

## 139A Persons to report on administration **U.K.**

<sup>F646</sup>(1) The Secretary of State may authorise persons to consider and report to him on the administration by authorities of housing benefit and council tax benefit.

(2) The Secretary of State may ask persons authorised under subsection (1) to consider in particular—

- (a) authorities' performance in the prevention and detection of fraud relating to housing benefit and council tax benefit;
- (b) authorities compliance with the requirements of Part I of the Local Government Act 1999 (best value) <sup>F647</sup>or Part 1 of the Local Government (Wales) Measure 2009].

(2A) A person may be authorised under subsection (1)—

- (a) on such terms and for such period as the Secretary of State thinks fit;
- (b) to act generally or in relation to a specified authority or authorities;
- (c) to report on administration generally or on specified matters.]

(3) In sections 139B and 139C below—

“benefit” means housing benefit or council tax benefit; and  
“authority” means an authority which is administering either of those benefits.

### Textual Amendments

**F646** S. 139A(1)-(2A) substituted for s. 139A(1)(2) (27.7.1999) by [Local Government Act 1999 \(c. 27\)](#), [s. 14\(1\)](#); [S.I. 1999/2169](#), [art. 4\(1\)](#)

**F647** Words in s. 139A(2)(b) inserted (1.4.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), [Sch. 1 para. 4](#); [S.I. 2009/3272](#), [art. 3\(1\)](#), [Sch. 2](#)

## 139B Powers of investigation **U.K.**

(1) A person authorised under section 139A(1) above—

- (a) has a right of access at all reasonable times to any document relating to the administration of benefit;
- (b) is entitled to require from any person holding or accountable for any such document such information and explanation as he thinks necessary; and
- (c) is entitled, if he thinks it necessary, to require any such person to produce any such document or to attend before him in person to give such information or explanation.

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- (2) A person authorised under section 139A(1) above is entitled to require any officer or member of an authority or any person involved in the administration of benefit for an authority—
  - (a) to give him such information and explanation relating to the administration of benefit as he thinks necessary; and
  - (b) if he thinks it necessary, to require any such person to attend before him in person to give the information or explanation.
- (3) A person who without reasonable excuse fails to comply with a requirement under subsection (1) or (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) A person authorised under section 139A(1) above may—
  - (a) require any document or information which is to be given to him under subsection (1) or (2) above to be given in any form reasonably specified by him; and
  - (b) take copies of any document produced to him.
- (5) In this section “document” means anything in which information of any description is recorded.]

#### <sup>F648</sup> **139B Interaction with Audit Commission** E+W

- (1) A person authorised under section 139A(1) must from time to time, or at such times as the Secretary of State may specify by order, prepare—
  - (a) a document setting out what inspections of English authorities he proposes to carry out (an “inspection programme”);
  - (b) a document setting out the way in which he proposes to carry out his functions of inspecting and reporting on such authorities (an “inspection framework”).
- (2) The person authorised under section 139A(1) must—
  - (a) consult the Audit Commission before preparing an inspection programme or an inspection framework; and
  - (b) once an inspection programme or inspection framework is prepared, send a copy of it to—
    - (i) the Secretary of State; and
    - (ii) the Audit Commission.
- (3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks must take.
- (4) A person authorised under section 139A(1)—
  - (a) must co-operate with the Audit Commission, and
  - (b) may act jointly with the Audit Commission,
 where it is appropriate to do so for the efficient and effective discharge of the person’s functions in relation to English authorities.
- (5) In this section—
 

“the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England;

“English authorities” means authorities administering housing benefit or council tax benefit in England;

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“person” does not include the Audit Commission.]

#### Textual Amendments

**F648** S. 139BA inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [s. 150](#); S.I. 2008/172, art. 4(c)

#### [<sup>F645</sup>139C] **Reports** **U.K.**

- (1) A report about an authority by a person authorised under section 139A(1) above may include recommendations about improvements which could be made by that authority in its administration of benefit and, in particular, in the prevention and detection of fraud relating to benefit and, [<sup>F649</sup>in particular—
- (a) in the prevention and detention of fraud relating to benefit, or
  - (b) for the purposes of complying with requirements of Part I of the Local Government Act 1999 (best value) [<sup>F650</sup>or Part 1 of the Local Government (Wales) Measure 2009].]
- (2) When the Secretary of State receives a report about an authority from a person authorised under section 139A(1) above, he shall send a copy to the authority.]

#### Textual Amendments

**F649** Words in s. 139C(1) substituted (1.4.2000 for E.W., 27.7.2000 for S.) by the [Local Government Act 1999](#) (c. 27), [ss. 14\(2\)](#), 27; S.I. 1999/2169, art. 4(1)

**F650** Words in s. 139C(1)(b) inserted (1.4.2010) by [Local Government \(Wales\) Measure 2009](#) (nawm 2), s. 53(2), [Sch. 1 para. 5](#); S.I. 2009/3272, art. 3(1), Sch. 2

[<sup>F651</sup>Directions by Secretary of State

#### Textual Amendments

**F651** S. 139D and cross-heading inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997](#) (c. 47), [ss. 8](#), 25(1); S.I. 1997/1577, art. 2, Sch.

#### 139D **Directions** **U.K.**

- (1) This section applies where—
- (a) a copy of a report has been sent to an authority under section 139C(2) above;
  - (b) a copy of a report has been sent to an authority under [<sup>F652</sup>section 10(1) of the Audit Commission Act 1998] and to the Secretary of State under [<sup>F653</sup>section 39 of that Act];
- [<sup>F654</sup>(ba) a copy of a report has been sent to an authority under section 22(5) or (6) of the Public Audit (Wales) Act 2004 and to the Secretary of State under section 51(3) of that Act;]
- [<sup>F655</sup>(bb) a copy of a report has been sent to a local authority under subsection (3) of section 13 of the Local Government Act 1999 and to the Secretary of State under subsection (4A) of that section;]

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- [<sup>F656</sup>(c) a copy of a report under section 102(1)(b) or (c) of the Local Government (Scotland) Act 1973 which to any extent relates to the administration of benefit has been sent to a local authority and the Secretary of State under section 102(2) of that Act;]
- [<sup>F657</sup>(ca) a copy of a report has been sent to a local authority under section 22(3) of the Local Government (Wales) Measure 2009 and to the Secretary of State under section 22(5) of that Measure;]
- (d) a copy of a report has been sent to an authority under [<sup>F658</sup>section 38(7) of the Audit Commission Act 1998][<sup>F659</sup>, section 45(5) of the Public Audit (Wales) Act 2004] or section 105A(7) of the Local Government (Scotland) Act 1973.
- (2) The Secretary of State may [<sup>F660</sup>require] the authority to consider the report and to submit proposals for—
- (a) improving its performance in relation to the prevention and detection of fraud relating to benefit or otherwise in relation to the administration of benefit; and
  - (b) remedying any failings identified by the report.
- [ A requirement under subsection (2) above may specify—
- <sup>F661</sup>(2A) (a) any information or description of information to be provided;
- (b) the form and manner in which the information is to be provided.
- (2B) The authority must respond to a requirement under subsection (2) above before the end of such period (not less than one month after the day on which the requirement is made) as the Secretary of State specifies in the requirement.
- (2C) The Secretary of State may extend the period specified under subsection (2B) above.]
- [<sup>F662</sup>(3) After considering—
- (a) the report,
  - (b) any proposals made by the authority in response to it, and
  - (c) any other information he thinks is relevant,
- the Secretary of State may give directions to the authority under subsection (3A) or (3B) or both.
- (3A) Directions under this subsection are directions as to—
- (a) standards which the authority is to attain in the prevention and detection of fraud relating to benefit or otherwise in the administration of benefit;
  - (b) the time within which the standards are to be attained.
- (3B) Directions under this subsection are directions to take such action as the Secretary of State thinks necessary or expedient for the purpose of improving the authority's exercise of its functions—
- (a) in relation to the prevention and detection of fraud relating to benefit;
  - (b) otherwise in relation to the administration of benefit.
- (3C) A direction under subsection (3B) may specify the time within which anything is to be done.]
- (4) When giving directions to an authority under [<sup>F663</sup>subsection (3A)] above, the Secretary of State may make recommendations to the authority setting out any course of action which he thinks it might take to attain the standards which it is directed to attain.

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- [ If the Secretary of State proposes to give a direction under this section he must  
F664(4A) give the authority to which the direction is to be addressed an opportunity to make representations about the proposed direction.
- (4B) The Secretary of State may specify a period within which representations mentioned in subsection (4A) above must be made.
- (4C) The Secretary of State may extend a period specified under subsection (4B) above.
- (4D) Subsections (4A) to (4C) do not apply if the Secretary of State thinks that it is necessary for a direction to be given as a matter of urgency.
- (4E) If the Secretary of State acts under subsection (4D) he must give in writing to the authority to which the direction is addressed his reasons for doing so.]
- (5) In this section “benefit” means housing benefit or council tax benefit.]

#### Textual Amendments

- F652** Words in s. 139D substituted (11.9.1998) by the [Audit Commission Act 1998 \(c. 18\)](#), s. 55(2), **Sch. 3 para. 23(2)(a)**
- F653** Words in s. 139D substituted (11.9.1998) by the [Audit Commission Act 1998 \(c. 18\)](#), s. 55(2), **Sch. 3 para. 23(2)(b)**
- F654** S. 139D(1)(ba) inserted (1.4.2005) by the [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **Sch. 2 para. 15(2)**; S.I. 2005/558, art. 2, Sch. 1
- F655** S. 139D(1)(bb) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 147(2); S.I. 2008/172, art. 4(b)
- F656** S. 139D(1)(c) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), ss. 39(2), 70(2); S.I. 2008/411, art. 2(3)(b)
- F657** S. 139D(1)(ca) substituted (1.4.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), **Sch. 1 para. 6**; S.I. 2009/3272, art. 3(1), Sch. 2
- F658** Words in s. 139D substituted (11.9.1998) by the [Audit Commission Act 1998 \(c. 18\)](#), s. 55(2), **Sch. 3 para. 23(3)**
- F659** Words in s. 139D(1)(d) inserted (1.4.2005) by the [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **Sch. 2 para. 15(3)**; S.I. 2005/558, art. 2, Sch. 1
- F660** Word in s. 139D(2) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), ss. 39(4), 70(2); S.I. 2008/411, art. 2(3)(b)
- F661** S. 139D(2A)-(2C) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), ss. 39(5), 70(2); S.I. 2008/411, art. 2(3)(b)
- F662** S. 139D(3)-(3C) substituted for s. 139D(3) (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), ss. 39(6), 70(2); S.I. 2008/411, art. 2(3)(b)
- F663** Words in s. 139D(4) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), ss. 39(7), 70(2); S.I. 2008/411, art. 2(3)(b)
- F664** S. 139D(4A)-(4E) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), ss. 39(8), 70(2); S.I. 2008/411, art. 2(3)(b)

#### [F665] **139D Directions: variation and revocation** **E+W+S**

- (1) The Secretary of State may at any time in accordance with this section vary or revoke a direction under section 139D above.
- (2) A direction may be varied or revoked only if the Secretary of State thinks it is necessary to do so—

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- (a) in consequence of representations made by the authority to which the direction is addressed,
  - (b) to rectify an omission or error, or
  - (c) in consequence of a material change in circumstances.
- (3) The Secretary of State must not vary a direction unless he first—
- (a) sends a copy of the proposed variation to the authority concerned,
  - (b) gives the authority his reasons for making the variation, and
  - (c) gives the authority an opportunity to make representations about the proposed variation.
- (4) The Secretary of State may specify a period of not less than one month within which representations mentioned in subsection (3)(c) above must be made.
- (5) The Secretary of State may extend a period specified under subsection (4) above.]

#### Textual Amendments

**F665** S. 139DA inserted (1.4.2008) by [Welfare Reform Act 2007 \(c. 5\), s. 39\(9\)](#); S.I. 2008/411, art. 2(3)(b)

### <sup>F666</sup>139 Information about attainment of standards **U.K.**

- (1) Where directions have been given to an authority under [<sup>F667</sup>section 139D(3A) or (3B)] above, the Secretary of State may require the authority to supply to him any information which he considers may assist him in deciding—
- (a) whether the authority has attained the standards which it has been directed to attain;
  - (a) [ whether the authority has taken the action which it has been directed to take;]
  - <sup>F668</sup>(aa) or
  - (b) whether the authority is likely to attain those standards [<sup>F669</sup>or take that action] within the time specified in the directions.
- (2) Information shall be supplied under subsection (1) above in such manner and form as the Secretary of State may require.

#### Textual Amendments

**F666** Ss. 139E-139H inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\), ss. 9, 25\(1\)](#); S.I. 1997/1577, art. 2, Sch.

**F667** Words in s. 139E(1) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 5\(a\)](#); S.I. 2008/411, art. 2(3)(c).

**F668** S. 139E(1)(aa) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 5\(b\)](#); S.I. 2008/411, art. 2(3)(c).

**F669** Words in s. 139E(1)(b) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 5\(c\)](#); S.I. 2008/411, art. 2(3)(c).

### 139F Enforcement notices **U.K.**

- (1) Where directions have been given to an authority under [<sup>F670</sup>section 139D(3A) or (3B)] above and the Secretary of State—



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- (a) is not satisfied that the authority has attained the standards which it has been directed to attain;
- [ is not satisfied that the authority has taken the action which it has been directed to take;] or
- <sup>F671</sup>(aa) (a) is not satisfied that the authority is likely to attain those standards [<sup>F672</sup>or take that action] within the time specified in the directions,
- he may serve on the authority a written notice under this section.
- (2) The notice shall—
- (a) identify the directions and state why the Secretary of State is not satisfied as mentioned in paragraph (a)<sup>F673</sup>, (aa) or (b) of subsection (1) above; and
- (b) require the authority to submit a written response to the Secretary of State within a time specified in the notice.
- (3) If any person (other than the authority) carrying out work relating to the administration of benefit may be affected by any determination which may be made under section 139G below, the authority shall—
- (a) consult that person before submitting its response; and
- (b) include in its response any relevant observations made by that person.
- (4) [<sup>F674</sup>If the notice identifies directions under section 139D(3A),] the authority’s response shall either—
- (a) state that the authority has attained the standards, or is likely to attain them within the time specified in the directions, and justify that statement; or
- (b) state that the authority has not attained the standards, or is not likely to attain them within that time, and (if the authority wishes) give reasons why a determination under section 139G below should not be made or should not include any particular provision.
- [ If the notice identifies directions under section 139D(3B), the authority’s response <sup>F675</sup>(4A) shall either—
- (a) state that the authority has taken the action, or is likely to take it within the time specified in the directions, and justify that statement; or
- (b) state that the authority has not taken the action, or is not likely to take it within that time, and (if the authority wishes) give reasons why a determination under section 139G below should not be made or should not include any particular provision.]
- (5) The notice may relate to any one or more matters covered by the directions.
- (6) The serving of a notice under this section relating to any directions or matter does not prevent the serving of further notices under this section relating to the same directions or matter.
- (7) In this section “benefit” means housing benefit or council tax benefit.

#### Textual Amendments

**F666** Ss. 139E-139H inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), [ss. 9, 25\(1\)](#); [S.I. 1997/1577](#), [art. 2](#), [Sch.](#)

**F670** Words in s. 139F(1) substituted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), [s. 70\(2\)](#), [Sch. 5 para. 6\(2\)\(a\)](#); [S.I. 2008/411](#), [art. 2\(3\)\(c\)](#)

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- F671** S. 139F(1)(aa) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 6\(2\)\(b\)](#); S.I. 2008/411, art. 2(3)(c)
- F672** Words in s. 139F(1)(b) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 6\(2\)\(c\)](#); S.I. 2008/411, art. 2(3)(c)
- F673** Word in s. 139F(2)(a) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 6\(3\)](#); S.I. 2008/411, art. 2(3)(c)
- F674** Words in s. 139F(4) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 6\(4\)](#); S.I. 2008/411, art. 2(3)(c).
- F675** S. 139F(4A) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 5 para. 6\(5\)](#); S.I. 2008/411, art. 2(3)(c)

### 139G Enforcement determinations U.K.

- (1) Where, after the time specified in the notice under section 139F above has expired, the Secretary of State—
  - (a) is not satisfied that the authority has attained the standards [<sup>F676</sup>or taken the action] in question; or
  - (b) is not satisfied that the authority is likely to attain those standards [<sup>F677</sup>or take that action] within the time specified in the directions,
 he may make a determination under this section.
- (2) The determination may be made whether or not the authority has responded to the notice under section 139F above.
- (3) The determination shall be designed to secure the attainment of the standards [<sup>F678</sup>or the taking of the action] in question and—
  - (a) shall include provision such as is specified in subsection (4) below; and
  - (b) may also include provision such as is specified in subsection (5) below.
- (4) The provision referred to in paragraph (a) of subsection (3) above is provision that the authority must comply with specified requirements as to inviting, preparing, considering and accepting bids to carry out any work which—
  - (a) falls to be carried out in pursuance of the authority's functions relating to the administration of benefit; and
  - (b) is of a description specified in the determination.
- (5) The provision referred to in paragraph (b) of that subsection is provision of any one or more of the following kinds relating to the work, or any specified category of the work, to which the determination relates—
  - (a) provision that it may not be carried out by the authority;
  - (b) provision that it may not be carried out by any person (other than the authority) who has been carrying it out; and
  - (c) provision that any contract made by the authority with any person for carrying it out shall include terms requiring a level of performance which will secure, or contribute to securing, the attainment of the standards [<sup>F679</sup>or the taking of the action] in question.
- (6) In this section “benefit” means housing benefit or council tax benefit.

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#### Textual Amendments

- F666** Ss. 139E-139H inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 9, 25(1)**; S.I. 1997/1577, art. 2, Sch.
- F676** Words in s. 139G(1) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 7(2)(a)**; S.I. 2008/411, art. 2(3)(c)
- F677** Words in s. 139G(1) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 7(2)(b)**; S.I. 2008/411, art. 2(3)(c)
- F678** Words in s. 139G(3) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 7(3)**; S.I. 2008/411, art. 2(3)(c)
- F679** Words in s. 139G(5)(c) inserted (1.4.2008) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 5 para. 7(3)**; S.I. 2008/411, art. 2(3)(c)

### 139H Enforcement determinations: supplementary **U.K.**

- (1) The provisions included in a determination under section 139G above shall take effect from a date specified in the determination; and different dates may be specified in relation to different provisions.
- (2) The making of a determination under section 139G above in relation to any directions does not prevent the making of further determinations under that section in relation to the same directions.
- (3) The provision included in a determination by virtue of section 139G(3) above may include—
  - (a) requirements that the Secretary of State be satisfied as to any specified matter; and
  - (b) requirements that the Secretary of State authorise or consent to any specified matter.
- (4) The provision so included may also include provision as to the time at which any contract for the carrying out of work to which the determination relates (and which is not previously discharged) is to be taken to be frustrated by the determination.
- (5) A determination under section 139G above shall have effect in spite of any enactment under or by virtue of which an authority is required or authorised to carry out any work to which the determination relates.
- (6) A determination under section 139G above may make provision having effect, in relation to the work to which it relates, instead of any requirement which (apart from the determination) would have effect in relation to that work under or by virtue of the Local Government Act 1988.]

#### Textual Amendments

- F666** Ss. 139E-139H inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 9, 25(1)**; S.I. 1997/1577, art. 2, Sch.

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### <sup>X3</sup>Community charge benefit finance

#### Editorial Information

**X3** Unreliable marginal note.

#### <sup>F680</sup>140 Community charge benefit finance **U.K.**

#### Textual Amendments

**F680** S.140 repealed (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(2), [Sch. 19 Pt. VI](#); S.I. 1997/618, art. 2(1) (with [Sch.](#))

### <sup>F681</sup>Subsidy

#### Textual Amendments

**F681** Ss. 140A-140G and cross-headings inserted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 12 para. 4](#) (with s. 122(4)); S.I. 1997/618, art. 2(1) (with [Sch.](#))

#### 140A Subsidy **U.K.**

- (1) For each year the Secretary of State shall pay a subsidy to each authority administering housing benefit or council tax benefit.
- (2) He shall pay—
  - (a) rent rebate subsidy to each housing authority;
  - (b) rent allowance subsidy to each local authority; and
  - (c) council tax benefit subsidy to each billing authority [<sup>F682</sup>and to each local authority in Scotland].
- (3) In the following provisions of this Part “subsidy”, without more, refers to subsidy of any of those descriptions.

#### Textual Amendments

**F682** Words in s. 140A(2)(c) substituted (retrospectively from 1.4.1997) by the [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 5 para. 8\(1\)\(2\)](#)

#### 140B Calculation of amount of subsidy **U.K.**

- (1) The amount of subsidy to be paid to an authority shall be [<sup>F683</sup>determined in accordance with an] order made by the Secretary of State.
- (2) Subject as follows, the amount of subsidy shall be calculated by reference to the amount of relevant benefit paid by the authority during the year <sup>F684</sup>...

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F685 ...

(3) The order may provide that the amount of subsidy in respect of any matter shall be a fixed sum or shall be nil.

[<sup>F686</sup>(4) The Secretary of State may—

- (a) pay as part of subsidy an additional amount specified by, or calculated in a manner specified by, the order; or
- (b) deduct from the amount which would otherwise be payable by way of subsidy an amount specified by, or calculated in a manner specified by, the order.

(4A) The additional amounts which may be paid by virtue of subsection (4)(a) above include amounts in respect of—

- (a) the costs of administering the relevant benefit; or
- (b) success in preventing or detecting fraud relating to the relevant benefit or action to be taken with a view to preventing or detecting such fraud.

(5) The Secretary of State may—

- (a) where an application is made by an authority on his invitation, pay to the authority as part of the subsidy such additional amount as he considers appropriate in respect of—
  - (i) success in preventing or detecting fraud relating to the relevant benefit; or
  - (ii) action to be taken with a view to preventing or detecting such fraud; or
- (b) deduct from the subsidy which would otherwise be payable to an authority such amount as he considers it unreasonable to pay by way of subsidy.

(5A) The amounts which may be deducted by virtue of subsection (4)(b) or (5)(b) above include amounts in respect of—

- (a) a failure to comply with directions under [<sup>F687</sup>section 139D(3A) or (3B)] above; and
- (b) other failures in preventing or detecting fraud relating to the relevant benefit.]

(6) In this section “relevant benefit” means housing benefit or council tax benefit, as the case may be.

<sup>F688</sup>(7) .....

(8) The amount of subsidy payable to an authority shall be calculated to the nearest pound, disregarding an odd amount of 50 pence or less and treating an odd amount exceeding 50 pence as a whole pound.

#### Textual Amendments

**F683** Words in s. 140B(1) substituted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), [Sch. 1 para. 7\(2\)](#); S.I. 1997/1577, art. 2, Sch.

**F684** Words in s. 140B(2) repealed (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), [Sch. 2](#); S.I. 1997/1577, art. 2, Sch.

**F685** Words in s. 140B(2) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3), [Sch. 7](#), para. 36(a), [Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 2 (with [Sch. para. 26](#))

**F686** S. 140B(4)-(5A) substituted for s. 140B(4)(5) (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), [ss. 10](#), 25(1); S.I. 1997/1577, art. 2, Sch.

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**F687** Words in s. 140B(5A) substituted (1.4.2008) by [Welfare Reform Act 2007 \(c. 5\), Sch. 5 para. 9](#); S.I. 2008/411, art. 2(3)(c)

**F688** S. 140B(7) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\), s. 128\(3\), Sch. 7 para. 36\(b\), Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 2 (with Sch. para. 26)

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

**C30** S. 140B applied in part (26.6.2001 for specified purposes, 2.7.2001 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 70\(2\)\(a\), 86](#) (with s. 83(6)); S.I. 2001/2295, art. 2(c)

**140C Payment of subsidy** **U.K.**

(1) Subsidy shall be paid by the Secretary of State in such instalments, at such times, in such manner and subject to such conditions as to claims, records, certificates, audit or otherwise as may be provided by order of the Secretary of State.

[ Conditions under subsection (1) above may (in particular) be imposed to obtain <sup>F689</sup>(1A) information for the purposes of the carrying-out by the Secretary of State of any of his functions relating to subsidy.]

(2) The order may provide that if an authority has not, within such period as may be specified in the order, complied with the conditions so specified as to claims, records, certificate, audit or otherwise, the Secretary of State may estimate the amount of subsidy payable to the authority and employ for that purpose such criteria as he considers relevant.

(3) Where subsidy has been paid to an authority and it appears to the Secretary of State—  
 (a) that subsidy has been overpaid; or  
 (b) that there has been a breach of any condition specified in an order under this section,

he may recover from the authority the whole or such part of the payment as he may determine.

Without prejudice to other methods of recovery, a sum recoverable under this subsection may be recovered by withholding or reducing subsidy.

(4) An order made by the Secretary of State under this section may be made before, during or after the end of the year or years to which it relates.

**Textual Amendments**

**F689** S. 140C(1A) inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\), s. 128\(3\), Sch. 7 para. 37](#); S.I. 2003/2938, art. 2 (with Sch. para. 26)

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

**C31** S. 140C applied (26.6.2001 for specified purposes, 2.7.2001 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 70\(2\)\(b\), 86](#) (with s. 83(6)); S.I. 2001/2295, art. 2(c)

**140D Rent rebate subsidy: accounting provisions** **U.K.**

(1) Rent rebate subsidy is payable—

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- (a) in the case of a local authority in England and Wales, for the credit of a revenue account of theirs other than their Housing Revenue Account or Housing Repairs Account;
- (b) in the case of a local authority in Scotland, for the credit of their rent rebate account;
- <sup>F690</sup>(c) .....
- (d) in the case of a new town corporation in Scotland or Scottish Homes, for the credit of the account to which rent rebates granted by them, or it, are debited.

<sup>F691</sup>(2) .....

#### Textual Amendments

**F690** S. 140D(1)(c) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), Sch. 7 para. 38(a), [Sch. 8 Pt. 1](#); [S.I. 2003/2938](#), art. 2 (with Sch. para. 26)

**F691** S. 140D(2) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e)(f), Sch. 7 para. 38(b), [Sch. 8 Pt. 1](#); [S.I. 2003/2938](#), art. 2 (with Sch. para. 26)

#### Supplementary provisions

### 140E Financing of joint arrangements **U.K.**

- (1) Where two or more authorities make arrangements for the discharge of any of their functions relating to housing benefit or council tax benefit—
  - (a) by one authority on behalf of itself and one or more other authorities; or
  - (b) by a joint committee,the Secretary of State may make such payments as he thinks fit to the authority or committee in respect of their expenses in carrying out those functions.
- (2) The provisions of sections 140B and 140C (subsidy: calculation and supplementary provisions) apply in relation to a payment under this section as in relation to a payment of subsidy.
- (3) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of expenses which would otherwise have been met in whole or in part by the participating authorities.

### **Financing of other expenditure** **U.K.**

<sup>F692</sup>140EE

- (1) The Secretary of State may make to a local authority such payments as he thinks fit in respect of expenses incurred by the authority in connection with the carrying out of any relevant function—
  - (a) by the authority,
  - (b) by any person providing services to the authority, or
  - (c) by any person authorised by the authority to carry out that function.
- (2) In subsection (1) “relevant function” means any function conferred by virtue of section 2A, 2C or 7A above.
- (3) The following provisions, namely—

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- (a) in section 140B, subsections (1), (3), (4), (5)(b)<sup>F693</sup>... and (8), and  
(b) section 140C,

apply in relation to a payment under this section as in relation to a payment of subsidy.

- (4) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of costs falling within section 140B(4A)(a) above.]

#### Textual Amendments

**F692** S. 140EE inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(4\)\(e\), Sch. 12 para. 80](#)

**F693** Word in s. 140EE(3)(a) repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\), s. 128\(6\), Sch. 8 Pt. 1; S.I. 2003/2938, art. 2\(h\)\(i\)](#)

#### 140F No requirement for annual orders **U.K.**

- (1) Any power under this Part to make provision by order for or in relation to a year does not require the making of a new order each year.
- (2) Any order made under the power may be revoked or varied at any time, whether before, during or after the year to which it relates.

#### 140G Interpretation: Part VIII **U.K.**

In this Part, unless the context otherwise requires—

“Housing Repairs Account” means an account kept under section 77 of the Local Government and Housing Act 1989;

“Housing Revenue Account” means the account kept under section 74 of the Local Government and Housing Act 1989, and—

- (a) references to property within that account have the same meaning as in Part VI of that Act,<sup>F694</sup> ...
- (b)<sup>F694</sup> .....

“rent rebate subsidy” and “rent allowance subsidy” shall be construed in accordance with section 134 above;

“year” means a financial year within the meaning of the Local Government Finance Act 1992.]]

#### Textual Amendments

**F694** Words in s. 140G repealed (18.11.2003) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\)\(f\), Sch. 7 para. 39, Sch. 8 Pt. 1; S.I. 2003/2938, art. 2 \(with Sch. para. 26\)](#)



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## PART IX U.K.

### ALTERATION OF CONTRIBUTIONS ETC.

#### 141 Annual reviews of contributions U.K.

- (1) In each tax year the [<sup>F695</sup>Treasury] shall carry out a review of the general level of earnings in Great Britain taking into account changes in that level which have taken place since [<sup>F695</sup>their] last review under this section, with a view to determining whether, in respect of Class 2, 3 or 4 contributions, an order should be made under this section, to have effect in relation to the next following tax year.
- (2) For the purposes of any review under this section, the [<sup>F696</sup>Treasury]—
  - (a) shall estimate the general level of earnings in such manner as [<sup>F697</sup>they think fit]; and
  - (b) shall take into account about other matters appearing to [<sup>F698</sup>them] to be relevant to [<sup>F698</sup>their] determination whether or not an order should be made under this section, including the current operation of the Contributions and Benefits Act.
- (3) If the [<sup>F699</sup>Treasury determine], as a result of a review under this section, that having regard to changes in the general level of earnings which have taken place, and to any other matters taken into account on the review, an order under this section should be made for the amendment of Part I of the Contributions and Benefits Act, [<sup>F700</sup>they] shall prepare and lay before each House of Parliament a draft of such an order framed so as to give effect to [<sup>F700</sup>their] conclusions on the review.
- (4) An order under this section may amend Part I of the Contributions and benefits Act by altering any one or more of the following figures—
  - (a) the figure specified in section 11(1) as the weekly rate of Class 2 contributions;
  - (b) the figure specified in section 11(4) as the amount of earnings below which regulations under that subsection may except an earner from liability for Class 2 contributions;
  - (c) the figure specified in section 13(1) as the amount of a Class 3 contribution;
  - (d) the figures specified in [<sup>F701</sup>subsection (3) of section 15 as the upper limit of profits or gains to be taken into account for the purposes of Class 4 contributions under that section and as the lower limit of profits or gains to be taken into account for those purposes under paragraph (a) of that subsection.]
- (5) If an order under this section contains an amendment altering either of the figures [<sup>F702</sup>referred to in subsection (4)(d) above], it shall make the same alteration of the corresponding figure specified in section [<sup>F703</sup>18 of the Contributions and Benefits Act].
- (6) If the [<sup>F704</sup>Treasury determine] as a result of a review under this section that, having regard to [<sup>F705</sup>their] conclusions in respect of the general level of earnings and otherwise, no such amendments of Part I of the Contributions and Benefits Act are called for as can be made for the purposes of subsection (4) above, and [<sup>F706</sup>determine] accordingly not to lay a draft of an order before Parliament, [<sup>F705</sup>they] shall instead prepare and lay before each House of Parliament a report explaining [<sup>F705</sup>their] reasons for that determination.

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- (7) In subsection (1) above in its application to the tax year 1992-93 the reference to the last review under this section shall be construed as a reference to the last review under section 120 of the 1975 Act.

#### Textual Amendments

- F695** Words in s. 141(1) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(2\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F696** Words in s. 141(2) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(3\)\(a\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F697** Words in s. 141(2)(a) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(3\)\(b\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F698** Words in s. 141(2)(b) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(3\)\(c\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F699** Words in s. 141(3) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(4\)\(a\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F700** Words in s. 141(3) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(4\)\(b\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F701** Words in s. 141(4)(d) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 1 para. 16\(2\)](#)
- F702** Words in s. 141(5) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 1 para. 16\(3\)\(a\)](#)
- F703** Words in s. 141(5) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 1 para. 16\(3\)\(b\)](#)
- F704** Words in s. 141(6) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(5\)\(a\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F705** Words in s. 141(6) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(5\)\(b\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F706** Word in s. 141(6) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 44\(5\)\(c\)](#); S.I. 1999/527, art. 2(b), Sch. 2

#### 142 Orders under s.141—supplementary **U.K.**

- (1) Where the [<sup>F707</sup>Treasury lay] before Parliament a draft of an order under section 141 above, [<sup>F708</sup>they shall] lay with it a copy of a report by the Government Actuary or the Deputy Government Actuary on the effect which, in that Actuary's opinion, the making of such an order may be expected to have on the National Insurance Fund; and, where [<sup>F709</sup>the Treasury determine] not to lay a draft order, [<sup>F708</sup>they shall] with the report laid before Parliament under section 141(6) above lay a copy of a report by the Government Actuary or the Deputy Government Actuary on the consequences for the Fund which may, in that Actuary's opinion, follow from that determination.
- (2) Where the [<sup>F710</sup>Treasury][<sup>F711</sup>lay] before Parliament a draft of an order under section 141 above, then if the draft is approved by a resolution of each House, the [<sup>F710</sup>Treasury] shall make an order in the form of the draft,
- (3) An order under section 141 above shall be made so as to be in force from the beginning of the tax year following that in which it receives Parliamentary approval, and to have effect for that year and any subsequent tax year (subject to the effect of any subsequent order under this Part of this Act); and for this purpose the order is to be taken as receiving Parliamentary approval on the date on which the draft of it is approved by the second House to approve it.

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#### Textual Amendments

- F707** Words in s. 142(1) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 45\(2\)\(a\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F708** Words in s. 142(1) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 45\(2\)\(b\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F709** Words in s. 142(1) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 45\(2\)\(c\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F710** Words in s. 142(2) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 45\(3\)\(a\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F711** Word in s. 142(2) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 45\(3\)\(b\)](#); S.I. 1999/527, art. 2(b), Sch. 2

### 143 Power to alter contributions with a view to adjusting level of National Insurance Fund **U.K.**

(1) Without prejudice to section 141 above, the [<sup>F712</sup>Treasury] may at any time, if [<sup>F713</sup>they think] it expedient to do so with a view to adjusting the level at which the National Insurance Fund stands for the time being and having regard to the sums which may be expected to be paid from the Fund in any future period, make an order amending Part I of the Contributions and Benefits Act by altering any one or more of the following figures—

- [<sup>F714</sup>(a) the percentage rate specified as the [<sup>F715</sup>main primary percentage in section 8(2)(a)];
- (b) the percentage rate specified as the secondary percentage in section 9(2),]
- (c) the figure specified in section 11(1) as the weekly rate of Class 2 contributions;
- (d) the figure specified in section 13(1) as the amount of a Class 3 contribution;
- (e) the percentage rate [<sup>F716</sup>specified as the main Class 4 percentage in section 15(3ZA)(a)].

[<sup>F717</sup>(2) . . . . .]

(3) An order under subsection (1) above may if it contains an amendment altering the figure specified in section 11(1) of the Contributions and Benefits Act as the weekly rate of Class 2 contributions and the [<sup>F718</sup>Treasury think] it expedient in consequence of that amendment, amend section 11(4) of that Act by altering the figure there specified as the amount of earnings below which regulations under that subsection may except an earner from liability for Class 2 contributions.

(4) No order shall be made under this section so as—

- [<sup>F719</sup>(a) to increase for any tax year the [<sup>F720</sup>main] primary percentage, or the secondary percentage, to a percentage rate more than 0.25 per cent higher than that applicable at the end of the preceding tax year,] or
- (b) to increase the [<sup>F721</sup>main Class 4 percentage] to more than [<sup>F722</sup>9.25] percent.

#### Textual Amendments

- F712** Words in s. 143(1) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 46\(2\)\(a\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F713** Words in s. 143(1) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 46\(2\)\(b\)](#); S.I. 1999/527, art. 2(b), Sch. 2

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- F714** S.143(1)(a)(b) substituted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 90(1)**; S.I. 1999/418, art. 2
- F715** Words in s. 143(1)(a) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), s. 8(2), **Sch. 1 para. 17(2)(a)**
- F716** Words in s. 143(1)(e) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), s. 8(2), **Sch. 1 para. 17(2)(b)**
- F717** S. 143(2) repealed (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), s. 8(2), **Sch. 2**
- F718** Words in s. 143(3) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 46(3)**; S.I. 1999/527, art. 2(b), Sch. 2
- F719** S.143(4)(a) substituted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 90(2)**; S.I. 1999/418, art. 2
- F720** Word in s. 143(4)(a) inserted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), s. 8(2), **Sch. 1 para. 17(3)(a)**
- F721** Words in s. 143(4)(b) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), s. 8(2), **Sch. 1 para. 17(3)(b)**
- F722** Figure in s. 143(4)(b) substituted (6.4.2011) by National Insurance Contributions Act 2011 (c. 3), **ss. 2(2), 13(1)**

**143A** .....<sup>F723</sup> **U.K.**

#### Textual Amendments

- F723** S.143A repealed (6.4.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(3)(c), **Sch. 13 Pt. VI**; S.I. 1999/3420, art. 4(e)

**144** **Orders under s. 143**<sup>F724</sup>... —supplementary **U.K.**

- (1) Where (in accordance with section 190 below) the [<sup>F725</sup>Treasury lay] before Parliament a draft of an order under section 143<sup>F724</sup>... above, [<sup>F726</sup>they] shall lay with it a copy of a report by the Government Actuary or the Deputy Government Actuary on the effect which, in that Actuary's opinion, the making of such an order may be expected to have on the National Insurance Fund.
- (2) An order under section 143<sup>F724</sup>... above shall be made so as to be in force from the beginning of the tax year following that in which it received Parliamentary approval, and to have effect for that year and any subsequent tax year (subject to the effect of any subsequent order under this Part of this Act); and for this purpose the order is to be taken as receiving Parliamentary approval on the date on which the draft of it is approved by the second House to approve it.

#### Textual Amendments

- F724** Words in s. 144 repealed (6.4.2000) by the Welfare Reform and Pensions Act 1999 (c. 30), s. 89(3)(c), **Sch. 13 Pt. VI**; S.I. 1999/3420, art. 4(e)
- F725** Words in s. 144(1) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 48(a)**; S.I. 1999/527, art. 2(b), Sch. 2
- F726** Words in s. 144(1) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 48(b)**; S.I. 1999/527, art. 2(b), Sch. 2

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## 145 Power to alter primary and secondary contributions **U.K.**

- [<sup>F727</sup>(1) For the purpose of adjusting amounts payable by way of primary Class 1 contributions, the [<sup>F728</sup>Treasury] may at any time make an order altering the percentage rate specified as the [<sup>F729</sup>main primary percentage in section 8(2)(a)] of the Contributions and Benefits Act.
- (2) For the purpose of adjusting amounts payable by way of secondary Class 1 contributions, the [<sup>F728</sup>Treasury] may at any time make an order altering the percentage rate specified as the secondary percentage in section 9(2) of the Contributions and Benefits Act.
- (3) No order shall be made under this section so as to increase for any tax year the [<sup>F730</sup>main] primary percentage, or the secondary percentage, to a percentage rate more than 0.25 per cent higher than that applicable at the end of the preceding tax year.]
- (4) Without prejudice to section 141 or 143 above, the [<sup>F728</sup>Treasury] may make such order—
- (a) amending section 11(1) of the Contributions and Benefits Act by altering the figure specified in that subsection as the weekly rate of Class 2 contributions;
  - (b) amending section 13(1) of that Act by altering the figure specified in that subsection as the amount of a Class 3 contribution,
- as [<sup>F731</sup>the Treasury think] fit in consequence of the coming into force of an order made or proposed to be made under subsection (1) above.

### Textual Amendments

**F727** S. 145(1)-(3) substituted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 92**; S.I. 1999/418, art. 2

**F728** Words in s. 145 substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 49(a)**; S.I. 1999/527, art. 2(b), Sch. 2

**F729** Words in s. 145(1) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), s. 8(2), **Sch. 1 para. 18(2)**

**F730** Word in s. 145(3) inserted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), s. 8(2), **Sch. 1 para. 18(3)**

**F731** Words in s. 145(4) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 49(b)**; S.I. 1999/527, art. 2(b), Sch. 2

## 146 .....<sup>F732</sup> **U.K.**

### Textual Amendments

**F732** S. 146 repealed (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 93, **Sch. 8**; S.I. 1999/418, art. 2

## 147 Orders under ss. 145 and 146—supplementary **U.K.**

- (1) An order under section 145<sup>F733</sup> ... above may make such amendments of any enactment as appear to the [<sup>F734</sup>Treasury] to be necessary or expedient in consequence of any alteration made by it.

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- (2) Where (in accordance with section 190 below) the [<sup>F734</sup>Treasury][<sup>F735</sup>lay] before Parliament a draft of an order under section 145 <sup>F733</sup>... above, [<sup>F736</sup>they] shall lay with it a copy of a report by the Government Actuary or the Deputy Government Actuary on the effect which, in that Actuary's opinion, the making of such an order may be expected to have on the National Insurance Fund.
- (3) An order under section 145 <sup>F733</sup>... above shall be made so as to come into force—
  - (a) on a date in the tax year in which it receives Parliamentary approval; or
  - (b) on a date in the next tax year.
- (4) Such an order shall have effect for the remainder of the tax year in which it comes into force and for any subsequent tax year (subject to the effect of any subsequent order under this Part of this Act).
- (5) Such an order shall be taken as receiving Parliamentary approval on the date on which the draft of it is approved by the second House to approve it.

#### Textual Amendments

- F733** Words in s. 147(1)-(3) repealed (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 94, Sch. 8; S.I. 1999/418, art. 2
- F734** Words in s. 147 substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), Sch. 3 para. 50(a); S.I. 1999/527, art. 2(b), Sch. 2
- F735** Word in s. 147(2) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), Sch. 3 para. 50(b); S.I. 1999/527, art. 2(b), Sch. 2
- F736** Word in s. 147(2) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), Sch. 3 para. 50(b); S.I. 1999/527, art. 2(b), Sch. 2

## 148 Revaluation of earnings factors **U.K.**

- (1) This section shall have effect for the purpose of securing that earnings factors which are relevant—
  - (a) to the calculation—
    - (i) of the additional pension in the rate of any long-term benefit; or
    - (ii) of any guaranteed minimum pension; or
  - (b) to any other calculation required under Part III of the Pensions Act (including that Part as modified by or under any other enactment),
 maintain their value in relation to the general level of earnings obtaining in Great Britain.
- (2) The Secretary of State shall in each tax year review the general level of earnings obtaining in Great Britain and any changes in that level which have taken [<sup>F737</sup>place—
  - (a) since the end of the period taken into account for the last review under this section, or
  - (b) since such other date (whether earlier or later) as he may determine;
 and for the purposes of any such review the Secretary of State shall estimate the general level of earnings in such manner as he thinks fit.]
- (3) If on any such review the Secretary of State concludes, having regard to earlier orders under this section, that earnings factors for any previous tax year (not being earlier than 1978-79) have not, during the period taken into account for that review, maintained

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their value in relation to the general level of earnings, he shall make an order under this section.

- (4) An order under this section shall be an order directing that, for the purposes of any such calculation as is mentioned in subsection (1) above, the earnings factor referred to in subsection (3) above shall be increased by such percentage of their amount, apart from earlier orders under this section, as the Secretary of State thinks necessary to make up that fall in their value, during the period taken into account for the review together with other falls in their value which had been made up by such earlier orders.
- (5) Subsections (3) and (4) above do not require the Secretary of State to direct any increase where it appears to him that the increase would be inconsiderable.
- (6) If on any such review the Secretary of State determines that he is not required to make an order under this section, he shall instead lay before each House of Parliament a report explaining his reasons for arriving at that determination.
- (7) For the purposes of this section—
  - (a) any review under [<sup>F738</sup>section 21 of the Social Security Pensions Act 1975] (which made provision corresponding to this section) shall be treated as a review under this section; and
  - (b) any order under that section shall be treated as an order under this section, (but without prejudice to sections 16 and 17 of the Interpretation Act 1978).

#### Textual Amendments

**F737** Words in s. 148(2) substituted (1.12.2000) by the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 37, 86**; S.I. 2000/3166, art. 2(2)(a)

**F738** Words in s. 148(7) substituted (7.2.1994) by [Pension Schemes Act 1993 \(c. 48\)](#), s. 193(2), **Sch. 8 para. 27**; S.I. 1994/86, art. 2

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

**C32** S. 148 extended (with effect in relation to a person who attains pensionable age after 5.4.2000) by [Pensions Act 1995 \(c. 26\)](#), **ss. 128(3)(4), 180(2)** (with s. 128(5)(6)) (as read with [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 33(3)(4))

**C33** S. 148 modified (8.1.2001 for specified purposes, 25.1.2001 for specified purposes, 6.4.2002 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 33(2), 86(1)(b)(2)**; S.I. 2000/2950, art. 6 (as amended by S.I. 2000/3166, art. 3); S.I. 2001/153, art. 2(c)

#### [<sup>F739</sup>148A] **Revaluation of low earnings threshold** **U.K.**

- (1) The Secretary of State shall in the tax year preceding the first appointed year and in each subsequent tax year review the general level of earnings obtaining in Great Britain and any changes in that level which have taken place during the review period.
- (2) In this section, “the review period” means—
  - (a) in the case of the first review under this section, the period beginning with 1st October 1998 and ending on 30th September in the tax year preceding the first appointed year; and
  - (b) in the case of each subsequent review under this section, the period since—
    - (i) the end of the last period taken into account in a review under this section; or

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- (ii) such other date (whether earlier or later) as the Secretary of State may determine.
- (3) If on such a review it appears to the Secretary of State that the general level of earnings has increased during the review period, he shall make an order under this section.
- (4) An order under this section shall be an order directing that, for the purposes of the Contributions and Benefits Act—
  - (a) there shall be a new low earnings threshold for the tax years after the tax year in which the review takes place; and
  - (b) the amount of that threshold shall be the amount specified in subsection (5) below—
    - (i) increased by the percentage by which the general level of earnings increased during the review period; and
    - (ii) rounded to the nearest £100 (taking any amount of £50 as nearest to the next whole £100).
- (5) The amount referred to in subsection (4)(b) above is—
  - (a) in the case of the first review under this section, £9,500; and
  - (b) in the case of each subsequent review, the low earnings threshold for the year in which the review takes place.
- (6) This section does not require the Secretary of State to direct any increase where it appears to him that the increase would be inconsiderable.
- (7) If on any review under subsection (1) above the Secretary of State determines that he is not required to make an order under this section, he shall instead lay before each House of Parliament a report explaining his reasons for arriving at that determination.
- (8) For the purposes of any review under subsection (1) above the Secretary of State shall estimate the general level of earnings in such manner as he thinks fit.]

#### Textual Amendments

**F739** S. 148A inserted (8.1.2001 for specified purposes, 25.1.2001 for specified purposes, 6.4.2002 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 33(1)**, 86; [S.I. 2000/2950](#), **art. 6** (as amended by [S.I. 2000/3166](#), **art. 3**); [S.I. 2001/153](#), **art. 2(c)**

#### [<sup>F740</sup> **148A** **Revaluation of flat rate accrual amount** **U.K.**

- (1) The Secretary of State must in the tax year preceding the flat rate introduction year and in each subsequent tax year review the general level of earnings obtaining in Great Britain and any changes in that level which have taken place during the review period.
- (2) In this section “the review period” means—
  - (a) in the case of the first review under this section, the period beginning with 1st October 2004 and ending with 30th September in the tax year preceding the flat rate introduction year; and
  - (b) in the case of each subsequent review under this section, the period since—
    - (i) the end of the last period taken into account in a review under this section, or



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- (ii) such other date (whether earlier or later) as the Secretary of State may determine.
- (3) If on such a review it appears to the Secretary of State that the general level of earnings has increased during the review period, he must make an order under this section.
- (4) An order under this section is an order directing that for the purposes of Schedule 4B to the Contributions and Benefits Act—
  - (a) there is to be a new FRAA for the tax years after the tax year in which the review takes place, and
  - (b) the amount of that FRAA is to be the amount specified in subsection (5) below, increased by not less than the percentage by which the general level of earnings increased during the review period.
- (5) The amount referred to in subsection (4)(b) is—
  - (a) in the case of the first review under this section, £72.80, and
  - (b) in the case of each subsequent review, the FRAA for the year in which the review takes place.
- (6) The Secretary of State may, for the purposes of any provision of subsections (4) and (5), adjust any amount by rounding it up or down to such extent as he thinks appropriate.
- (7) This section does not require the Secretary of State to direct any increase where it appears to him that the increase would be inconsiderable.
- (8) If on any review under this section the Secretary of State determines that he is not required to make an order under this section, he must instead lay before each House of Parliament a report explaining his reasons for arriving at that determination.
- (9) For the purposes of any review under this section the Secretary of State may estimate the general level of earnings in such manner as he thinks fit.
- (10) In this section—
  - “the flat rate introduction year” has the meaning given by section 122 of the Contributions and Benefits Act (interpretation of Parts 1 to 6 etc.);
  - “the FRAA” means the flat rate accrual amount (see paragraph 13 of Schedule 4B to the Contributions and Benefits Act (additional pension: simplified accrual rates for purposes of section 45(2)(d))).]

**Textual Amendments**

**F740** S. 148AA inserted (26.9.2007) by [Pensions Act 2007 \(c. 22\)](#), s. 30(3), [Sch. 2 para. 2](#)

**149 Statutory sick pay—power to later limit for small employers' relief** **U.K.**

**F741**

**Textual Amendments**

**F741** S. 149 repealed (6.4.1995) by [The Statutory Sick Pay Percentage Threshold Order 1995 \(S.I. 1995/512\)](#), arts. 1(1), [6\(2\)\(b\)](#)

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## PART X U.K.

### REVIEW AND ALTERATION OF BENEFITS

#### 150 Annual up-rating of benefits U.K.

- (1) The Secretary of State shall in each tax year review the sums—
- (a) specified in the following provisions of the Contributions and Benefits Act—
    - [<sup>F742</sup>(i) Schedule 4 (excluding the provisions of Parts 1, 3 and 5 of the Schedule that specify amounts mentioned in section 150A(1) below); and
    - (ii) section 44(4) so far as relating to the lower rate of short-term incapacity benefit;] and
    - (iii) paragraphs 2(6)(c) and 6(2)(b) of Schedule 8;
  - [<sup>F743</sup>(aa) specified in regulations under section 30B(7) of that Act;]
  - [<sup>F744</sup>(ab) specified in regulations under section 39(2A) or section 39C(1A) of that Act;]
  - (b) specified in regulations under section 72(3) or 73(10) of that Act;
  - (c) which are the additional pensions in long-term benefits;
  - [<sup>F745</sup>(ca) which are shared additional pensions;]
  - (d) which are the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act;
  - [<sup>F746</sup>(dza) which are lump sums to which surviving spouses [<sup>F747</sup>or civil partners] will become entitled under paragraph 7A of that Schedule on becoming entitled to a Category A or Category B retirement pension;]
  - [<sup>F748</sup>(da) which are the increases in the rates of shared additional pensions under [<sup>F749</sup>paragraph 2 of Schedule 5A to] that Act;]
  - (e) which are—
    - (i) payable by virtue of [<sup>F750</sup>section 15(1)] of the Pensions Act to a [<sup>F751</sup>relevant person] (including sums payable by virtue of [<sup>F750</sup>section 17(2)]); or
    - (ii) payable to such a person as part of his Category A or Category B retirement pension by virtue of an order made under this section by virtue of this paragraph or made under section 126A of the 1975 Act or section 63(1)(d) of the 1986 Act;
  - [<sup>F752</sup>(f) .....
  - (g) falling to be calculated under paragraph 13(4) of Schedule 7 to that Act;
  - (h) prescribed for the purposes of section 128(5) or 129(8) of that Act or specified in regulations under section 135(1) [<sup>F753</sup>of that Act];
  - (i) specified by virtue of section 145(1) of that Act;
  - (j) specified in section 157(1) of that Act or in regulations under [<sup>F754</sup>section 166(1)(b), 171ZE(1)]<sup>F755</sup>, 171ZEE(1)] or 171ZN(1)];
  - [<sup>F756</sup>(k) specified in regulations under sections 4(2) or (5) of the Jobseekers Act 1995;]
  - [<sup>F757</sup>(l) specified in regulations under sections 2 or 3 of the State Pension Credit Act 2002 [<sup>F758</sup>(other than those prescribing the amounts mentioned in section 150A(1)(d) below)];]
  - [<sup>F759</sup>(m) specified in regulations under section 2(1)(a) or (4)(c) or 4(2)(a) or (6)(c) of the Welfare Reform Act 2007;]
  - [<sup>F760</sup>(n) specified in regulations under sections 9 to 12 of the Welfare Reform Act 2012;]

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[<sup>F761</sup>(o) specified in regulations under section 78(3) or 79(3) of that Act;]  
in order to determine whether they have retained their value in relation to the general level of prices obtaining in Great Britain estimated in such manner as the Secretary of State thinks fit.

[<sup>F762</sup>(1A) In subsection (1)(e)(i) “relevant person” means a person—

- (a) who became entitled to a Category A or Category B retirement pension before the day on which section 2(1) of the Pensions Act 2011 comes into force, and
- (b) to whom sums became payable by virtue of section 15(1) of the Pension Schemes Act 1993 (including sums payable by virtue of section 17(2)) before that day.

(1B) In subsection (1A)—

- (a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;
- (b) a reference to sums becoming payable before a day includes a reference to sums becoming payable on or after that day in respect of a period before that day.]

(2) Where it appears to the Secretary of State that the general level of prices is greater at the end of the period under review than it was at the beginning of that period, he shall lay before Parliament the draft of an up-rating order—

- (a) which increases each of the sums to which subsection (3) below applies by a percentage not less than the percentage by which the general level of prices is greater at the end of the period than it was at the beginning; and
- (b) if he considers it appropriate, having regard to the national economic situation and any other matters which he considers relevant, which also increases by such a percentage or percentages as he thinks fit any of the sums mentioned in subsection (1) above but to which subsection (3) below does not apply; and
- (c) stating the amount of any sums which are mentioned in subsection (1) above but which the order does not increase.

(3) This subsection applies to sums—

- (a) specified in Part I, [<sup>F763</sup>paragraphs [<sup>F764</sup>1 to 5] of Part III], Part IV or Part V of Schedule 4 to the Contributions and Benefits Act [<sup>F765</sup>(excluding the provisions of Parts 1 and 5 of the Schedule that specify amounts mentioned in section 150A(1) below)];
- (b) mentioned in subsection (1)(a)(ii) or (iii), [<sup>F766</sup>(aa),][<sup>F767</sup>(ab),] (b), (c), (d), [<sup>F768</sup>(dza),] (e) [<sup>F769</sup>, (g) or (o)] above.

(4) Subsection (2) above shall not require the Secretary of State to provide for an increase in any case in which it appears to him that the amount of the increase would be inconsiderable.

(5) The Secretary of State may, in providing for an increase in pursuance of subsection (2) above, adjust the amount of the increase so as to round any sum up or down to such extent as he thinks appropriate.

(6) Where subsection (2) above requires the Secretary of State to lay before Parliament the draft of an order increasing any sum that could be reduced under section 154(1) below, the order may make such alteration to that sum as reflects the combined effect of that increase and of any reduction that could be made under that subsection.

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- (7) If the Secretary of State considers it appropriate to do so, he may include in the draft of an up-rating order, in addition to any other provisions, provisions increasing any of the sums for the time being specified in regulations under Part VII of the Contributions and Benefits Act <sup>[F770]</sup> or under the Jobseekers Act 1995, <sup>[F771]</sup> the State Pension Credit Act 2002 or Part 1 of the Welfare Reform Act 2007 <sup>[F772]</sup> or Part 1 of the Welfare Reform Act 2012] or which are additions to income support under regulations made under section 89 of the 1986 Act.

<sup>[F773]</sup>The reference to regulations under the State Pension Credit Act 2002 does not include those prescribing the amounts mentioned in section 150A(1)(d) below.]

<sup>[F774]</sup>(7A) The Secretary of State—

- (a) shall in each tax year review the amount specified under subsection (5) of section 96 of the Welfare Reform Act 2012 (benefit cap) to determine whether its relationship with estimated average earnings (within the meaning of that section) has changed, and
- (b) after that review may, if the Secretary of State considers it appropriate, include in the draft of an up-rating order provision increasing or decreasing that amount.]

- (8) The Secretary of State shall lay with any draft order under this section a copy of a report by the Government Actuary or the Deputy Government Actuary giving that Actuary's opinion on the likely effect on the National Insurance Fund of such parts of the order as relate to sums payable out of that Fund.

- (9) If a draft order laid before Parliament in pursuance of this section is approved by a resolution of each House, the Secretary of State shall make the order in the form of the draft.

(10) <sup>[F775]</sup>Subject to subsection (10ZA),] an order under this section—

- (a) shall be framed so as to bring the alterations to which it relates into force—
  - (i) in the week beginning with the first Monday in the tax year <sup>[F776]</sup> following that in which the order is made]; or
  - (ii) on such earlier date in April as may be specified in the order;
- (b) may make such transitional provision as the Secretary of State considers expedient in respect of periods of entitlement—
  - (i) to <sup>[F777]</sup>working families' tax credit];
  - (ii) to <sup>[F777]</sup>disabled person's tax credit]; or
  - (iii) to statutory sick pay, running at the date when the alterations come into force.

<sup>[F778]</sup>(10ZA) An order under this section shall be framed so that—

- (a) any alteration to any of the sums referred to in subsection (1)(n) or otherwise specified in regulations under Part 1 of the Welfare Reform Act 2012 (universal credit) comes into force in relation to a person on the relevant day; and
- (b) any other alteration to which the order relates comes into force, for the purposes of determining the amount of universal credit to which a person is entitled, on the relevant day.

(10ZB) In subsection (10ZA) “relevant day”, in relation to a person, means the first day of the first universal credit assessment period in respect of the person which begins on or after—

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- (a) the Monday of the week specified in subsection (10)(a)(i), or
- (b) any earlier date specified under subsection (10)(a)(ii).]

[<sup>F779</sup>(10A) Where a member of [<sup>F780</sup>a scheme which was at a time before the abolition date, as defined by section 181(1) of the Pensions Act,] an appropriate personal pension scheme or a money purchase contracted-out scheme continues in employment after attaining pensionable age and the commencement of his pension under the scheme is postponed, the preceding provisions of this section shall have effect as if—

- (a) the guaranteed minimum pension to which he is treated as entitled by virtue of section 48(2)(a) of the Pensions Act were subject to increases in accordance with the provisions of section 15(1) of that Act; and
- (b) the amounts of any notional increases referred to in paragraph (a) above were subject to annual up-rating in the same way as if they were sums to which subsection (1)(e)(i) above applied.]

[<sup>F781</sup>(10B) Subsection (10A) does not have effect unless—

- (a) the member became entitled to a Category A or Category B retirement pension before the day on which section 2(2) of the Pensions Act 2011 comes into force, and
- (b) the member's postponed pension under the scheme became payable before that day.

(10C) In subsection (10B)—

- (a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;
- (b) a reference to a pension becoming payable before a day includes a reference to a pension becoming payable on or after that day in respect of a period before that day.]

(11) So long as sections 36 and 37 of the <sup>M19</sup>National Insurance Act 1965 (graduated retirement benefit) continue in force by virtue of regulations made under Schedule 3 to the <sup>M20</sup>Social Security (Consequential Provisions) Act 1975 or under Schedule 3 to the Consequential Provisions Act, regulations may make provision for applying the provisions of this section—

- [<sup>F782</sup>(a) to the amount of graduated retirement benefit payable for each unit of graduated contributions,
- (b) to increase of such benefit under any provisions made by virtue of section 24(1)(b) of the Social Security Pensions Act 1975 or section 62(1)(a) of the Contributions and Benefits Act, and
- (c) to any addition under section 37(1) of the National Insurance Act 1965 (addition to weekly rate of retirement pension for widows and widowers) to the amount of such benefit.]

[<sup>F783</sup>(12) So long as sections 36 and 37 of the National Insurance Act 1965 continue in force as mentioned in subsection (11), this section applies as if subsections (1) and (3) included the sums mentioned in subsection (13).

(13) Those sums are lump sums to which surviving spouses or civil partners will become entitled, by virtue of regulations made under section 62(1)(c) of the Contributions and Benefits Act, on becoming entitled to—

- (a) a Category A or Category B retirement pension; or
- (b) graduated retirement benefit.]

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### Textual Amendments

- F742** S. 150(1)(a)(i)(ii) substituted (with effect in relation to the tax year 2010-11 and subsequent tax years) by Pensions Act 2007 (c. 22), **ss. 6(2)(a)**, 30(1)(a)(3) (with ss. 5(3)-(7), 6(7)); S.I. 2010/2650
- F743** S. 150(1)(aa) inserted (18.11.1994) by Social Security (Incapacity for Work) Act 1994 (c. 18), **ss 2(3)**, 16(3); S.I. 1994/2926, art. 2(1), Sch. Pt. 1
- F744** S. 150(1)(ab) inserted (with effect in relation to the tax year 2010-11 and subsequent tax years) by Pensions Act 2007 (c. 22), **ss. 6(2)(b)**, 30(1)(a)(3) (with ss. 5(3)-(7), 6(7)); S.I. 2010/2650
- F745** S. 150(1)(ca) inserted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 24(a)**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. IV
- F746** S. 150(1)(dza) inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by Pensions Act 2004 (c. 35), s. 322(3)(a), **Sch. 11 para. 21(a)**
- F747** Words in s. 150(1)(dza) inserted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053), art. 1(3), **Sch. para. 8**
- F748** S. 150(1)(da) inserted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 24(b)**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. IV
- F749** Words in s. 150(1)(da) substituted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by Pensions Act 2004 (c. 35), s. 322(3)(a), **Sch. 11 para. 21(b)**
- F750** Words in s. 150(1)(e)(i) substituted (7.2.94) by Pension Schemes Act 1993 (c. 48), s. 193(2), **Sch. 8 para. 28(a)**; S.I. 1994/86, art. 2
- F751** Words in s. 150(1)(e)(i) substituted (6.4.2012) by Pensions Act 2011 (c. 19), **ss. 2(1)(a)**, 38(4); S.I. 2011/3034, art. 4(a)
- F752** S. 150(1)(f) repealed (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/938, art. 2, Sch. (with art. 3)
- F753** Words in s. 150(1)(h) inserted (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 3 para. 35**; S.I. 2003/962, art. 2(3)(d)(iii)
- F754** Words in s. 150(1)(j) substituted (6.4.2003) by Employment Act 2002 (c. 22), s. 55(2), **Sch. 7 para. 14**; S.I. 2002/2866, art. 2(3), Sch. 1 Pt. 3
- F755** Word in s. 150(1)(j) inserted (6.4.2010) by Work and Families Act 2006 (c. 18), s. 19(2), **Sch. 1 para. 26**; S.I. 2010/495, art. 4(d)
- F756** S. 150(1)(k) inserted (11.6.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 64(2)**; S.I. 1996/1509, art. 2, Sch.
- F757** S. 150(1)(l) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 16(2)**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F758** Words in s. 150(1)(l) inserted (with effect in relation to the tax year 2007-08 and subsequent tax years) by Pensions Act 2007 (c. 22), **ss. 6(2)(c)**, 30(1)(a)(3) (with s. 6(8))
- F759** S. 150(1)(m) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(21)(a)**; S.I. 2008/787, art. 2(4)(f)
- F760** S. 150(1)(n) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 22(a)**; S.I. 2013/983, art. 3(1)(b)(ii)
- F761** S. 150(1)(o) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 17(a)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F762** S. 150(1A)(1B) inserted (6.4.2012) by Pensions Act 2011 (c. 19), **ss. 2(1)(b)**, 38(4); S.I. 2011/3034, art. 4(a)
- F763** Words in s. 150(3)(a) substituted (18.11.1994) by Social Security (Incapacity for Work) Act 1994 (c. 18), **ss 9(4)**, 16(3); S.I. 1994/2926, art. 2(1), Sch. Pt. 1
- F764** Words in s. 150(3)(a) substituted (with effect in relation to the tax year 2010-11 and subsequent tax years) by Pensions Act 2007 (c. 22), **ss. 6(3)(a)**, 30(1)(a)(3) (with ss. 5(3)-(7), 6(7)); S.I. 2010/2650
- F765** Words in s. 150(3)(a) inserted (with effect in relation to the tax year 2010-11 and subsequent tax years) by Pensions Act 2007 (c. 22), **ss. 6(3)(a)**, 30(1)(a)(3) (with ss. 5(3)-(7), 6(7)); S.I. 2010/2650

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- F766** Word in s. 150(3) inserted (18.11.1994) by Social Security (Incapacity for Work) Act 1994 (c. 18), **ss 2(3), 16(3)**; S.I. 1994/2926, art. 2(1), Sch. Pt. 1
- F767** Word in s. 150(3)(b) inserted (with effect in relation to the tax year 2010-11 and subsequent tax years) by Pensions Act 2007 (c. 22), **ss. 6(3)(b), 30(1)(a)(3)** (with ss. 5(3)-(7), 6(7)); S.I. 2010/2650
- F768** Word in s. 150(3)(b) inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by Pensions Act 2004 (c. 35), s. 322(3)(a), **Sch. 11 para. 21(c)**
- F769** Words in s. 150(3)(b) substituted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 17(b)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F770** Words in s. 150(7) inserted (11.6.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 64(3)**; S.I. 1996/1509, art. 2, Sch.
- F771** Words in s. 150(7) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(21)(b)**; S.I. 2008/787, art. 2(4)(f)
- F772** Words in s. 150(7) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 22(b)**; S.I. 2013/983, art. 3(1)(b)(ii)
- F773** Words in s. 150(7) inserted (with effect in relation to the tax year 2007-08 and subsequent tax years) by Pensions Act 2007 (c. 22), **ss. 6(4), 30(1)(a)(3)** (with s. 6(8))
- F774** S. 150(7A) inserted (15.4.2013) by Welfare Reform Act 2012 (c. 5), **ss. 97(5), 150(3)**; S.I. 2012/2946, art. 2(4)
- F775** Words in s. 150(10) inserted (26.11.2014 with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **7(1)(a)(i)**
- F776** Words in s. 150(10)(a)(i) inserted (with effect in accordance with s. 5(3)-(7)) by Pensions Act 2007 (c. 22), s. 30(1)(a)(3), **Sch. 1 para. 21**; S.I. 2010/2650
- F777** Words in s. 150(10)(b) substituted (5.10.1999) by Tax Credits Act 1999 (c. 10), s. 20(2), Sch. 1 paras. 1, **3(e)**
- F778** S. 150(10ZA)(10ZB) inserted (26.11.2014 with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **7(1)(a)(ii)**
- F779** S. 150(10A) inserted (7.2.94) by Pension Schemes Act 1993 (c. 48), s. 193(2), **Sch. 8 para 28(b)**; S.I. 1994/86, art. 2
- F780** Words in s. 150(10A) inserted (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) (No. 2) Regulations 2011 (S.I. 2011/1724), regs. 1(2), **2(2)**
- F781** S. 150(10B)(10C) inserted (6.4.2012) by Pensions Act 2011 (c. 19), **ss. 2(2), 38(4)**; S.I. 2011/3034, art. 4(a)
- F782** Words in s. 150(11) substituted (19.7.1995) by Pensions Act 1995 (c. 26), **ss. 131(2), 180(2)**
- F783** S. 150(12)(13) added (26.10.2006) by The Social Security (Graduated Retirement Benefit) (Consequential Provisions) Order 2006 (S.I. 2006/2839), arts. 1, **2**

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

- C34** S. 150 modified (temp.) (18.11.1994) by Social Security (Incapacity for Work) Act 1994 (c. 18), **ss 2(7), 16(3)**; S.I. 1994/2926, art. 2(1), **Sch. Pt. 1**
- C35** S. 150 modified by The Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (S.I. 1995/310), regs. 1(1), **18(3)(8)(d)**
- C36** S. 150 modified (20.1.2009) by The Employment and Support Allowance (Up-rating Modification) (Transitional) Regulations 2008 (S.I. 2008/3270), regs. 1, **2**
- C37** S. 150 modified (with effect for the tax year ending 5.4.2010) by Welfare Reform Act 2009 (c. 24), **ss. 23, 61(1)**

#### **Marginal Citations**

- M19** 1965 c. 51.

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**M20** 1975 c. 18.

[<sup>F784</sup>150 **Annual up-rating of basic pension etc. and standard minimum guarantee** **U.K.**

- (1) The Secretary of State shall in each tax year review the following amounts in order to determine whether they have retained their value in relation to the general level of earnings obtaining in Great Britain—
  - (a) the amount of the basic pension;
  - (b) the specified amounts in the case of Category B, C or D retirement pensions;
  - (c) the specified amounts in the case of industrial death benefit; and
  - (d) the amounts of the standard minimum guarantee for the time being prescribed under section 2(4) and (5)(a) and (b) of the State Pension Credit Act 2002.

- (2) Where it appears to the Secretary of State that the general level of earnings is greater at the end of the period under review than it was at the beginning of that period, he shall lay before Parliament the draft of an order which increases each of the amounts referred to in subsection (1) above by a percentage not less than the percentage by which the general level of earnings is greater at the end of the period than it was at the beginning.

- (3) Subsection (2) above does not require the Secretary of State to provide for an increase in any case if it appears to him that the amount of the increase would be inconsiderable.

- (4) The Secretary of State may, in providing for an increase in pursuance of subsection (2) above, adjust the amount of the increase so as to round the sum in question up or down to such extent as he thinks appropriate.

- (5) The Secretary of State shall lay with a draft order under this section a copy of a report by the Government Actuary or the Deputy Government Actuary giving that Actuary's opinion on the likely effect on the National Insurance Fund of any parts of the order relating to sums payable out of that Fund.

- (6) If a draft order laid before Parliament under this section is approved by a resolution of each House, the Secretary of State shall make the order in the form of the draft.

- (7) [<sup>F785</sup>Subject to subsection (7A),] an order under this section shall be framed so as to bring the increase in question into force in the week beginning with the first Monday in the tax year following that in which the order is made.

[ An order under this section shall be framed so that any alteration to which the order  
<sup>F786</sup>(7A) relates comes into force, for the purposes of determining the amount of universal credit to which a person is entitled, on the relevant day.

- (7B) In subsection (7A) “relevant day”, in relation to a person, means the first day of the first universal credit assessment period in respect of the person which begins on or after the Monday of the week specified in subsection (7). ]

- (8) For the purposes of any review under subsection (1) above the Secretary of State shall estimate the general level of earnings in such manner as he thinks fit.

- (9) If a draft order under this section is combined with a draft up-rating order under section 150 above, the report required by virtue of subsection (5) above may be combined with that required by virtue of section 150(8) above.

- (10) In this section—



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“the amount of the basic pension” means the first amount specified in section 44(4) of the Contributions and Benefits Act (weekly rate of Category A retirement pension);

“the specified amounts in the case of Category B, C or D retirement pensions” means—

(a) the amount specified in paragraph 5 of Part 1 of Schedule 4 to the Contributions and Benefits Act, and

(b) the amounts specified in paragraphs 6 and 7 of Part 3 of that Schedule;

“the specified amounts in the case of industrial death benefit” means—

(a) the amounts specified in paragraph 10 of Part 5 of that Schedule (apart from the amount of the initial rate), and

(b) the amount specified in paragraph 11 of that Part of that Schedule.]

#### Textual Amendments

**F784** S. 150A inserted (with effect for specified purposes in relation to the tax year 2007-08 and subsequent tax years and for remaining purposes in relation to the tax year 2010-11 and subsequent tax years) by [Pensions Act 2007 \(c. 22\), ss. 5\(1\), 30\(1\)\(a\)\(3\)](#) (with [s. 5\(3\)-\(7\)](#)); [S.I. 2010/2650](#)

**F785** Words in [s. 150A\(7\)](#) inserted (26.11.2014 with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), [7\(1\)\(b\)\(i\)](#)

**F786** [S. 150A\(7A\)\(7B\)](#) inserted (26.11.2014 with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), [7\(1\)\(b\)\(ii\)](#)

## 151 Up-rating—supplementary **U.K.**

- (1) Any increase under section 150 above of the sums mentioned in subsection (1)(c) of that section shall take the form of a direction that those sums shall be increased by a specified percentage of their amount apart from the order and shall apply [<sup>F787</sup>subject to section 156 and] only in relation to additional pensions calculated under section 45 of the Contributions and Benefits Act by reference to final relevant years which are—
  - (a) earlier than the tax year preceding that in which the order comes into force; or
  - (b) if the order comes into force on or after 6th May in any tax year, earlier than that year.
- (2) Any increase under section 150 above of the sums mentioned in [<sup>F788</sup>subsection (1)(d), (dza) or (e)] of that section shall take the form of a direction that those sums shall be increased by a specified percentage of their amount apart from the order and [<sup>F789</sup>in the case of the sums mentioned in subsection (1)(d) or (e) of that section,] shall apply only in relation to sums calculated under Schedule 5 to the Contributions and Benefits Act by reference to periods of deferment which have ended before the coming into force of the order.
- (3) An increase in a sum such as is specified in section 150(1)(e)(ii) above shall form part of the Category A or Category B retirement pension of the person to whom it is paid and an increase in a sum such as is specified in section 150(1)(e)(i) above shall be added to and form part of that pension but shall not form part of the sum increased.
- (4) Where an increment under [<sup>F790</sup>section 15(1)] of the Pensions Act—
  - (a) is increased in any tax year by an order under [<sup>F790</sup>section 109] of that Act; and

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(b) in that year also falls to be increased by an order under section 150 above, the increase under that section shall be the amount that would have been specified in the order, but for this subsection, less the amount of the increase under <sup>F790</sup>section 109].

<sup>F791</sup>(5) .....

(6) Any increase under section 150 above of any of the sums which are additions to income support mentioned in section 150(7) above shall take the form of a direction that any such sum shall be increased by a specified percentage of its amount apart from the order.

#### Textual Amendments

- F787** Words in s. 151(1) inserted (19.7.1995) by [Pension Act 1995 \(c. 26\)](#), **ss. 130(2)**, 180(2)
- F788** Words in s. 151(2) substituted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), **Sch. 11 para. 22(a)**
- F789** Words in s. 151(2) inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), **Sch. 11 para. 22(b)**
- F790** Words in s. 151(4) substituted (7.2.1994) by [Pension Schemes Act 1993 \(c. 48\)](#), s. 193(2), **Sch. 8 para. 29(a)**; S.I. 1994/86, art. 2
- F791** S. 151(5) omitted (6.4.2012 with savings for persons who became entitled to a Category A or Category B retirement pension before that day) by virtue of [Pensions Act 2011 \(c. 19\)](#), **ss. 2(3)**, 38(4) (with s. 2(4)); S.I. 2011/3034, art. 4(a)

## 152 Rectification of mistakes in orders under section 150 <sup>F792</sup>or 150A] **U.K.**

(1) If the Secretary of State is satisfied that a mistake (whether in computation or otherwise) has occurred in the preparation of the previous order under section 150 above, he may be order vary the amount of any one or more of the sums specified in an enactment mention in subsection (1)(a) of that section by increasing or reducing it to the level at which it would have stood had the mistake not occurred.

<sup>F793</sup>(1A) If the Secretary of State is satisfied that such a mistake has occurred in the preparation of the previous order under section 150A above, he may by order vary the amount of any one or more of the amounts referred to in subsection (1) of that section by increasing or reducing it to the level at which it would have stood had the mistake not occurred.]

(2) Where the amount of any such sum is varied under this section, then, for the purposes of the next review and order under that section, the amount of the sum shall be taken to be, and throughout the period under review to have been, its amount as so varied.

#### Textual Amendments

- F792** Words in s. 152 heading inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), **Sch. 1 para. 22(b)**
- F793** S. 152(1A) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), **Sch. 1 para. 22(a)**

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**[153 Annual review of child benefit U.K.]**

The Secretary of State shall review the level of child benefit in April of each year, taking account of increases in the Retail Price Index and other relevant external factors.]

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

**C38** S. 153 omitted (1.7.1992 until a day to be appointed) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), s. 6, Sch. 4 paras. 1, 16

**154 Social security benefit in respect of children U.K.**

- (1) Regulations may, with effect from any day on or after that on which there is an increase in the rate or any of the rates of child benefit, reduce any sum specified in any of the provisions mentioned in subsection (2) below to such extent as the Secretary of State thinks appropriate having regard to that increase.
- (2) The provisions referred to in subsection (1) above are the following provisions of Schedule 4 to the Contributions and Benefits Act—
  - (a) paragraph 6 of Part I (child's special allowance);
  - <sup>F794</sup>(b) .....
  - <sup>F794</sup>(c) .....
  - (d) paragraph 7 of Part V (increase of weekly rate of disablement pension in respect of child dependants);
  - (e) paragraph 12 of Part V (allowance in respect of deceased's children).

**Textual Amendments**

**F794** S. 154(2)(b)(c) repealed (1.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, Sch. 6; S.I. 2003/392, art. 2 (with savings in [S.I. 2003/962](#), art. 3; [S.I. 2003/938](#), art. 5)

**PART XI U.K.**

COMPUTATION OF BENEFITS

**155 Effect of alternation of rates of benefit under Part II and V of Contributions and Benefits Act U.K.**

- (1) This section has effect where the rate of any benefit to which this section applies is altered—
  - (a) by an Act subsequent to this Act;
  - (b) by an order under section 150<sup>F795</sup>, 150A] or 152 above; or
  - (c) in consequence of any such Act or order altering any maximum rate of benefit; and in this section “the commencing date” means the date fixed for payment of benefit at an altered rate to commence.
- (2) This section applies to benefit under Part II, III, IV or V of the Contributions and Benefits Act.

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- (3) Subject to such exceptions or conditions as may be prescribed, where—
- (a) the weekly rate of a benefit to which this section applies is altered to a fixed amount higher or lower than the previous amount; and
  - (b) before the commencing date an award of that benefit has been made (whether before or after the passing of the relevant Act or the making of the relevant order),
- except as respects any period falling before the commencing date, the benefit shall become payable at the altered rate without any claim being made for it in the case of an increase in the rate of benefit or any review of the award in the case of a decrease, and the award shall have effect accordingly.
- (4) Where—
- (a) the weekly rate of a benefit to which this section applies is altered; and
  - (b) before the commencing date (but after that date is fixed) an award is made of the benefit,
- the award either may provide for the benefit to be paid as from the commencing date at the altered rate or may be expressed in terms of the rate appropriate at the date of the award.
- (5) Where in consequence of the passing of an Act, or the making of an order, altering the rate of disablement pension, regulations are made varying the scale of disablement gratuities, the regulations may provide that the scale as varied shall apply only in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed.
- (6) Subject to such exceptions or conditions as may be prescribed, where—
- (a) for any purpose of any Act or regulations the weekly rate at which a person contributes to the cost of providing for a child [<sup>F796</sup>or qualifying young person], or to the maintenance of an adult dependant, is to be calculated for a period beginning on or after the commencing date for an increase in the weekly rate of benefit; but
  - (b) account is to be taken of amounts referable to the period before the commencing date,
- those amounts shall be treated as increased in proportion to the increase in the weekly rate of benefit.
- (7) So long as sections 36 and 37 of the <sup>M21</sup>National Insurance Act 1965 (graduated retirement benefit) continue in force by virtue of regulations made under Schedule 3 to the <sup>M22</sup>Social Security (Consequential Provisions) Act 1975 or under Schedule 3 to the Consequential Provisions Act, regulations may make provision for applying the provisions of this section—
- <sup>F797</sup>(a) to the amount of graduated retirement benefit payable for each unit of graduated contributions,
  - (b) to increases of such benefit under any provisions made by virtue of section 24(1)(b) of the Social Security Pensions Act 1975 or section 62(1)(a) of the Contributions and Benefits Act, and
  - (c) to any addition under section 37(1) of the National Insurance Act 1965 (addition to weekly rate of retirement pension for [<sup>F798</sup>widows, widowers and surviving civil partners] to the amount of such benefit)].

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#### Textual Amendments

- F795** Words in s. 155(1)(b) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\), s. 30\(1\)\(a\)\(3\), Sch. 1 para. 23](#)
- F796** Words in s. 155(6) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\), s. 6\(2\), Sch. 1 para. 23](#)
- F797** Words in s. 155(7) substituted (19.7.1995) by [Pensions Act 1995 \(c. 26\), ss. 131\(3\), 180\(2\)](#)
- F798** Words in s. 155(7)(c) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\), art. 1\(3\), Sch. para. 9](#)

#### Marginal Citations

- M21** 1965 c. 51.
- M22** 1975 c. 18

### [<sup>F799</sup>155A] Power to anticipate pensions up-rating order **U.K.**

- (1) This section applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—
- (a) the amounts by which he proposes, by an order under section [<sup>F800</sup>150 or 150A above (as the case may be)], to increase—
    - (i) the weekly sums that are payable by way of retirement pension [<sup>F801</sup>or shared additional pension]; or
    - (ii) the amount of graduated retirement benefit payable for each unit of graduated contributions; and
  - (b) the date on which he proposes to bring the increases into force (“the commencing date”).
- (2) Where, before the commencing date and after the date on which the statement is made, an award is made of a retirement pension [<sup>F802</sup>, a shared additional pension] or a graduated retirement benefit, the award either may provide for the pension or benefit to be paid as from the commencing date at the increased rate or may be expressed in terms of the rate appropriate at the date of the award.]

#### Textual Amendments

- F799** S. 155A inserted (16.11.1998) by [Social Security Act 1998 \(c. 14\), ss. 76, 87\(2\); S.I. 1998/2780, art. 2\(b\)](#)
- F800** Words in s. 155A(1)(a) substituted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\), s. 30\(1\)\(a\)\(3\), Sch. 1 para. 24](#)
- F801** Words in s. 155A(1)(a)(i) inserted (1.12.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 12 para. 25\(2\); S.I. 2000/1047, art. 2\(2\)\(d\), Sch. Pt. IV](#)
- F802** Words in s. 155A(2) inserted (1.12.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 12 para. 25\(3\); S.I. 2000/1047, art. 2\(2\)\(d\), Sch. Pt. IV](#)

### [<sup>F803</sup>156] Up-rating under section 150 above of pensions increased under section 52(3) of the Contributions and Benefits Act **U.K.**

- (1) This section applies in any case where a person is entitled to a Category A retirement pension with an increase, under section 52(3) of the Contributions and Benefits Act, in the additional pension on account of the contributions of a spouse [<sup>F804</sup>or civil partner] who had died.

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- (2) Where in the case of any up-rating order under section 150 above—
- (a) the spouse's [<sup>F805</sup>or civil partner's] final relevant year is the tax year preceding the tax year in which the up-rating order comes into force, but
  - (b) the person's final relevant year was an earlier tax year,
- then the up-rating order shall not have effect in relation to that part of the additional pension which is attributable to the spouse's [<sup>F805</sup>or civil partner's] contributions.
- (3) Where in the case of any up-rating order under section 150 above—
- (a) the person's final relevant year is the tax year preceding the tax year in which the up-rating order comes into force, but
  - (b) the spouse's [<sup>F805</sup>or civil partner's] final relevant year was an earlier tax year,
- then the up-rating order shall not have effect in relation to that part of the additional pension which is attributable to the person's contributions.]

#### Textual Amendments

**F803** S. 156 substituted (19.7.1995) by [Pensions Act 1995 \(c. 26\)](#), **ss. 130(1)**, 180(2)

**F804** Words in s. 156(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 66(a)**; S.I. 2005/3175, art. 2(1), Sch. 1

**F805** Words in s. 156(2)(3) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 66(b)**; S.I. 2005/3175, art. 2(1), Sch. 1

### 157 Effect of alteration of rates of child benefit **U.K.**

- (1) Subsections (3) and (4) of section 155 above shall have effect where there is an increase in the rate or any of the rates of child benefit as they have effect in relation to the rate of benefit to which that section applies.
- (2) Where in connection with child benefit—
- (a) any question arises in respect of a period after the date fixed for the commencement of payment of child benefit at an increased rate—
    - (i) as to the weekly rate at which a person is contributing to the cost of providing for a child [<sup>F806</sup>or qualifying young person]; or
    - (ii) as to the expenditure that a person is incurring in respect of a child [<sup>F806</sup>or qualifying young person]; and
  - (b) in determining that question account falls to be taken of contributions made or expenditure incurred for a period before that date,
- the contributions made or expenditure incurred before that date shall be treated as increased in proportion to the increase in the rate of benefit.

#### Textual Amendments

**F806** Words in s. 157(2) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 24**

### 158 Treatment of excess benefit as paid on account of child benefit **U.K.**

- (1) In any case where—
- (a) any benefit as defined in section 122 of the Contributions and Benefits Act or any increase of such benefit (“the relevant benefit or increase”) has been

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- paid to a person for a period in respect of a child <sup>F807</sup>or qualifying young person]; and
- (b) subsequently child benefit for that period in respect of the child <sup>F808</sup>or qualifying young person] becomes payable at a rate which is such that, had the relevant benefit or increase been awarded after the child benefit became payable, the rate of the relevant benefit or increase would have been reduced, then, except in so far as regulations otherwise provide, the excess shall be treated as paid on account of child benefit for that period in respect of the child <sup>F808</sup>or qualifying young person].
- (2) In subsection (1) above “the excess” means so much of the relevant benefit or increase as is equal to the difference between—
- (a) the amount of it which was paid for the period referred to in that subsection; and
- (b) the amount of it which would have been paid for that period if it had been paid at the reduced rate referred to in paragraph (b) of that subsection.

#### Textual Amendments

**F807** Words in s. 158(1) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\), s. 6\(2\), Sch. 1 para. 25\(a\)](#)

**F808** Words in s. 158(1) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\), s. 6\(2\), Sch. 1 para. 25\(b\)](#)

### 159 Effect of alteration in the component rates of income support **U.K.**

- (1) Subject to such exceptions and conditions as may be prescribed, where—
- (a) an award of income support is in force in favour of any person (“the recipient”); and
- (b) there is an alteration in any of the relevant amounts, that is to say—
- (i) any of the component rates of income support;
- (ii) any of the other sums specified in regulations under Part VII of the Contributions and Benefits Act; or
- (iii) the recipient's benefit income; and
- (c) the alteration affects the computation of the amount of income support to which the recipient is entitled,
- then subsection (2) or (3) below (as the case may be) shall have effect.
- (2) Where, in consequence of the alteration in question, the recipient becomes entitled to an increased or reduced amount of income support (“the new amount”), then, as from the commencing date, the amount of income support payable to or for the recipient under the award shall be the new amount, without any further decision of <sup>F809</sup>the Secretary of State], and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration in question, the recipient continues on and after the commencing date to be entitled to the same amount of income support as before, the award shall continue in force accordingly.
- (4) In any case where—
- (a) there is an alteration in any of the relevant amount; and
- (b) before the commencing date (but after that date is fixed) an award of income support is made in favour of a person,

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the award either may provide for income support to be paid as from the commencing date, in which case the amount shall be determined by reference to the relevant amounts which will be in force on that date, or may provide for an amount determined by reference to the amounts in force at the date of the award.

(5) In this section—

“alteration” means—

(a) in relation to—

- (i) the component rates of income support; or
- (ii) any other sums specified in regulations under Part VII of the Contributions and Benefits Act,

their alteration by or under any enactment whether or not contained in that Part; and

(b) in relation to a person's benefit income, the alteration of any of the sums referred to in section 150 [<sup>F810</sup>or 150A] above—

- (i) by any enactment; or
- (ii) by an order under section 150 [<sup>F811</sup>, 150A] or 152 above,

to the extent that any such alteration affects the amount of his benefit income;

“benefit income”, in relation to any person, means so much of his income as consists of—

- (a) benefit under the Contributions and Benefits Act, other than income support;
- (aa) [<sup>F812</sup>personal independence payment;] or
- (b) a war disablement pension or war widow's pension;

“the commencing date” in relation to an alteration, means the date on which the alteration comes into force in the case of the person in question;

“component rate”, in relation to income support, means the amount of—

- (a) the sum referred to in section 126(5)(b)(i) and (ii) of the Contributions and Benefits Act; or
- (b) any of the sums specified in regulations under section 135(1) of that Act; and

“relevant amounts” has the meaning given by subsection (1)(b) above.

#### Textual Amendments

**F809** Words in s. 159(2) substituted (29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 7 para. 95](#); S.I. 1999/3178, art. 2(1)(a), [Sch. 1](#)

**F810** Words in s. 159(5) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 25\(a\)](#)

**F811** Word in s. 159(5) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 25\(b\)](#)

**F812** Words in s. 159(5) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 18](#); S.I. 2013/358, art. 7(1)(2)(k), [Sch. 3](#); S.I. 2013/1250, art. 2



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## <sup>F813</sup>159A Effect of alteration of rates of a jobseeker's allowance **U.K.**

- (1) This section applies where—
- (a) an award of a jobseeker's allowance is in force in favour of any person (“the recipient”); and
  - (b) an alteration—
    - (i) in any component of the allowance, or
    - (ii) in the recipient's benefit income,affects the amount of the jobseeker's allowance to which he is entitled.
- (2) Subsection (3) applies where, as a result of the alteration, the amount of the jobseeker's allowance to which the recipient is entitled is increased or reduced.
- (3) As from the commencing date, the amount of the jobseeker's allowance payable to or for the recipient under the award shall be the increased or reduced amount, without any further decision of <sup>F814</sup>[the Secretary of State]; and the award shall have effect accordingly.
- (4) In any case where—
- (a) there is an alteration of a kind mentioned in subsection (1)(b); and
  - (b) before the commencing date (but after that date is fixed) an award of a jobseeker's allowance is made in favour of a person.

the award may provide for the jobseeker's allowance to be paid as from the commencing date, in which case the amount of the jobseeker's allowance shall be determined by reference to the components applicable on that date, or may provide for an amount determined by reference to the components applicable at the date of the award.

- (5) In this section—
- “alteration” means—
- (a) in relation to any component of a jobseeker's allowance, its alteration by or under any enactment; and
  - (b) in relation to a person's benefit income, the alteration of any of the sums referred to in section 150 <sup>F815</sup>[or 150A] above by any enactment or by an order under section 150 <sup>F815</sup>[or 150A] above, to the extent that any such alteration affects the amount of the recipient's benefit income;
- “benefit income”, in relation to a recipient, means so much of his income as consists of—
- (a) benefit under the Contributions and Benefits Act;
  - (ab) <sup>F816</sup>[personal independence payment;] or
  - (b) a war disablement pension or war widow's pension;
- “the commencing date” in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;
- “component”, in relation to a jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance.]

### Textual Amendments

**F813** S. 159A inserted (7.10.96) by Jobseekers Act 1995 (c. 18), ss. 24, 41(2); S.I. 1996/2208, art. 2(b)

*Status: Point in time view as at 26/11/2014.*

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- F814** Words in s. 159A(3) substituted (18.10.1999 for specified purposes) by [Social Security Act 1998](#) (c. 14), s. 87(2), [Sch. 7 para. 96](#); [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#)
- F815** Words in s. 159A(5) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007](#) (c. 22), s. 30(1)(a)(3), [Sch. 1 para. 26](#)
- F816** Words in s. 159A(5) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012](#) (c. 5), s. 150(3), [Sch. 9 para. 19](#); [S.I. 2013/358](#), art. 7(1)(2)(k), [Sch. 3](#); [S.I. 2013/1250](#), art. 2

**[<sup>F817</sup>159B] Effect of alterations affecting state pension credit U.K.**

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—
- (a) an award of state pension credit is in force in favour of any person (“the recipient”); and
  - (b) an alteration—
    - (i) in any component of state pension credit,
    - (ii) in the recipient's benefit income,
    - (iii) in any component of a contribution-based jobseeker's allowance,
    - <sup>F818</sup>(iiiia) [in any component of a contributory employment and support allowance,] or
    - (iv) in the recipient's war disablement pension or war widow's or widower's pension,
 affects the computation of the amount of state pension credit to which he is entitled.
- (2) Where, as a result of the alteration, the amount of state pension credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of state pension credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount of state pension credit as before, the award shall continue in force accordingly.
- (4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—
- (a) in relation to any of the items referred to in subsection (1)(b)(i) to (iv) above, the amount of the alteration which he proposes to make by an order under section 150<sup>F819</sup>, 150A] or 152 above or by or under any other enactment; and
  - (b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).
- (5) If, in a case where this subsection applies, an award of state pension credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—
- (a) may provide for state pension credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items specified in subsection (1)(b)(i) to (iv) above which will be in force on that date; or
  - (b) may be expressed in terms of the amounts of those items in force at the date of the award.

*Status: Point in time view as at 26/11/2014.*

*Changes to legislation: Social Security Administration Act 1992 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) In this section—

“alteration” means—

- (a) in relation to any component of state pension credit, its alteration by or under any enactment;
- (b) in relation to a person's benefit income, the alteration of any of the sums referred to in section 150 [<sup>F820</sup>or 150A] above by any enactment or by an order under section 150 [<sup>F821</sup>, 150A] or 152 above to the extent that any such alteration affects the amount of his benefit income;
- (c) in relation to any component of a contribution-based jobseeker's allowance, its alteration by or under any enactment; and
- (d) in relation to a person's war disablement pension or war widow's or widower's pension, its alteration by or under any enactment;

“benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act [<sup>F822</sup>or personal independence payment];

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”—

- (a) in relation to contribution-based jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 (c. 18) which are relevant in calculating the amount payable by way of a jobseeker's allowance;
- (b) in relation to state pension credit, means any of the sums specified in regulations under section 2, 3 or 12 of the State Pension Credit Act 2002;
- (c) [<sup>F823</sup>in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of a contributory employment and support allowance;]

“war disablement pension” means—

- (a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under—
  - (i) the Air Force (Constitution) Act 1917 (c. 51);
  - (ii) the Personal Injuries (Emergency Provisions) Act 1939 (c. 82);
  - (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (c. 83);
  - (iv) the Polish Resettlement Act 1947 (c. 19); or
  - (v) Part 7 or section 151 of the Reserve Forces Act 1980 (c. 9); or
- (b) without prejudice to paragraph (a), any retired pay or pension to which [<sup>F824</sup>any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003] applies;

“war widow's or widower's pension” means—

- (a) [<sup>F825</sup>any widow's, widower's or surviving civil partner's] pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the definition of “war disablement pension”; or
- (b) a pension or allowance for a [<sup>F826</sup>widow, widower or surviving civil partner] granted under any scheme mentioned in [<sup>F827</sup>section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003].]

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### Textual Amendments

- F817** S. 159B inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 2 para. 17](#); S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F818** S. 159B(1)(b)(iiia) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(22\)\(a\)](#); S.I. 2008/787, art. 2(4)(f)
- F819** Word in s. 159B(4)(a) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 27\(a\)](#)
- F820** Words in s. 159B(6) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 27\(b\)\(i\)](#)
- F821** Words in s. 159B(6) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 27\(b\)\(ii\)](#)
- F822** Words in s. 159B(6) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 20](#); S.I. 2013/358, art. 7(1)(2)(k), [Sch. 3](#); S.I. 2013/1250, art. 2
- F823** Words in s. 159B(6) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(22\)\(b\)](#); S.I. 2008/787, art. 2(4)(f)
- F824** Words in s. 159B(6) substituted (6.4.2003) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 6 para. 188\(2\)](#) (with [Sch. 7](#))
- F825** Words in s. 159B(6) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 10\(a\)](#)
- F826** Words in s. 159B(6) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 10\(b\)](#)
- F827** Words in s. 159B(6) substituted (6.4.2003) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 6 para. 188\(3\)](#) (with [Sch. 7](#))

### [<sup>F828</sup>159] **Effect of alteration of rates of an employment and support allowance** **U.K.**

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—
- (a) an award of an employment and support allowance is in force in favour of any person (“the recipient”), and
  - (b) an alteration—
    - (i) in any component of the allowance,
    - (ii) in the recipient’s benefit income, or
    - (iii) in the recipient’s war disablement or war widow’s or widower’s pension,
 affects the computation of the amount of the employment and support allowance to which he is entitled.
- (2) Where, as a result of the alteration, the amount of the employment and support allowance to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of the employment and support allowance payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of an employment and support allowance as before, the award shall continue in force accordingly.

*Status: Point in time view as at 26/11/2014.*

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- (4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—
- (a) in relation to any of the items referred to in subsection (1)(b)(i) to (iii), the amount of the alteration which he proposes to make by an order under section 150<sup>[F829]</sup>, 150A] or 152 or by or under any other enactment, and
  - (b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).
- (5) If, in a case where this subsection applies, an award of an employment and support allowance is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—
- (a) may provide for the employment and support allowance to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (iii) which will be in force on that date, or
  - (b) may be expressed in terms of the amounts of those items in force at the date of the award.
- (6) In this section—
- “alteration” means—
- (a) in relation to any component of an employment and support allowance, its alteration by or under any enactment;
  - (b) in relation to a person’s benefit income, the alteration of any of the sums referred to in section 150 <sup>[F830]</sup> or 150A] by any enactment or by an order under section 150<sup>[F831]</sup>, 150A] or 152 to the extent that any such alteration affects the amount of his benefit income;
  - (c) in relation to a person’s war disablement pension or war widow’s or widower’s pension, its alteration by or under any enactment;
- “benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act <sup>[F832]</sup> or personal independence payment];
- “the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;
- “component”, in relation to an employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of an employment and support allowance;
- “war disablement pension” and “war widow’s or widower’s pension” have the same meaning as in section 159B.]

#### Textual Amendments

- F828** S. 159C inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(23\)](#); [S.I. 2008/787](#), art. 2(4)(f)
- F829** Word in s. 159C(4)(a) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 28\(a\)](#)
- F830** Words in s. 159C(6) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 28\(b\)\(i\)](#)
- F831** Words in s. 159C(6) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 28\(b\)\(ii\)](#)

*Status: Point in time view as at 26/11/2014.*

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**F832** Words in s. 159C(6) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 9 para. 21; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

**[<sup>F833</sup>159D] Effect of alterations affecting universal credit U.K.**

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—
- (a) an award of universal credit is in force in favour of any person (“the recipient”), and
  - (b) an alteration—
    - (i) in any element of universal credit,
    - (ii) in the recipient's benefit income,
    - (iii) in any amount to be deducted in respect of earned income under section 8(3)(a) of the Welfare Reform Act 2012,
    - (iv) in any component of a contribution-based jobseeker's allowance,
    - (v) in any component of a contributory employment and support allowance, or
    - (vi) in such other matters as may be prescribed,
 affects the computation of the amount of universal credit to which he is entitled.
- (2) Where, as a result of the alteration, the amount of universal credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of universal credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of universal credit as before, the award shall continue in force accordingly.
- (4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—
- (a) in relation to any of the items referred to in subsection (1)(b)(i) to (vi), the amount of the alteration which he proposes to make by an order under section 150, 150A or 152 or by or under any other enactment, and
  - (b) the date on which he proposes to bring the alteration in force (“the proposed commencing date”).
- (5) If, in a case where this subsection applies, an award of universal credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—
- (a) may provide for the universal credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (vi) which will be in force on that date, or
  - (b) may be expressed in terms of the amounts of those items in force at the date of the award.
- (6) In this section—
- “alteration”—

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- (a) in relation to any element of universal credit, means its alteration by or under any enactment;
  - (b) in relation to a person's benefit income, means the alteration of any of the sums referred to in section 150 or 150A by any enactment or by an order under section 150, 150A or 152 to the extent that any such alteration affects the amount of his benefit income;
  - (c) in relation to any component of a contribution-based jobseeker's allowance or a contributory employment and support allowance, means its alteration by or under any enactment;
  - (d) in relation to any other matter, has such meaning as may be prescribed;
- “benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act or personal independence payment;
- “the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;
- “component”—
- (a) in relation to contribution-based jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance;
  - (b) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of such an allowance;
- “element”, in relation to universal credit, means any of the amounts specified in regulations under sections 9 to 12 of the Welfare Reform Act 2012 which are included in the calculation of an award of universal credit.]

#### Textual Amendments

**F833** S. 159D inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 23**; S.I. 2013/358, art. 2(1), Sch. 1 para. 20; S.I. 2013/983, art. 3(1)(b)(ii)

#### [<sup>F834</sup>**159E**Effect of alteration of rates of personal independence payment **U.K.**]

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—
  - (a) an award of personal independence payment is in force in favour of any person (“the recipient”); and
  - (b) an alteration in the rate of any component of personal independence payment affects the amount of personal independence payment to which he is entitled.
- (2) Where, as a result of the alteration, the amount of personal independence payment to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of personal independence payment in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

*Status: Point in time view as at 26/11/2014.*

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- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of personal independence payment as before, the award shall continue in force accordingly.
- (4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—
- (a) the amount of the alteration in the rate of any component of personal independence payment which he proposes to make by an order under section 150 or 152 or by or under any other enactment, and
  - (b) the date on which he proposes to bring the alteration in force (“the proposed commencing date”).
- (5) If, in a case where this subsection applies, an award of personal independence payment is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—
- (a) may provide for personal independence payment to be paid as from the proposed commencing date by reference to the rates of the component of personal independence payment which will be in force on that date, or
  - (b) may be expressed in terms of the rates of those components in force at the date of the award.
- (6) In this section—
- “alteration” means alteration by or under any enactment;
- “the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;
- “component”, in relation to personal independence payment, means the daily living component or mobility component (see sections 78 and 79 of the Welfare Reform Act 2012).]

#### Textual Amendments

**F834** S. 159E inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, [Sch. para. 6](#)

## 160 Implementation of increase in income support due to attainment of particular ages **U.K.**

- (1) This section applies where—
- (a) an award of income support is in force in favour of a person (“the recipient”); and
  - (b) there is a component which becomes applicable, or applicable at a particular rate, in his case if he or some other person attains a particular age.
- (2) If, in a case where this section applies, the recipient or other person attains the particular age referred to in paragraph (b) of subsection (1) above and, in consequence,
- (a) the component in question becomes applicable, or applicable at a particular rate, in the recipient's case (whether or not some other component ceases, for the same reason, to be applicable, or applicable at a particular rate, in his case); and



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- (b) after taking account of any such cessation, the recipient becomes entitled to an increased amount of income support,  
then, except as provided by subsection (3) below, as from the day on which he becomes so entitled, the amount of income support payable to or for him under the award shall be that increased amount, without any further decision of [<sup>F835</sup>the Secretary of State], and the award shall have effect accordingly.
- (3) Subsection (2) above does not apply in any case where, in consequence of the recipient or other person attaining the age in question, some question arises in relation to the recipient's entitlement to [<sup>F836</sup>personal independence payment or to] any benefit under the Contributions and Benefits Act, other than—
- (a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in his case; and
- (b) the question whether, in consequence, the amount of his income support falls to be varied.
- (4) In this section “component”, in relation to a person and his income support, means any of the sums specified in regulations under section 135(1) of the Contributions and Benefits Act.

#### Textual Amendments

**F835** Words in s. 160(2) substituted (29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 7 para. 97](#); S.I. 1999/3178, art. 2(1)(a), Sch. 1

**F836** Words in s. 160(3) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 22](#); S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

#### [<sup>F837</sup>160] **Implementation of increase in income-based jobseeker's allowance due to attainment of particular ages** **U.K.**

- (1) This section applies where—
- (a) an award of an income-based jobseeker's allowance is in force in favour of a person (“the recipient”); and
- (b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).
- (2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an income-based jobseeker's allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of [<sup>F838</sup>the Secretary of State]; and the award shall have effect accordingly.
- (3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to—
- (a) a benefit under the Contributions and Benefits Act;
- [<sup>F839</sup>(aa) personal independence payment;] or
- (b) a jobseeker's allowance.

*Status: Point in time view as at 26/11/2014.*

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- (4) Subsection (3)(b) above does not apply to the question—
- (a) whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case; and
  - (b) whether, in consequence, the amount of his income-based jobseeker's allowance falls to be varied.
- (5) In this section “component”, in relation to a recipient and his jobseeker's allowance, means any of the amounts determined in accordance with regulations made under section 4(5) of the Jobseekers Act 1995.]

#### Textual Amendments

**F837** S. 160A inserted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), **ss. 25, 41(2)**; S.I. 1996/2208, art. 2(b)

**F838** Words in s. 160A(2) substituted (18.10.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), **Sch. 7 para. 98**; S.I. 1999/2860, art. 2(c), Sch. 1

**F839** S. 160A(3)(aa) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 9 para. 23**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

#### [<sup>F840</sup> **160B** Implementation of increases in employment and support allowance due to attainment of particular ages **U.K.**]

- (1) This section applies where—
- (a) an award of an employment and support allowance is in force in favour of a person (“the recipient”), and
  - (b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).
- (2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an employment and support allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.
- (3) Subsection (2) does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to<sup>F841</sup>—
- (a) a benefit under the Contributions and Benefits Act; or
  - (b) personal independence payment.]
- (4) Subsection (2) does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to an employment and support allowance, other than—
- (a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case, and
  - (b) the question whether, in consequence, the amount of his employment and support allowance falls to be varied.

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- (5) In this section, “component”, in relation to a recipient and his employment and support allowance, means any of the amounts determined in accordance with regulations made under section 2(1)(a) or 4(2)(a) of the Welfare Reform Act 2007.]

#### Textual Amendments

**F840** S. 160B inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(24\)](#); S.I. 2008/787, art. 2(4)(f)

**F841** Words in s. 160B(3) substituted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 24](#); S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

## PART XII **U.K.**

### FINANCE

#### 161 **National Insurance Fund** **U.K.**

- [<sup>F842</sup>(1) The National Insurance Fund shall be maintained under the control and management of the Commissioners for Her Majesty’s Revenue and Customs.]
- (2) Accounts of the National Insurance Fund shall be prepared [<sup>F843</sup>by the Inland Revenue] in such form, and in such manner and at such times, as the Treasury may direct, and the Comptroller and Auditor-General shall examine and certify every such account and shall lay copies of it, together with his report on it, before Parliament.
- (3) Any money in the National Insurance Fund may from time to time be paid over to the National Debt Commissioners and be invested by them <sup>F844</sup>... in any such manner for the time being specified in Part II of Schedule 1 to the <sup>M23</sup>Trustee Investments Act 1961 as the Treasury may specify by an order of which a draft has been laid before Parliament.
- (4) The National Debt Commissioners shall present to Parliament annually an account of the securities in which money in the National Insurance Fund is for the time being invested.

#### Textual Amendments

**F842** S. 161(1) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 3 para. 51\(2\)](#); S.I. 1999/527, art. 2(b), [Sch. 2](#)

**F843** Words in s. 161(2) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 3 para. 51\(3\)](#); S.I. 1999/527, art. 2(b), [Sch. 2](#)

**F844** Words in s. 161(2) omitted (1.4.1999) by virtue of [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 3 para. 51\(4\)](#); S.I. 1999/527, art. 2(b), [Sch. 2](#)

#### Marginal Citations

**M23** 1961 c. 62.

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## 162 Destination of contributions **U.K.**

- (1) Contributions received by the [<sup>F845</sup>Inland Revenue]<sup>F846</sup> ... shall be paid by [<sup>F845</sup>them] into the National Insurance Fund after deducting <sup>F847</sup> ... the appropriate national health service allocation <sup>F847</sup> ... .
- <sup>F848</sup>(2) .....
- [<sup>F849</sup>(2A) [<sup>F850</sup>The reference to contributions in subsection (1) above includes] payments on account of contributions made in accordance with regulations under section 3(5) of the Contributions and Benefits Act (Payments on account of directors's contributions.)]
- (3) The additions paid under section 1(5) of the Contributions and Benefits Act shall be paid, in accordance with any directions given by the Treasury, into the National Insurance Fund.
- [<sup>F851</sup>(4) There shall be paid into the National Insurance Fund—
- (a) so much of any interest recovered by the Inland Revenue by virtue of paragraph 6 of Schedule 1 to the Contributions and Benefits Act [<sup>F852</sup>or section 101 of the Finance Act 2009][<sup>F853</sup>, or from persons in Great Britain by virtue of paragraph 6 of Schedule 2 to [<sup>F854</sup>the Contributions and Benefits Act,]] as remains after the deduction by them of any administrative costs attributable to its recovery,
  - (b) the amounts apportioned to [<sup>F855</sup>contributions] under sub-paragraph (6) of Paragraph 7 of Schedule 1 to the Contributions and Benefits Act in respect of the penalties mentioned in that sub-paragraph, and
  - (c) so much of any penalty otherwise imposed by virtue of that paragraph and recovered by the Inland Revenue as remains after the deduction by them of any administrative costs attributable to its recovery.]
- <sup>F856</sup>(4ZA) .....
- [<sup>F857</sup>(4ZB) [<sup>F858</sup>Subsection (4)(b) and (c)] above shall have effect notwithstanding any provision which treats a penalty under section 98 or 98A of the Taxes Management Act 1970 as if it were tax charged in an assessment and due and payable.]
- [<sup>F859</sup>(4A) The sums recovered by the [<sup>F860</sup>Inland Revenue] under regulations made under paragraph 7A [<sup>F861</sup>, 7B or 7BZA] of Schedule 1 to the Contributions and Benefits Act in respect of interest or penalties shall be paid into the National Insurance Fund.]
- (5) In subsection (1) above “the appropriate national health service allocation” means [<sup>F862</sup>[<sup>F863</sup>50] per cent of the product of the additional rate together with] —
- (a) in the case of primary Class 1 contributions, [<sup>F864</sup>2.05] per cent. of the amount estimated to be that of [<sup>F865</sup>so much of the earnings in respect of which those contributions were paid as exceeded [<sup>F866</sup>the primary threshold] but did not exceed the upper earnings limit;]
  - (b) in the case of secondary Class 1 contributions, [<sup>F867</sup>1.9] per cent. of the amount estimated to be that of the [<sup>F868</sup>total] earnings in respect of which [<sup>F869</sup>primary Class 1 contributions] were paid;
  - (c) in the case of Class 1A contributions, [<sup>F867</sup>1.9] per cent. of the amount estimated to be the aggregate of the [<sup>F870</sup>general earnings] used in calculating those contributions;
- [<sup>F871</sup>(ca) in the case of Class 1B contributions, [<sup>F867</sup>1.9] per cent of the amount estimated to be the aggregate of the [<sup>F872</sup>general earnings] and the amounts of income tax in respect of which those contributions were paid;]

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- (d) in the case of Class 2 contributions, 15.5 per cent. of the amount estimated to be the total of those contributions;
  - (e) in the case of Class 3 contributions, 15.5 per cent. of the amount estimated to be the total of those contributions; and
  - (f) in the case of Class 4 contributions, [<sup>F873</sup>2.15 per cent of the amount estimated to be that of so much of the profits or gains, or earnings, in respect of which those contributions were paid as exceeded the lower limit specified in paragraph (a) of subsection (3) of section 15, and in paragraph (a) of subsection (1A) of section 18, of the Contributions and Benefits Act but did not exceed the upper limit specified in those subsections.]
- [<sup>F874</sup>(5A) In subsection (5) above “the product of the additional rate” means the amount estimated to be the aggregate of—
- (a) so much of the total of primary Class 1 contributions as is attributable to section 8(1)(b) of the Contributions and Benefits Act (additional primary percentage);
  - (b) so much of the total of Class 4 contributions under section 15 of that Act as is attributable to subsection (3)(b) of that section (additional Class 4 percentage); and
  - (c) so much of the total of Class 4 contributions payable by virtue of section 18 of that Act as is attributable to subsection (1A)(B) of that section (additional Class 4 percentage).]

(6) In [<sup>F875</sup>subsections (5) and (5A)] above “estimated” means estimated by the [<sup>F876</sup>Inland Revenue] in any manner which after consulting the Government Actuary or the Deputy Government Actuary [<sup>F876</sup>the Inland Revenue consider] to be appropriate and which the Treasury has approved.

[<sup>F877</sup>(6A) In the case of earners paid other than weekly, the reference in paragraph (a) of subsection (5) above to [<sup>F878</sup>the primary threshold or the upper earnings limit] shall be taken as a reference to the equivalent of [<sup>F878</sup>that threshold or limit prescribed under section 5(4)] of the Contributions and Benefits Act.]

(7) [<sup>F879</sup>The Treasury may] by order amend any of paragraphs (a) to (f) of subsection (5) above in relation to any tax year, by substituting for the percentage for the time being specified in that paragraph a different percentage.

(8) No order under section (7) above shall substitute a figure which represents an increase or decrease in the appropriate national health service allocation of more than—

    - (a) 0.1 per cent. of the relevant earnings, in the case of paragraph (a) or (b);
    - (b) 0.1 per cent. of the relevant aggregate, in the case of paragraph (c) [<sup>F880</sup>or (ca)];
    - (c) 4 per cent. of the relevant contributions, in the case of paragraph (d) or (e); or
    - (d) 0.2 per cent. of the relevant earnings, in the case of paragraph (f).

(9) From the national health service allocation in respect of contributions of any class there shall be deducted such amount as the [<sup>F881</sup>Inland Revenue] may estimate to be the portion of the total expenses incurred by [<sup>F882</sup>them] or any other government department in collecting contributions of that class which is fairly attributable to that allocation, and [<sup>F883</sup>the remainder shall be paid the Inland Revenue to the Secretary of State towards] the cost—

    - (a) of the national health service in England;
    - (b) of that service in Wales; and
    - (c) of that service in Scotland,

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in such shares as the Treasury may determine.

(10) The [<sup>F884</sup>Inland Revenue] shall pay any amounts deducted in accordance with subsection (9) above into the Consolidated Fund.

<sup>F885</sup>(11) . . . . .

(12) The [<sup>F886</sup>Inland Revenue] may make regulations modifying this section, in such manner as [<sup>F887</sup>they think] appropriate, in relation to the contributions of persons referred to in the following sections of the Contributions and Benefits Act—

- (a) section 116(2) (H.M. forces);
- (b) section 117(1) (mariners, airmen, etc.);
- (c) section 120(1) (continental shelf workers),

and in relation to any contributions which are reduced under section 6(5) of that Act.

#### Textual Amendments

- F845** Words in s. 162(1) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 52\(2\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F846** Words in s. 162(1) repealed (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\), s. 25\(1\), Sch. 2](#); S.I. 1997/1577, art. 2, Sch.
- F847** Words in s. 162(1) repealed (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 2](#)
- F848** S. 162(2) repealed (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 2](#)
- F849** S. 162(2A) inserted (8.9.1998) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 99\(1\)](#); S.I. 1998/2209, art. 2(a), Sch. Pt. 1
- F850** Words in s. 162(2A) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 1 para. 19\(2\)](#)
- F851** S. 162(4) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 28\(2\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F852** Words in s. 162(4)(a) inserted (with effect in relation to payments which are due and payable in respect of the tax year 2014-15 and subsequent tax years) by [The Finance Act 2009, Sections 101 and 102 \(Interest on Late Payments and Repayments\), Appointed Days and Consequential Provisions Order 2014 \(S.I. 2014/992\), arts. 1\(1\), 5\(a\) \(with art. 1\(2\)\)](#)
- F853** Words in s. 162(4)(a) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 1 para. 19\(3\)](#)
- F854** Words in s. 162(4)(a) substituted (with effect in relation to payments which are due and payable in respect of the tax year 2014-15 and subsequent tax years) by [The Finance Act 2009, Sections 101 and 102 \(Interest on Late Payments and Repayments\), Appointed Days and Consequential Provisions Order 2014 \(S.I. 2014/992\), arts. 1\(1\), 5\(b\) \(with art. 1\(2\)\)](#)
- F855** Word in s. 162(4)(b) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 52\(4\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F856** S. 162(4ZA) repealed (1.9.2004) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\), s. 13, Sch. 1 para. 3\(3\)\(a\), Sch. 2](#); S.I. 2004/1943, art. 5(a)(iii)
- F857** S. 162(4ZA)(4ZB) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 5 para. 12](#); S.I. 1999/527, art. 2(b), Sch. 2
- F858** Words in s. 162(4ZB) substituted (1.9.2004) by [National Insurance Contributions and Statutory Payments Act 2004 \(c. 3\), s. 13, Sch. 1 para. 3\(3\)\(b\)](#); S.I. 2004/1943, art. 5(a)(iii)
- F859** S.s. 162(4A) inserted (6.4.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 99\(2\)](#); S.I. 1999/526, art. 2

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- F860** Words in s. 162(4A) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 28(3)**; S.I. 1999/527, art. 2(b), Sch. 2
- F861** Words in s. 162(4A) substituted (1.9.2004) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), s. 13, **Sch. 1 para. 3(3)(c)**; S.I. 2004/1943, art. 5(a)(iii)
- F862** Words in s. 162(5) inserted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), **ss. 4(2)(a)**, 8(2)
- F863** Figure in s. 162(5) substituted (6.4.2011) by National Insurance Contributions Act 2011 (c. 3), **ss. 3**, 13(1)
- F864** Figure in s. 162(5)(a) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), **ss. 4(2)(b)**, 8(2)
- F865** Words in s. 162(5)(a) substituted (with retrospective effect from 1.7.1992) by Social Security (Contributions) Act 1994 (c. 1), **s. 2(1)** (with s. 2(3))
- F866** Words in s. 162(5)(a) substituted (22.12.1999 for specified purposes, 6.4.2000 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(3)(a), **Sch. 9 para. 9(2)(a)**; S.I. 1999/3420, art. 2
- F867** Figure in s. 162(5)(b)(c)(ca) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), **ss. 4(2)(c)**, 8(2)
- F868** Word in s. 162(5)(b) inserted (22.12.1999 for specified purposes, 6.4.2000 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(3)(a), **Sch. 9 para. 9(2)(b)**; S.I. 1999/3420, art. 2
- F869** Words in s. 162(5)(b) substituted (6.4.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 99(3)**; S.I. 1999/418, art. 2
- F870** Words in s. 162(5)(c) substituted (6.4.2003) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 189(2)** (with Sch. 7)
- F871** S. 162(5)(ca) inserted (8.9.1998 for specified purposes, 6.4.1999 in so far as not already in force) by Social Security Act 1998 (c. 14), **ss 65(2)**, 87(2); S.I. 1998/2209, art. 2, Sch. Pts. II, III
- F872** Words in s. 162(5)(ca) substituted (6.4.2003) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 189(3)** (with Sch. 7)
- F873** Words in s. 162(5)(f) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), **ss. 4(2)(d)**, 8(2)
- F874** S. 162(5A) inserted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), **ss. 4(3)**, 8(2)
- F875** Words in s. 162(6) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), s. 8(2), **Sch. 1 para. 19(4)**
- F876** Words in s. 162(6) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(6)**; S.I. 1999/527, art. 2(b), Sch. 2
- F877** S. 162(6A) inserted (with retrospective effect from 1.7.1992) by Social Security (Contributions) Act 1994 (c. 1), **s. 2(2)** (with s. 2(3))
- F878** Words in s. 162(6A) substituted (22.12.1999 for specified purposes, 6.4.2000 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(3)(a), **Sch. 9 para. 9(3)**; S.I. 1999/3420, **art. 2**
- F879** Words in s. 162(7) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(7)**; S.I. 1999/527, art. 2(b), Sch. 2
- F880** Words in s. 162(8)(b) inserted (8.9.1998 for specified purposes, 6.4.1999 in so far as not already in force) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 99(4)**; S.I. 1998/2209, art. 2, Sch. Pts. II, III
- F881** Words in s. 162(9) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(8)(a)**; S.I. 1999/527, art. 2(b), Sch. 2
- F882** Word in s. 162(9) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(8)(b)**; S.I. 1999/527, art. 2(b), Sch. 2
- F883** Words in s. 162(9) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(8)(c)**; S.I. 1999/527, art. 2(b), Sch. 2

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- F884** Words in s. 162(10) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(9)**; S.I. 1999/527, art. 2(b), Sch. 2
- F885** S. 162(11) repealed (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(10), Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), Sch. 2
- F886** Words in s. 162(12) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(11)(a)**; S.I. 1999/527, art. 2(b), Sch. 2
- F887** Words in s. 162(12) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 52(11)(b)**; S.I. 1999/527, art. 2(b), Sch. 2

## 163 General financial arrangements **U.K.**

- (1) There shall be paid out of the National Insurance Fund—
- (a) benefit under Part II of the Contributions and Benefits Act;
  - (b) guardian's allowance;
  - (c) Christmas bonus if the relevant qualifying benefit is payable out of that Fund;
  - <sup>F888</sup>(d) any sum which, under regulations relating to statutory sick pay, statutory maternity pay, statutory adoption pay<sup>F889</sup>, ordinary statutory paternity pay or additional statutory paternity pay], falls to be paid by or on behalf of the Inland Revenue or to be set off against sums payable to the Inland Revenue otherwise than on account of contributions;]
  - <sup>F890</sup>(e) .....
- (2) There shall be paid out of money provided by Parliament—
- (a) any administrative expenses of the Secretary of State or other government department in carrying into effect the Contributions and Benefits Act or this Act;
  - <sup>F891</sup>(aa) any administrative expenses of the Secretary of State in supplying information about benefits under Part II of that Act in accordance with regulations under section 23 of the Welfare Reform and Pensions Act 1999;]
  - (b) benefit under Part III of <sup>F892</sup>the Contributions and Benefits Act], other than guardian's allowance;
  - (c) benefit under Part V of that Act;
  - (d) any sums payable by way of the following—
    - (i) income support;
    - <sup>F893</sup>(ii) .....
    - <sup>F893</sup>(iii) .....
    - (iv) rate rebate subsidy;
    - (v) rent rebate subsidy;
    - (vi) rent allowance subsidy;
    - (vii) <sup>F894</sup>council tax benefit subsidy];
  - (e) payments by the Secretary of State into the social fund under section 167(3) below;
  - (f) child benefit;
  - (g) Christmas bonus if the relevant qualifying benefit is payable out of such money;
  - (h) any sums falling to be paid by the Secretary of State <sup>F895</sup>or the Inland Revenue] under or by virtue of this Act by way of travelling expenses;
  - (i) <sup>F896</sup>.....



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except in so far as they may be required by any enactment to be paid or borne in some other way.

- (3) The administrative expenses referred to in subsection (2)(a) above include those in connection with any inquiry [<sup>F897</sup>undertaken—
- (a) on behalf of the Inland Revenue with a view to obtaining statistic relating to the operation of Part I of the Contributions and Benefits Act, and
  - (b) on behalf of the Secretary of State with a view to obtaining statistics relating to the operation of Parts II to VI and XI of that Act.]
- (4) Any sums required by [<sup>F898</sup>any person] for the purpose of paying any secondary Class 1 contributions [<sup>F899</sup>, or any Class 1A [<sup>F900</sup>or 1B] contributions,] which are payable by him in respect of an earner in consequence of the earner's employment in an office of which the emoluments are payable out of the Consolidated Fund shall be paid out of that Fund.
- (5) Any expenditure in respect of the payment of interest or repayment supplements under or by virtue of paragraph 6 [<sup>F901</sup>or 7B] of Schedule 1 to the Contributions and Benefits Act or paragraph 6 of Schedule 2 to that Act shall be defrayed out of the National Insurance Fund in accordance with any directions given by the Treasury.

#### Textual Amendments

- F888** S. 163(1)(d) substituted (8.12.2002) by [Employment Act 2002 \(c. 22\), ss. 6\(1\), 55\(2\)](#); S.I. 2002/2866, art. 2(2), Sch. 1 Pt. 2
- F889** Words in s. 163(1)(d) substituted (6.4.2010) by [Work and Families Act 2006 \(c. 18\), s. 19\(2\), Sch. 1 para. 27](#); S.I. 2010/495, art. 4(d)
- F890** S. 163(1)(e) omitted (6.10.1997) by virtue of [Social Security \(Recovery of Benefits\) Act 1997 \(c. 27\), s. 34\(2\), Sch. 3 para. 6, Sch. 4](#); S.I. 1997/2085, art. 2(2)
- F891** S. 163(2)(aa) inserted (1.12.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 12 para. 26\(a\)](#); S.I. 2000/1047, art. 2(2)(d), Sch. Pt. IV
- F892** Words in s. 163(2)(b) substituted (1.12.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 12 para. 26\(b\)](#); S.I. 2000/1047, art. 2(2)(d), Sch. Pt. IV
- F893** S. 163(2)(d)(ii)(iii) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6](#); S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)
- F894** Words in s. 163(2)(d)(vii) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 22](#) (with S.I. 1993/232, art. 2).
- F895** Words in s. 163(2)(h) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 29\(b\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F896** S. 163(2)(i) omitted (6.10.1997) by virtue of [Social Security \(Recovery of Benefits\) Act 1997 \(c. 27\), s. 34\(2\), Sch. 3 para. 6, Sch. 4](#); S.I. 1997/2085, art. 2(2)
- F897** Words in s. 163(3) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 53](#); S.I. 1999/527, art. 2(b), Sch. 2
- F898** Words in s. 163(4) substituted (with retrospective effect) by [Social Security Act 1998 \(c. 14\), s. 66\(1\)\(a\)](#)
- F899** Words in s. 163(4) substituted (with retrospective effect) by [Social Security Act 1998 \(c. 14\), s. 66\(1\)\(b\)](#)
- F900** Words in s. 163(4) added (6.4.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 100\(1\)](#); S.I. 1998/2209, art. 2(c), Sch. Pt. III
- F901** Words in s. 163(5) inserted (6.4.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 100\(2\)](#); S.I. 1999/526, art. 2(3)

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## 164 Destination of repayments etc **U.K.**

- (1) Subject to [<sup>F902</sup>section 38 of the Jobseekers Act 1995]<sup>F903</sup>, section 27 of the Welfare Reform Act 2007] and to] the following provisions of this section, so far as it relates to payments out of money provided by Parliament, any sum recovered by the Secretary of State under or by virtue of this Act shall be paid into the Consolidated Fund.
- (2) So far as any such sum relates to a payment out of the National Insurance Fund, it shall be paid into that Fund.
- (3) So far as any such sum relates to a payment out of the social fund, it shall be paid into that fund.
- (4) Sums repaid by virtue of paragraph 1(4)(e) of Schedule 9 to this Act as it has effect for the purposes of schemes under paragraph 2 or 4 of Schedule 8 to the Contributions and Benefits Act shall be paid into the Consolidated Fund.
- (5) There shall be paid into the National Insurance Fund—
  - <sup>F904</sup>(a) .....
  - (b) sums recovered by the Secretary of State by virtue of a scheme under paragraph 2 or 4 of Schedule 8 to the Contributions and Benefits Act making provision by virtue of paragraph 4 of Schedule 9 to this Act.
- (6) Any sums [<sup>F905</sup>recovered by the Secretary of State under section 15A above]<sup>F906</sup> ... shall be paid—
  - (a) into the Consolidated Fund, to the extent that the Secretary of State estimates that those sums relate to payments out of money provided by Parliament; and
  - (b) into the National Insurance Fund, to the extent that he estimates that they relate to payments out of that Fund.
- [<sup>F907</sup>(7) Any sums repaid to the Secretary of State in pursuance of section 119(1) of the 1975 Act (which related to the effect of adjudication and was repealed subject to a saving in relation to certain reviews and appeals) shall—
  - (a) be paid by him into the Consolidated Fund in so far as they represent benefit which under section 163 above is payable out of money provided by Parliament and not out of the National Insurance Fund; and
  - (b) otherwise, be paid by him into that Fund.]
- [<sup>F908</sup>(7) Any sums received by the Secretary of State under regulations made by virtue of section 15A(2)(b) above shall be paid into the Consolidated Fund.]
- [<sup>F909</sup>(8) All penalties recovered by the Secretary of State under section 115A [<sup>F910</sup>or 115B] above shall be paid into the Consolidated Fund.]

### Textual Amendments

**F902** Words in s. 164(1) inserted (7.10.96) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 65](#); S.I. 1996/2208, art. 2(b)

**F903** Words in s. 164(1) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(25\)](#); S.I. 2008/787, art. 2(4)(f)

**F904** S. 164(5)(a) repealed (5.7.1999 for specified purposes, 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 7 para. 101](#); S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with art. 3); S.I. 1999/3178, art. 2(1)(a), Sch. 1

**F905** Words in s. 164(6) substituted (1.7.1992) by [Social Security \(Mortgage Interest Payments\) Act 1992 \(c. 33\)](#), [Sch. para 2\(1\)](#)

*Status: Point in time view as at 26/11/2014.*

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- F906** Words in s. 164(6) omitted (6.10.1997) by virtue of [Social Security \(Recovery of Benefits\) Act 1997 \(c. 27\), s. 34\(2\), Sch. 3 para. 7, Sch. 4](#); S.I. 1997/2085, art. 2(2)
- F907** First s. 164(7) inserted (1.7.1992 until a day to be appointed) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), s. 6, Sch. 4 paras. 1, 19](#)
- F908** Second s. 164(7) added (1.7.1992) by [Social Security \(Mortgage Interest Payments\) Act 1992 \(c. 33\), Sch. para 2\(2\)](#)
- F909** S. 164(8) inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\), s. 25\(1\), Sch. 1 para. 8](#); S.I. 1997/1577, art. 2, Sch.
- F910** Words in s. 164(8) inserted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\), ss. 15\(2\), 20\(1\)](#); S.I. 2002/1222, art. 2(f)

## 165 Adjustments between National Insurance Fund and Consolidated Fund **U.K.**

- [<sup>F911</sup>(1) There shall be made out of the National Insurance Fund into the Consolidated Fund, or [<sup>F912</sup>by the Secretary of State out of money provided by Parliament to the Inland Revenue for payment into the National Insurance Fund]
- (a) such payments by way of adjustment as the Secretary of State determines (in accordance with any directions of the Treasury) to be appropriate in consequence of the operation of any enactment or regulations relating to—
- <sup>F913</sup>(i) .....
- <sup>F913</sup>(ii) .....
- (iii) the repayment or offsetting of benefit as defined in section 122 of the Contributions and Benefits Act[<sup>F914</sup>, universal credit][<sup>F915</sup>, personal independence payment] or other payments; and
- (b) such payments by way of adjustment as the Inland Revenue determine to be appropriate in consequence of the operation of any enactment or regulations relating to—
- (i) statutory sick pay; <sup>F916</sup>...
- (ii) statutory maternity pay;
- [<sup>F917</sup>(iii) ordinary statutory paternity pay;
- (iv) additional statutory paternity pay; and
- (v) statutory adoption pay.]]
- (2) Where any such payments as are specified in subsection (3) below fall to be made by way of adjustment, then, subject to subsection (4) below,—
- (a) the amount of the payments to be made shall be taken to be such, and
- (b) payments on account of them shall be made at such times and in such manner, as may be determined [<sup>F918</sup>by the appropriate authority].
- [<sup>F919</sup>(2A) In subsection (2) above “the appropriate authority” means—
- (a) the Secretary of State, in relation to payments falling to be made by him, or
- (b) in Inland Revenue, in relation to payments falling to be made by them;
- and any determination by the Secretary of State under that subsection must be made in accordance with any directions given by the Treasury.]
- (3) The payments mentioned in subsection (2) above are the following, that is to say—
- (a) any payments falling to be made by way of adjustment by virtue of [<sup>F920</sup>subsection (1)(a) and (b)] above;
- (b) any payments falling to be made by way of adjustment in consequence of the operation of any enactment or regulations relating to child benefit—

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- (i) out of the National Insurance Fund into the Consolidated Fund, or
    - (ii) into the National Insurance Fund out of money provided by Parliament; and
  - (c) any payments falling to be made by way of adjustment in circumstances other than those mentioned in subsection (1) or paragraph (b) above—
    - (i) out of the National Insurance Fund either to the Secretary of State or another government department or into the Consolidated Fund; or
    - (ii) into the National Insurance Fund out of money provided by Parliament.
- (4) In relation to payments falling within paragraph (a) or (c) of subsection (3) above, subsection (2) above only applies in such cases or classes of case as may be [<sup>F921</sup>specified—
  - (a) in relation to payments falling to be made by the Secretary of State, by the Secretary of State by order made with the concurrence of the Inland Revenue, or
  - (b) in relation to payments falling to be made by the Inland Revenue, by the Inland Revenue by order.]
- [<sup>F922</sup>(5) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct—
  - (a) such sums as the Inland Revenue may estimate to be the amount of the administrative expenses incurred by them as mentioned in section 163(2) (a) above [<sup>F923</sup>, or in carrying into effect any other legislation relating to [<sup>F924</sup>ordinary statutory paternity pay, additional statutory paternity pay] or statutory adoption pay [<sup>F925</sup>or the National Insurance Contributions Act 2014],] excluding any expenses which the Treasury may direct, or any enactment may require, to be excluded from the Inland Revenue's estimate under this subsection, and
  - (b) such sums as the Secretary of State may estimate (in accordance with any directions given by the Treasury) to be the amount of the administrative expenses incurred as mentioned in section 163(2)(a) [<sup>F926</sup>or (aa)] above by any government department other than the Inland Revenue, excluding the expenses specified in subsection (6) below.
- [<sup>F927</sup>(5A) There shall be excluded from the estimate under subsection (5)(a) above any expenses attributable to the carrying into effect of provisions of this Act so far as relating to state pension credit.]
- (6) The expenses excluded from the estimate under subsection (5)(b) above are—
  - (a) expenses attributable to the carrying effect of provisions of the Contributions and Benefits Act or this Act relating to the benefits which by virtue of section 163(2) above [<sup>F928</sup>, section 20 of the State Pension Credit Act 2002 [<sup>F929</sup>section 27 of the Welfare Reform Act 2007 or section 148 of the Welfare Reform Act 2012]] are payable out of the money provided by Parliament; and
  - (b) any other category of expenses which the Treasury may direct, or any enactment may require, to be excluded from the Secretary of State's estimate under subsection (5)(b) above;

but none of the administrative expenses of the Christmas bonus shall be excluded from that estimate by virtue of paragraph (a) or (b) above.]

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### Textual Amendments

- F911** S. 165(1) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 30(2)**; S.I. 1999/527, art. 2(b), Sch. 2
- F912** Words in s. 165(1) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 54(2)**; S.I. 1999/527, art. 2(b), Sch. 2
- F913** S. 165(1)(a)(i)(ii) repealed (5.10.1999) by Tax Credits Act 1999 (c. 10), s. 20(2), Sch. 2 para. 26, **Sch. 6**
- F914** Words in s. 165(1)(a)(iii) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 25(2)**; S.I. 2013/983, art. 3(1)(b)(ii)
- F915** Words in s. 165(1)(a)(iii) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 25**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F916** Word in s. 165(1)(b)(i) omitted (8.12.2002) by virtue of Employment Act 2002 (c. 22), **ss. 6(2)(a)(i), 55(2)**; S.I. 2002/2866, art. 2(2), Sch. 1 Pt. 2
- F917** S. 165(1)(b)(iii)-(v) substituted for s. 165(1)(b)(iii)(iv) (6.4.2010) by Work and Families Act 2006 (c. 18), s. 19(2), **Sch. 1 para. 28(2)**; S.I. 2010/495, art. 4(d)
- F918** Words in s. 165(2) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 30(3)**; S.I. 1999/527, art. 2(b), Sch. 2
- F919** S. 165(2A) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 30(4)**; S.I. 1999/527, art. 2(b), Sch. 2
- F920** Words in s. 165(3)(a) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 30(5)** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2
- F921** Words in s. 165(4) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 54(3)**; S.I. 1999/527, art. 2(b), Sch. 2
- F922** S. 165(5)(6) substituted for s. 165(5) (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 30(6)**; S.I. 1999/527, art. 2(b), Sch. 2
- F923** Words in s. 165(5)(a) inserted (8.12.2002) by Employment Act 2002 (c. 22), **ss. 6(2)(b), 55(2)**; S.I. 2002/2866, art. 2(2), Sch. 1 Pt. 2
- F924** Words in s. 165(5)(a) substituted (6.4.2010) by Work and Families Act 2006 (c. 18), s. 19(2), **Sch. 1 para. 28(3)**; S.I. 2010/495, art. 4(d)
- F925** Words in s. 165(5)(a) inserted (13.3.2014) by National Insurance Contributions Act 2014 (c. 7), **s. 19(1)**
- F926** Words in s. 165(5)(b) inserted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 27**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. IV
- F927** S. 165(5A) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 18(2)**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F928** Words in s. 165(6)(a) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(26)**; S.I. 2008/787, art. 2(4)(f)
- F929** Words in s. 165(6)(a) substituted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 25(3)**; S.I. 2013/983, art. 3(1)(b)(ii)

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## 166 Financial review and report **U.K.**

- (1) As from the end of the period of 5 years beginning with 6th April 1990, or such shorter period as the Secretary of State may direct, the Government Actuary or the Deputy Government Actuary shall review the operation during that period of—
- <sup>F930</sup>(a) the 1975 Act;
  - (b) Parts I to VI of the Contributions and Benefits Act (except Part I of Schedule 8);
  - (c) the provisions of the Jobseekers Act 1995 relating to a contribution-based jobseeker's allowance; and
  - (d) this Act [<sup>F931</sup><sup>F932</sup>, Chapter II of Part I of the Social Security Act 1998 and Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999] so far as they relate] to the provisions specified in paragraphs (b) and (c) above.]
- (2) As from the end of each review period, the Government Actuary or Deputy Government Actuary shall review the operation during that period of—
- <sup>F933</sup>(a) Parts I to VI of the Contributions and Benefits Act (except Part I of Schedule 8);
  - (b) the provisions of the Jobseekers Act 1995 relating to a contribution-based jobseeker's allowance;
  - <sup>F934</sup>(ba) the provisions of Part 1 of the Welfare Reform Act 2007 relating to contributory employment and support allowance;] and
  - (c) this Act [<sup>F935</sup><sup>F936</sup>, Chapter II of Part I of the Social Security Act 1998 and Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999] so far as they relate] to the provisions specified in paragraphs (a) [<sup>F937</sup>to (ba)] above.]
- (3) For the purposes of subsection (2) above, a review period is—
- (a) the period of five tax years, or
  - (b) such shorter period as the [<sup>F938</sup>Treasury] may direct in respect of any review. from the end of the last period to be subject to a review under this section.
- (4) It shall be the object of a review under this section to determine the extent to which level at which the National Insurance Fund stands from year to year may be expected in the longer term to bear a proper relation to demands in respect of payments of benefit; and for this purpose the Actuary shall take into account—
- (a) current rates of contributions;
  - (b) the yield to be expected from contributions in the longer term; and
  - (c) such other matters as he considers to be relevant as affecting the present and future level of the Fund.
- (5) After completing his review, the Government Actuary or Deputy Government Actuary shall report to the Secretary of State [<sup>F939</sup>and the Treasury] his opinion on the question referred to in subsection (4) above; and the [<sup>F940</sup>Treasury] shall lay a copy of the report before Parliament.

### Textual Amendments

**F930** Words in s. 166(1) substituted (11.6.96) by *Jobseeker's Act 1995* (c. 18), s. 41(2), **Sch. 2 para. 66(2)**; S.I. 1996/1509, art. 2, Sch.

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- F931** Words in s. 166(1)(d) substituted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by **Social Security Act 1998** (c. 14), s. 87(2), **Sch. 7 para. 102(1)**; S.I. 1999/1958, art. 2(1)(b)(2), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F932** Words in s. 166(1)(d) substituted (5.7.1999) by **Social Security Contributions (Transfer of Functions, etc.) Act 1999** (c. 2), s. 28(3), **Sch. 7 para. 14(2)**; S.I. 1999/1662, art. 2(b), Sch. Pt. II
- F933** Words in s. 166(2) substituted (11.6.96) by **Jobseeker's Act 1995** (c. 18), s. 41(2), **Sch. 2 para. 66(3)**; S.I. 1996/1509, art. 2, Sch.
- F934** S. 166(2)(ba) inserted (27.10.2008) by **Welfare Reform Act 2007** (c. 5), s. 70(2), **Sch. 3 para. 10(27)(a)**; S.I. 2008/787, art. 2(4)(f)
- F935** Words in s. 166(2)(c) substituted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by **Social Security Act 1998** (c. 14), s. 87(2), **Sch. 7 para. 102(2)**; S.I. 1999/1958, art. 2(1)(b)(2), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F936** Words in s. 166(2)(c) substituted (5.7.1999) by **Social Security Contributions (Transfer of Functions, etc.) Act 1999** (c. 2), s. 28(3), **Sch. 7 para. 14(3)**; S.I. 1999/1662, art. 2(b), Sch. Pt. II
- F937** Words in s. 166(2)(c) substituted (27.10.2008) by **Welfare Reform Act 2007** (c. 5), s. 70(2), **Sch. 3 para. 10(27)(b)**; S.I. 2008/787, art. 2(4)(f)
- F938** Word in s. 166(3)(b) substituted (1.4.1999) by **Social Security Contributions (Transfer of Functions, etc.) Act 1999** (c. 2), s. 28(3), **Sch. 3 para. 55(2)**; S.I. 1999/527, art. 2(b), Sch. 2
- F939** Words in s. 166(5) inserted (1.4.1999) by **Social Security Contributions (Transfer of Functions, etc.) Act 1999** (c. 2), s. 28(3), **Sch. 3 para. 55(3)(a)**; S.I. 1999/527, art. 2(b), Sch. 2
- F940** Word in s. 166(5) substituted (1.4.1999) by **Social Security Contributions (Transfer of Functions, etc.) Act 1999** (c. 2), s. 28(3), **Sch. 3 para. 55(3)(b)**; S.I. 1999/527, art. 2(b), Sch. 2

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

- C39** S. 166 modified (temp.) (1.4.1999) by **The Social Security Contributions, etc. (Decisions and Appeals —Transitional Modifications) Regulations 1999** (S.I. 1999/978), regs. 1, 2, **Sch.**

**167 The social fund** **U.K.**

- (1) The fund known as the social fund shall continue in being by that name.
- (2) The social fund shall continue to be maintained under the control and management of the Secretary of State and payments out of it shall be made by him.
- (3) The Secretary of State shall make payments into the social fund of such amounts, at such times and in such manner as he may with the approval of the Treasury determine.
- (4) Accounts of the social fund shall be prepared in such form, and in such manner and at such times, as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies of it, together with his report, before Parliament.
- (5) The Secretary of State shall prepare an annual report on the social fund.
- (6) A copy of every such report shall be laid before each House of Parliament.

**168 Allocations from social fund** **U.K.**

- [<sup>F941</sup>(1) The Secretary of State shall allocate amounts for payments from the social fund such as are mentioned in section 138(1)(b) of the Contributions and Benefits Act [<sup>F942</sup>(in this section referred to as “section 138(1)(b) payments”)] in a financial year.

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- (2) The Secretary of State may specify the amounts either as sums of money or by reference to money falling into the social fund on the repayment or partial repayment of loans, or partly in the former and partly in the latter manner.
- (3) Allocations—
- [<sup>F943</sup>(a) may be for all section 138(1)(b) payments or for any description of such payments;]
  - (b) may be of different amounts for [<sup>F944</sup>payments of different descriptions];
  - (c) may be made at such time or times as the Secretary of State considers appropriate; and
  - (d) may be in addition to any other allocation <sup>F945</sup>...
- [<sup>F946</sup>(3A) Without prejudice to the generality of subsection (3)(a), descriptions of section 138(1) (b) payments may, in particular, be framed by reference to—
- (a) the purposes for which payments are made;
  - (b) the persons by whom payments are made (including where such persons are located);
  - (c) the persons to whom payments are made (including where such persons are located).]

(4) The Secretary of State may at any time re-allocate amounts previously allocated, and subsections (2) and (3) above shall have effect in relation to a re-allocation as they have effect in relation to an allocation.

(5) The Secretary of State may give general directions to [<sup>F947</sup>appropriate officers] or groups of [<sup>F947</sup>appropriate officers], or to any class of [<sup>F947</sup>appropriate officers], with respect to the control and management by [<sup>F947</sup>appropriate officers] or groups of [<sup>F947</sup>appropriate officers] of [<sup>F948</sup>any amounts allocated to them] under this section.

[<sup>F949</sup>(6) In this section “appropriate officer” means an officer of the Secretary of State who, acting under his authority, is exercising functions of the Secretary of State in relation to [<sup>F950</sup>section 138(1)(b) payments].]

#### Textual Amendments

- F941** S. 168 repealed (1.4.2013) (with savings relating to budgeting loans and relating to community care grants and crisis loans applied for before 1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 8**; S.I. 2012/3090, art. 2(1)(d) (with art. 3)
- F942** Words in s. 168(1) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 55(2), 70(1)
- F943** S. 168(3)(a) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 55(3)(a), 70(1)
- F944** Words in s. 168(3)(b) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 55(3)(b), 70(1)
- F945** Words in s. 168(3)(d) repealed (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 55(3)(c), 70(1), **Sch. 8**
- F946** S. 168(3A) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 55(4), 70(1)
- F947** Words in s. 168(5) substituted (29.11.1999 except for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s 87(2), **Sch. 7 para. 103(2)**; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F948** Words in s. 168(5) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 7 para. 3(4)**
- F949** S. 168(6) inserted (29.11.1999 except for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s 87(2), **Sch. 7 para. 103(3)**; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F950** Words in s. 168(6) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 7 para. 3(5)**



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## 169 Adjustments between social fund and other sources of finance **U.K.**

- (1) There shall be made—
- (a) out of the social fund into the Consolidated Fund or the National Insurance fund;
  - (b) into the social fund out of money provided by Parliament or the National Insurance Fund,
- such payments by way of adjustments as the Secretary of State determines (in accordance with any directions of the Treasury) to be appropriate in consequence of any enactment or regulations relating to the repayment or offsetting of a benefit or other payment under the Contributions and Benefits Act [<sup>F951</sup>or section 20 of the State Pension Credit Act 2002].
- (2) Where in any other circumstances payments fall to be made by way of adjustment—
- (a) out of the social fund into the Consolidated Fund or the National Insurance Fund; or
  - (b) into the social fund out of money provided by Parliament or the National Insurance Fund,
- then, in such cases or classes of case as may be specified by the Secretary of State by order, the amount of the payments to be made shall be taken to be such, and payments on account of it shall be made at such times and in such manner, as may be determined by the Secretary of State in accordance with any direction given by the Treasury.

### Textual Amendments

**F951** Words in s. 169(1) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\), s. 22\(3\), Sch. 2 para. 19](#); S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)

## PART XIII **U.K.**

### ADVISORY BODIES AND CONSULTATION

#### *The Social Security Advisory Committee and the Industrial Injuries Advisory Council*

## 170 The Social Advisory Committee **U.K.**

- (1) The Social Security Advisory Committee (in this Act referred to as “the Committee”) constituted under section 9 of the <sup>M24</sup>Social Security Act 1980 shall continue in being by that name—
- (a) to give (whether in pursuance of a reference under this Act or otherwise) advice and assistance to the Secretary of State in connection with the discharge of his functions under the relevant enactments;
  - (b) to give (whether in pursuance of a reference under this Act or otherwise) advice and assistance to the Northern Ireland Department in connection with the discharge of its functions under the relevant Northern Ireland enactments; and
  - (c) to perform such other duties as may be assigned to the Committee under any enactment.

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- (2) Schedule 5 to this Act shall have effect with respect to the constitution of the Committee and the other matters there mentioned.
- (3) The Secretary of State may from time to time refer to the Committee for consideration and advice such questions relating to the operation of any of the relevant enactments as he thinks fit (including questions as to the advisability of amending any of them).
- (4) The Secretary of State shall furnish the Committee with such information as the Committee may reasonably require for the proper discharge of its functions.

(5) In this Act—

“the relevant enactments” means—

- (a) the provisions of the Contributions and Benefits Act<sup>F952</sup>, this Act and the Social Security (Incapacity for Work) Act 1994], except as they apply to industrial injuries benefit and Old Cases payments;
- (aa) <sup>F953</sup> the provision of the Jobseekers Act 1995;]
- (ab) <sup>F954</sup> .....
- (ac) [<sup>F955</sup>the provisions of the Social Security (Recovery of Benefits) Act 1997; and]
- (ad) [<sup>F956</sup>the provisions of Chapter II of Part I of the Social Security Act 1998 and section 72 of that Act;]
- (ae) [<sup>F957</sup>sections <sup>F958</sup>... , 72 and 79 of the Welfare Reform and Pensions Act 1999;]
- (af) [<sup>F959</sup>section 42 <sup>F958</sup>... and [<sup>F960</sup>sections 69 and 70 of the Child Support, Pensions and Social Security Act 2000;]]
- (ag) [<sup>F961</sup>[<sup>F962</sup>sections 6A to 11] of the Social Security Fraud Act 2001;]
- (ah) [<sup>F963</sup>the provisions of the State Pension Credit Act 2002;]
- (ai) [<sup>F964</sup>section 7 of the Age-Related Payments Act 2004;]
- (aia) [<sup>F965</sup>the provisions of Part 1 of the Welfare Reform Act 2007;]
- (aj) [<sup>F966</sup>sections 32 and 33 of the Welfare Reform Act 2007;]
- (ak) [<sup>F967</sup>the provisions of Part 1 of the Welfare Reform Act 2012;]
- (al) [<sup>F968</sup>Part 4 of that Act;] and
- (b) the provisions of Part II of Schedule 3 to the Consequential Provisions Act, except as they apply to industrial injuries benefit; and

“the relevant Northern Ireland enactments” means—

- (a) the provisions of the Northern Ireland Contributions and Benefits Act and the Northern Ireland Administration Act, except as they apply to Northern Ireland industrial injuries benefit and payments under Part I of Schedule 8 to the Northern Ireland Contributions and Benefits Act; and
- (aa) [<sup>F969</sup>any provisions in Northern Ireland which correspond to provisions of the Jobseekers Act 1995; and]
- (ab) <sup>F970</sup> .....
- (ac) [<sup>F971</sup>any provisions in Northern Ireland which correspond to provisions of the Social Security (Recovery of Benefits) Act 1997; and]
- (ad) [<sup>F972</sup>any provision in Northern Ireland which correspond to provisions of Chapter II of Part I of the Social Security Act 1998 and section 72 of that Act;]
- (ae) [<sup>F973</sup>any provisions in Northern Ireland which correspond to sections <sup>F958</sup>..., 72 and 79 of the Welfare reform and Pensions Act 1999;]

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- (af) [<sup>F974</sup>any provisions in Northern Ireland which correspond to section 42, any of [<sup>F975</sup>sections 69 and 70 of the Child Support, Pensions and Social Security Act 2000]; and]
  - (ag) [<sup>F976</sup>any provisions in Northern Ireland which correspond to [<sup>F977</sup>sections 6A to 11] of the Social Security Fraud Act 2001; and]
  - (ah) [<sup>F978</sup>any provisions in Northern Ireland which correspond to provisions of the State Pension Credit Act 2002; and]
  - (ai) [<sup>F979</sup> Article 9 of the Age-Related Payments (Northern Ireland) Order 2004;]
  - (aia) [<sup>F980</sup>any provisions in Northern Ireland which correspond to provisions of Part 1 of the Welfare Reform Act 2007;]
  - (aj) [<sup>F981</sup>any provisions in Northern Ireland which correspond to sections 32 and 33 of the Welfare Reform Act 2007;]
  - (ak) [<sup>F982</sup>any provisions in Northern Ireland which correspond to the provisions of Part 1 of the Welfare Reform Act 2012;]
  - (al) [<sup>F983</sup>any provisions in Northern Ireland which correspond to Part 4 of that Act;]
  - (b) the provisions of Part II of Schedule 3 to the <sup>M25</sup>Social Security (Consequential Provisions) (Northern Ireland) Act 1992, except as they apply to Northern Ireland industrial injuries benefit; and
  - (c) <sup>F984</sup> .....
- and in this definition—
- (i) “Northern Ireland Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
  - (ii) “Northern Ireland industrial injuries benefit” means benefit under Part V of the Northern Ireland Contributions and Benefits Act other than under Schedule 8 to that Act.

#### Textual Amendments

- F952** Words in s. 170(5) substituted (13.4.1995) by Social Security (Incapacity for Work) Act 1994 (c. 18), s. 16(3), **Sch. 1 para. 51**; S.I. 1994/2926, art. 2(4), Sch. Pt. IV
- F953** Words in s. 170(5) inserted (22.4.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 67(a)**; S.I. 1996/1126, art. 2(a)
- F954** Words in s. 170(5) repealed (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(e)(2), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F955** Words in s. 170(5) inserted (6.10.1997) by Social Security (Recovery of Benefits) Act 1997 (c. 27), s. 34(2), **Sch. 3 para. 8(a)**; S.I. 1997/2085, art. 2(2)
- F956** Words in s. 170(5) inserted (4.3.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 104(a)**; S.I. 1999/528, art. 2(b)
- F957** Words in s. 170(5) inserted (11.11.1999) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(4) (e), **Sch. 12 para. 81(a)**
- F958** Words in s. 170(5) repealed (22.3.2010) by Welfare Reform Act 2009 (c. 24), s. 61(3), **Sch. 7 Pt. 3**; S.I. 2010/293, art. 2(3)(b) (with art. 2(4))
- F959** Words in s. 170(5) inserted (1.11.2000 for specified purposes, 1.12.2000 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 73(2)**, 86; S.I. 2000/2950, art. 4; S.I. 2000/3166, art. 2(2)(d)
- F960** Words in s. 170(5) substituted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 26(2)(a)**; S.I. 2013/358, art. 3(a)

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- F961** Words in s. 170(5) inserted (1.4.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 12(3)(a)**, 20(1); S.I. 2001/3689, art. 2(2)
- F962** Words in s. 170(5) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by Welfare Reform Act 2009 (c. 24), s. 61(3), **Sch. 4 para. 9(a)**; S.I. 2010/45, art. 2(1)(2)
- F963** Words in s. 170(5) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 20(a)**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F964** Words in s. 170(5) inserted (8.7.2004) by Age-Related Payments Act 2004 (c. 10), **s. 7(5)**
- F965** Words in s. 170(5) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(28)(a)**; S.I. 2008/787, art. 2(4)(f)
- F966** Words in s. 170(5) inserted (1.4.2008 for specified purposes, 6.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), **ss. 33(7)(a)**, 70(2); S.I. 2008/411, art. 2(1)(b)(2)
- F967** Words in s. 170(5) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 26(2)(b)**; S.I. 2013/358, **art. 3(a)**
- F968** Words in s. 170(5) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 26(a)**; S.I. 2013/358, art. 3(c)
- F969** Words in s. 170(5) inserted (22.4.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 67(b)**; S.I. 1996/1126, art. 2(a)
- F970** Words in s. 170(5) repealed (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), s. 68(1)(2), **Sch. 9 Pt. I** (with s. 66(6)); S.R. 2003/53, art. 3, Sch.
- F971** Words in s. 170(5) inserted (6.10.1997) by Social Security (Recovery of Benefits) Act 1997 (c. 27), s. 34(2), **Sch. 3 para. 8(b)**; S.I. 1997/2085, art. 2(2)
- F972** Words in s. 170(5) inserted (4.3.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 104(b)**; S.I. 1999/528, art. 2(b)
- F973** Words in s. 170(5) inserted (11.11.1999) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(4) (e), **Sch. 12 para. 81(b)**
- F974** Words in s. 170(5) inserted (1.11.2000 for specified purposes, 1.12.2000 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 73(3)**, 86; S.I. 2000/2950, art. 4; S.I. 2000/3166, art. 2(2)(d)
- F975** Words in s. 170(5) substituted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 26(3)(a)**; S.I. 2013/358, **art. 3(a)**
- F976** Words in s. 170(5) inserted (1.4.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 12(3)(b)**, 20(1); S.I. 2001/3689, art. 2(2)
- F977** Words in s. 170(5) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by Welfare Reform Act 2009 (c. 24), s. 61(3), **Sch. 4 para. 9(b)**; S.I. 2010/45, art. 2(1)(2)
- F978** Words in s. 170(5) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 20(b)**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F979** Words in s. 170(5) inserted (4.8.2004) by The Age-Related Payments (Northern Ireland) Order 2004 (S.I. 2004/1987), arts. 1(2), **9(6)**
- F980** Words in s. 170(5) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(28)(b)**; S.I. 2008/787, art. 2(4)(f)
- F981** Words in s. 170(5) inserted (1.4.2008 for specified purposes, 6.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), **ss. 33(7)(b)**, 70(2); S.I. 2008/411, art. 2(1)(b)(2)
- F982** Words in s. 170(5) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 26(3)(b)**; S.I. 2013/358, **art. 3(a)**
- F983** Words in s. 170(5) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 26(b)**; S.I. 2013/358, art. 3(c)
- F984** Words in s. 170(5) repealed (6.4.1997) by The Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), art. 1(2), **Sch. 5 Pt III**; S.R. 1997/192, art. 2(b)

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#### Marginal Citations

M24 1980 c. 30.

M25 1992 c. 9.

### 171 The Industrial Injuries Advisory Council **U.K.**

- (1) The Industrial Injuries Advisory Council (in this Act referred to as “the Council”) constituted under section 62 of the<sup>M26</sup>National Insurance (Industrial Injuries) Act 1965 shall continue in being by that name.
- (2) Schedule 6 to this Act shall have effect with respect to the constitution of the Council and the other matters there mentioned.
- (3) The Secretary of State may from time to time refer to the Council for consideration and advice such questions as he thinks fit relating to industrial injuries benefit or its administration.
- (4) The Council may also give advice to the Secretary of State on any other matter relating to such benefit or its administration.

#### Marginal Citations

M26 1965 c. 52.

### 172 Functions of Committee and Council in relation to regulations **U.K.**

- (1) Subject—
  - (a) to subsection (3) below; and
  - (b) to section 173 below,where the Secretary of State proposes to make regulations under any of the relevant enactments he shall refer the proposals, in the form of draft regulations or otherwise to the Committee.
- (2) Subject—
  - (a) to subsection (4) below; and
  - (b) to section 173 below,where the Secretary of State proposes to make regulations relating only to industrial injuries benefit or its administration, he shall refer the proposals, in the form of draft regulations or otherwise, to the Council for consideration and advice.
- (3) Subsection (1) above does not apply to the regulations specified in Part I of Schedule 7 to this Act.
- (4) Subsection (2) above does not apply to the regulations specified in Part II of that Schedule.
- (5) In relation to regulations required or authorised to be made by the Secretary of State in conjunction with the Treasury, the reference in subsection (1) above to the Secretary of State shall be construed as a reference to the Secretary of State and the Treasury.

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### 173 Cases in which consultation is not required **U.K.**

- (1) Nothing in any enactment shall require any proposals in respect of regulations to be referred to the Committee or the Council if—
  - (a) it appears to the Secretary of State that by reason of the urgency of the matter it is inexpedient so to refer them; or
  - (b) the relevant advisory body have agreed that they shall not be referred.
- (2) Where by virtue only of subsection (1)(a) above the Secretary of State makes regulations without proposals in respect of them having been referred, then, unless the relevant advisory body agrees that this subsection shall not apply, he shall refer the regulations to that body as soon as practicable after making them.
- (3) Where the Secretary of State has referred proposals to the Committee or the Council, he may make the proposed regulations before the Committee have made their report or, as the case may be the Council have given their advice, only if after the reference it appears to him that by reason of the urgency of the matter it is expedient to do so.
- (4) Where by virtue of this section regulations are made before a report of the Committee has been made, the Committee shall consider them and make a report to the Secretary of State containing such recommendations with regard to the regulations as the Committee thinks appropriate; and a copy of any report made to the Secretary of State on the regulations shall be laid by him before each House of Parliament together, if the report contains recommendations, with a statement—
  - (a) of the extent (if any) to which the Secretary of State proposes to give effect to the recommendations; and
  - (b) in so far as he does not propose to give effect to them, of his reasons why not.
- (5) Except to the extent that this subsection is excluded by an enactment passed after 25th July 1986, nothing in any enactment shall require the reference to the Committee or the Council of any regulations contained in either—
  - (a) a statutory instrument made before the end of the period of 6 months beginning with the coming into force of the enactment under which those regulations are made; or
  - (b) a statutory instrument—
    - (i) which states that it contains only regulations made by virtue of, or consequential upon, a specified enactment; and
    - (ii) which is made before the end of the period of 6 months beginning with the coming into force of that specified enactment.
- (6) In relation to regulations required or authorised to be made by the Secretary of State in conjunction with the Treasury, any reference made in this section to the Secretary of State shall be construed as a reference to the Secretary of State and the Treasury.
- (7) In this section “regulations” means regulations under any enactment, whenever passed.

### 174 Committee's report on regulations and Secretary of State's duties **U.K.**

- (1) The Committee shall consider any proposals referred to it by the Secretary of State under section 172 above and shall make to the Secretary of State a report containing such recommendations with regard to the subject-matter of the proposals as the Committee thinks appropriate.

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- (2) If after receiving a report of the Committee the Secretary of State lays before Parliament any regulations or draft regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations or draft regulations a copy of the Committee's report and a statement showing—
  - (a) the extent (if any) to which he has, in framing the regulations, given effect to the Committee's recommendations; and
  - (b) in so far as effect has not been given to them, his reasons why not.
- (3) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of subsection (2) above shall be satisfied as respects either House of Parliament if a copy of the report and statement there referred to are laid before that House not later than the second day on which the House sits after the laying of the regulations.
- (4) In relation to regulations required or authorised to be made by the Secretary of State in conjunction with the Treasury any reference in this section to the Secretary of State shall be construed as a reference to the Secretary of State and the Treasury.

F985 ...

**Textual Amendments**

**F985** S. 175 cross-heading repealed (7.2.2013) by [The Public Bodies \(Abolition of the Disability Living Allowance Advisory Board\) Order 2013 \(S.I. 2013/252\)](#), art. 1(2), **Sch. Pt. 1**

**F986 175 Disability Living Allowance Advisory Board** **U.K.**

**Textual Amendments**

**F986** S. 175 repealed (7.2.2013) by [The Public Bodies \(Abolition of the Disability Living Allowance Advisory Board\) Order 2013 \(S.I. 2013/252\)](#), art. 1(2), **Sch. Pt. 1**

*Housing benefit and community charge benefits*<sup>X4</sup>

**Editorial Information**

**X4** Unreliable heading.

**176 Consultation with representative organisations** **U.K.**

- (1) Subject to subsection (2) below, before making—
  - (a) [<sup>F987</sup>regulations relating to housing benefit or [<sup>F988</sup>council tax benefit] (other than regulations of which the effect is to increase any amount specified in regulations previously made);]

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- [<sup>F989</sup>(aa) regulations under section 69 of the Child Support, Pensions and Social Security Act 2000;]
- (b) [<sup>F987</sup>an order under [<sup>F990</sup>any provision of Part VIII above],]
- the Secretary of State shall consult with organisations appearing to him to be representative of the authorities concerned.
- (2) Nothing in subsection (1) above shall require the Secretary of State to undertake consultations if—
- (a) it appears to him that by reason of the urgency of the matter it is inexpedient to do so; or
- (b) the organisations have agreed that consultations should not be undertaken.
- (3) Where the Secretary of State has undertaken such consultations, he may make any regulations or order to which the consultations relate without completing the consultations if it appears to him that by reason of the urgency of the matter it is expedient to do so.

#### Textual Amendments

- F987** S. 176(1)(a)(b) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F988** Words in s. 176(1)(a) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 23](#)
- F989** S. 176(1)(aa) inserted (1.11.2000 for specified purposes, 2.7.2001 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 69](#), 86; S.I. 2000/2950, [art. 3\(a\)](#); S.I. 2001/1252, [art. 2\(2\)\(b\)](#)
- F990** Words in s. 176(1)(b) substituted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 13 para. 3\(4\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))

## PART XIV **U.K.**

### SOCIAL SECURITY SYSTEMS OUTSIDE GREAT BRITAIN

#### *Co-ordination*

#### <sup>F991</sup>177 Co-ordination with Northern Ireland **U.K.**

.....

#### Textual Amendments

- F991** Ss. 177, 178 repealed (2.12.1999) by [Northern Ireland Act 1998 \(c. 47\)](#), s. 101(3), [Sch. 15](#); S.I. 1999/3209, [art. 2](#), [Sch.](#)



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## Reciprocity

### <sup>F991</sup>178 Reciprocal arrangements with Northern Ireland - income-related benefits and child benefit **U.K.**

.....

#### Textual Amendments

**F991** Ss. 177, 178 repealed (2.12.1999) by Northern Ireland Act 1998 (c. 47), s. 101(3), Sch. 15; S.I. 1999/3209, art. 2, Sch.

### 179 Reciprocal agreements with countries outside the United Kingdom **U.K.**

- (1) For the purpose of giving effect—
  - (a) 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 the purposes of legislation to which this section applies, or
  - (b) to any such agreement as it would be if it were altered in accordance with proposals to alter it which, in consequence of any change in the law of Great Britain, the government of the United Kingdom has made to the other government in question,Her Majesty may by Order in Council make provision for modifying or adapting such legislation in its application to cases affected by the agreement or proposed alterations.
- (2) An Order made by virtue of subsection (1) above may, instead of or in addition to making specific modifications or adaptations, provide generally that legislation to which this section applies shall be modified to such extent as may be required to give effect to the provisions contained in the agreement or, as the case may be, alterations in question.
- (3) The modifications which may be made by virtue of subsection (1) above include provisions—
  - (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<sup>F992</sup>, the Jobseekers Act 1995<sup>F993</sup>, Chapter II of Part I of the Social Security Act 1998<sup>F994</sup>, Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999<sup>F995</sup>, Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999<sup>F996</sup>, the State Pension Credit Act 2002<sup>F997</sup>, Part 1 of the Welfare Reform Act 2007<sup>F998</sup>, Part 1 of the Welfare Reform Act 2012<sup>F999</sup>, Part 4 of that Act] and the Contributions and Benefits Act (but not so as to confer a right to double benefit);
  - (b) for determining, in cases where rights accrue both under such legislation and under the law of that country, which of those rights is to be available to the person concerned;
  - (c) for making any necessary financial adjustments.
- (4) This section applies—
  - (a) to the Contributions and Benefits Act;

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- [<sup>F1000</sup>(aa) to the Jobseekers Act 1995;] and  
 [<sup>F1001</sup>(ab) to Chapter II of Part I of the Social Security Act 1998;]  
 [<sup>F1002</sup>(ac) to Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999; and]  
 [<sup>F1003</sup>(ad) to Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; and]  
 [<sup>F1004</sup>(ae) to the State Pension Credit Act 2002; [<sup>F1005</sup>and  
 (af) to Part 1 of the Welfare Reform Act 2007;]  
 [<sup>F1006</sup>(ag) to Part 1 of the Welfare Reform Act 2012; and]  
 [<sup>F1007</sup>(ah) to Part 4 of that Act;] and]  
 (b) to this Act, except in relation to the following benefits—  
     (i) community charge benefits;  
     (ii) payments out of the social fund;  
     (iii) Christmas bonus;  
     (iv) statutory sick pay; and  
     (v) statutory maternity pay.
- (5) The power conferred by subsection (1) above shall also be exercisable in relation to regulations made under the Contributions and Benefits Act<sup>F1008</sup>, this Act or Part 1 of the Welfare Reform Act 2007] and concerning—  
 [<sup>F1009</sup>(za) universal credit;]  
     (a) income support;  
 [<sup>F1010</sup>(aa) jobseeker's allowance;]  
 [<sup>F1011</sup>(ab) state pension credit;]  
 [<sup>F1012</sup>(ac) employment and support allowance;]  
 [<sup>F1013</sup>(b) .....  
 [<sup>F1013</sup>(c) .....  
     (d) housing benefit; or  
     (e) child benefit.

### Textual Amendments

- F992** Words in s. 179(3)(a) inserted (22.4.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 70(2)**; S.I. 1996/1126, art. 2(a)
- F993** Words in s. 179(3)(a) inserted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 107(1)**; S.I. 1999/1958, art. 2(1)(b), **Sch. 1**; S.I. 1999/2422, art. 2(c), **Sch. 1**; S.I. 1999/2739, art. 2, **Sch. 1**; S.I. 1999/2860, art. 2(c), **Sch. 1**; S.I. 1999/3178, art. 2(1)(a), **Sch. 1**
- F994** Words in s. 179(3)(a) inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 7 para. 15(2)**; S.I. 1999/527, art. 2(b), **Sch. 2**
- F995** Words in s. 179(3)(a) inserted (1.4.1999) by The Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671), art. 1(3), **Sch. 6 para. 2(2)**; S.R. 1999/149, art. 2, **Sch. 2**
- F996** Words in s. 179(3)(a) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 21(2)**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)

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- F997** Words in s. 179(3)(a) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(29)(a)**; S.I. 2008/787, art. 2(4)(f)
- F998** Words in s. 179(3)(a) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 27(2)**; S.I. 2013/983, art. 3(1)(b)(ii)
- F999** Words in s. 179(3)(a) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 27(2)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F1000** S. 179(4)(aa) inserted (22.4.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 70(3)**; S.I. 1996/1126, art. 2(a)
- F1001** S. 179(4)(ab) inserted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 107(2)**; S.I. 1999/1958, art. 2(1)(b), **Sch. 1**; S.I. 1999/2422, art. 2(c), **Sch. 1**; S.I. 1999/2739, art. 2, **Sch. 1**; S.I. 1999/2860, art. 2(c), **Sch. 1**; S.I. 1999/3178, art. 2(1)(a), **Sch. 1**
- F1002** S. 179(4)(ac) inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 7 para. 15(3)**; S.I. 1999/527, art. 2(b), **Sch. 2**
- F1003** S. 179(4)(ad) inserted (1.4.1999) by The Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671), art. 1(3), **Sch. 6 para. 2(3)**; S.R. 1999/149, art. 2, **Sch. 2**
- F1004** S. 179(4)(ae) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 21(3)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F1005** S. 179(4)(af) and preceding word inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(29)(b)**; S.I. 2008/787, art. 2(4)(f)
- F1006** S. 179(4)(ag) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 27(3)**; S.I. 2013/983, art. 3(1)(b)(ii)
- F1007** S. 179(4)(ah) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 27(3)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F1008** Words in s. 179(5) substituted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **3**
- F1009** S. 179(5)(za) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 27(4)**; S.I. 2013/983, art. 3(1)(b)(ii)
- F1010** S. 179(5)(aa) inserted (22.4.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 70(4)**; S.I. 1996/1126, art. 2(a)
- F1011** S. 179(5)(ab) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 21(4)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F1012** S. 179(5)(ac) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(29)(c)**; S.I. 2008/787, art. 2(4)(f)
- F1013** S. 179(5)(b)(c) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), **Sch. 2** (with art. 3)

**[<sup>F1014</sup>179] Exchange of information with overseas authorities U.K.**

- (1) This section applies where it appears to the Secretary of State-
- (a) that there are arrangements in force for the exchange of relevant information between him and any authorities in a country outside the United Kingdom ('the overseas country'); and
  - (b) that the arrangements and the law in force in the overseas country are such as to ensure that there are adequate safeguards in place against any improper use of information disclosed by the Secretary of State under this section

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- (2) For the purpose of facilitating the carrying out by authorities in the overseas country of any function relating to anything corresponding to, or in the nature of, a social security benefit, the Secretary of State may make any such disclosure of relevant information to authorities in the overseas country as he considers necessary to give effect to the arrangements.
- (3) It shall be the duty of the Secretary of State to take all such steps as may be reasonable for securing that relevant information disclosed to him in accordance with the arrangements is not used for any purpose for which its use is not expressly or impliedly authorised by or under the arrangements.
- (4) This section does not apply where provision is in force under section 179 above for giving effect to the arrangements in question.
- (5) The purposes for which information may be required to be disclosed to the Secretary of State under section 122D above or section 116D of the Northern Ireland Administration Act (information required from authorities administering housing benefit or council tax benefit) shall be deemed to include the further disclosure of that information in accordance with this section.
- (6) In this section “relevant information” means any information held by the Secretary of State or any authorities in a country outside the United Kingdom for the purposes of any functions relating to, or to anything corresponding to or in the nature of, a social security benefit.]

#### Textual Amendments

**F1014**S. 179A inserted (14.2.2003) by Social Security Fraud Act 2001 (c. 11), ss. 5(1), 20(1); S.I. 2003/273, art. 2

## PART XV **U.K.**

### MISCELLANEOUS

#### *Travelling expenses*

#### **180** Payment of travelling expenses by the Secretary of State **U.K.**

The Secretary of State may pay such travelling expenses as, with the consent of the Treasury, he may determine—

- (a) to persons required by him to attend any interview in connection with the operation of the Contributions and Benefits Act<sup>F1015</sup>, the Jobseekers Act 1995<sup>F1016</sup>, the Social Security (Recovery of Benefits) Act 1997<sup>F1017</sup>, Chapter II of Part I of the Social Security Act 1998<sup>F1018</sup>, the State Pension Credit Act 2002<sup>F1019</sup>, Part 1 of the Welfare Reform Act 2007<sup>F1020</sup>, Part 1 of the Welfare Reform Act 2012<sup>F1021</sup>, Part 4 of that Act] or this Act;
- (b) to persons attending local offices in connection with the operation—
  - (i) of the Contributions and Benefits Act<sup>F1015</sup>, the Jobseekers Act 1995<sup>F1016</sup>, the Social Security (Recovery of Benefits) Act 1997<sup>F1017</sup>, Chapter II of Part I of the Social Security Act 1998,<sup>F1022</sup>

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the State Pension Credit Act 2002]<sup>F1019</sup>, Part 1 of the Welfare Reform Act 2007]<sup>F1023</sup>, Part 1 of the Welfare Reform Act 2012]<sup>F1024</sup>, Part 4 of that Act] or this Act; or  
(ii) of any prescribed enactment.

#### Textual Amendments

- F1015** Words in s. 180 inserted (11.6.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 71**; S.I. 1996/1509, art. 2, Sch.
- F1016** Words in s. 180 inserted (6.10.1997) by Social Security (Recovery of Benefits) Act 1997 (c. 27), s. 34(2), **Sch. 3 para. 9**; S.I. 1997/2085, art. 2(2)
- F1017** Words in s. 180(a)(b) inserted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 108**; S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F1018** Words in s. 180(a) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 22(a)**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F1019** Words in s. 180 inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(30)**; S.I. 2008/787, art. 2(4)(f)
- F1020** Words in s. 180(a) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 28**; S.I. 2013/983, art. 3(1)(b)(ii)
- F1021** Words in s. 180(a) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 28**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F1022** Words in s. 180(b)(i) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 22(b)**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F1023** Words in s. 180(b)(i) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 28**; S.I. 2013/983, art. 3(1)(b)(ii)
- F1024** Words in s. 180(b)(i) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 28**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

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

- C40** S. 180 applied (7.2.1994) by Pension Schemes Act 1993 (c. 48), s. 167(1)(2), 193(2); S.I. 1994/86, art. 2

### <sup>F1025</sup> **180 Payments of travelling expenses by the Commissioners of Inland Revenue** **U.K.**

The Inland Revenue may pay such travelling expenses as they may determine—

- (a) to persons required by them to attend any interview in connection with the operation of the Contributions and Benefits Act, this Act, or Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999;
- (b) to persons attending local offices in connection with the operation of the Contributions and Benefits Act, this Act, or Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999.]

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#### Textual Amendments

**F1025**S. 180A inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 7 para. 16](#); S.I. 1999/527, art. 2(b), Sch. 2

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

**C41** S. 180A applied by [Pension Schemes Act 1993 \(c. 48\), s. 167\(1\)\(2\), 193\(2\)](#) (as amended (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), Sch. 7 para. 18\(2\)](#))

### Offences

#### 181 Impersonation of officers **U.K.**

If any person, with intent to deceive, falsely represents himself to be a person authorised by [<sup>F1026</sup>the Secretary of State for Work and Pensions] to act in any capacity (whether under this Act or otherwise) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Textual Amendments

**F1026**Words in s. 181 substituted (27.6.2002) by [The Secretaries of State for Education and Skills and for Work and Pensions Order 2002 \(S.I. 2002/1397\), art. 1\(2\), Sch. para. 8\(2\)](#)

#### 182 Illegal possession of documents **U.K.**

- (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 [<sup>F1027</sup>the Secretary of State for Work and Pensions] in connection with any benefit, pension or allowance (whether payable under the Contributions and Benefits Act or otherwise) he shall be guilty of an offence.
- (2) If any such 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 3 months or to a fine not exceeding level 4 on the standard scale or to both.

#### Textual Amendments

**F1027**Words in s. 182 substituted (27.6.2002) by [The Secretaries of State for Education and Skills and for Work and Pensions Order 2002 \(S.I. 2002/1397\), art. 1\(2\), Sch. para. 8\(3\)](#)

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## <sup>F1028</sup>Redirection of post

### Textual Amendments

**F1028S.** 182A and cross-heading inserted (25.8.1997 for specified purposes, 16.11.1998 in so far as not already in force) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\), ss. 20\(1\), 25\(1\)](#); [S.I. 1997/2056, art. 2](#); [S.I. 1998/2779, art. 2](#)

## 182A Return of social security post **U.K.**

- (1) A social security authority may require <sup>F1029</sup>a postal operator (within the meaning of <sup>F1030</sup>Part 3 of the Postal Services Act 2011)].  
to return to the sender social security post sent by or on behalf of the authority which would otherwise be redirected.
- (2) A social security authority shall make payments of such amount as the Secretary of State considers reasonable in respect of the return of social security post in compliance with a requirement imposed by the authority under subsection (1) above.
- (3) In subsections (1) and (2) above “social security authority” means—
  - (a) the Secretary of State;
  - (b) the Northern Ireland Department; or
  - (c) <sup>F1031</sup>any local or other authority administering housing benefit or council tax benefit (including the Northern Ireland Housing Executive).]
- (4) In subsections (1) and (2) above “social security post” means postal packets—
  - (a) the contents of which relate to any benefit, contributions or national insurance number or to any other matter relating to social security; and
  - (b) which are marked, in a manner approved by the <sup>F1032</sup>postal operator concerned], with the name and address of the sender and with an indication that they are to be returned rather than redirected.
- (5) In this section—
  - (a) “redirected”, in relation to any postal packet, means delivered to an address other than that indicated by the sender on the packet; and
  - (b) “postal packet” has the same meaning as in <sup>F1033</sup>Part 3 of the Postal Services Act 2011].
- (6) Any requirement imposed under subsection (1) above has effect subject to any order under—
  - (a) section 371 of the Insolvency Act 1986 or Article 342 of the Insolvency (Northern Ireland) Order 1989 (redirection of bankrupt's letters to trustee in bankruptcy);
  - (b) paragraph 10 of Schedule 1 of the Solicitors Act 1974 or paragraph 15 of Schedule 1 to the Solicitors (Northern Ireland) Order 1976 (redirection of letters following intervention by Law Society); or
  - (c) paragraph 10 of Schedule 5 to the Administration of Justice Act 1985 (redirection of letters following intervention by Council for Licensed Conveyancers).]

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### Textual Amendments

- F1029** Words in s. 182A(1) substituted (26.3.2001) by [The Postal Services Act 2000 \(Consequential Modifications No. 1\) Order 2001 \(S.I. 2001/1149\)](#), reg. 1(2), [Sch. 1 para. 93\(2\)\(a\)](#)
- F1030** Words in s. 182A(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 140](#); [S.I. 2011/2329](#), art. 3
- F1031** S. 182A(3)(c) repealed (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); [S.I. 2013/358](#), art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F1032** Words in s. 182A(4)(b) substituted (26.3.2001) by [The Postal Services Act 2000 \(Consequential Modifications No. 1\) Order 2001 \(S.I. 2001/1149\)](#), reg. 1(2), [Sch. 1 para. 93\(2\)\(b\)](#)
- F1033** Words in s. 182A(5)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 140](#); [S.I. 2011/2329](#), art. 3

### <sup>F1034</sup> **182 Requirement to supply information about redirection of post** **U.K.**

- (1) The Secretary of State or the Northern Ireland Department may require [<sup>F1035</sup>a postal operator] to supply information relating to arrangements for the redirection of postal packets to, or to a person supplying services to, the Secretary of State or the Department—
- (a) for the use in the prevention, detection, investigation or prosecution of offences relating to social security; or
  - (b) for use in checking the accuracy of information relating to benefits, contributions or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.
- <sup>F1036</sup>(2) A local or other authority administering housing benefit or council tax benefit (including Northern Ireland Housing Executive) may require [<sup>F1037</sup>a postal operator] to supply information relating to arrangements for the redirection of postal packets to the authority or a person authorised to exercise any function of the authority relating to housing benefit or council tax benefit—
- (a) for use in the prevention, detection, investigation or prosecution of offences relating to such a benefit; or
  - (b) for use in checking the accuracy of information relating to such a benefit and (where appropriate) amending or supplementing such information.]
- (3) Information shall be supplied under subsection (1) or (2) above in such manner and form, and in accordance with such requirements, as may be prescribed.
- (4) Payments of such amount as the Secretary of State considers reasonable shall be made by a person or authority imposing a requirement under subsection (1) or (2) above in respect of the supply of information in compliance with the requirement.
- (5) Information supplied under subsection (1) or (2) above shall not be supplied by the recipient to any other person or body unless—
- (a) it could be supplied to that person or body under either of those subsections; or
  - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers Act 1995<sup>F1038</sup>, Part 1 of the Welfare Reform Act 2012<sup>F1039</sup>, Part 4 of that Act] or this Act or to any provision of Northern Ireland legislation corresponding to any of them.



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- (6) But where information supplied under subsection (1) or (2) above has been used (in accordance with paragraph (b) of the subsection concerned) in amending or supplementing other information, it is lawful for it to be—
- (a) supplied to any person or body to whom that other information could be supplied; or
  - (b) used for any purpose for which that other information could be used.
- (7) In subsections (1) or (2) above “arrangements for the redirection of postal packets” means arrangements made with the <sup>F1040</sup>postal operator concerned] for the delivery of postal packets to addresses other than those indicated by senders on the packets.
- (8) In this section
- <sup>F1041</sup>“postal operator” has the same meaning as in <sup>F1042</sup>Part 3 of the Postal Services Act 2011];
  - “postal packets” has the same <sup>F1043</sup>meaning as in that Part].

#### Textual Amendments

- F1034**S.182B inserted (16.11.1998) by Social Security Administration (Fraud) Act 1997 (c.47), ss. 21(1), 25(1); S.I. 1998/2779, art. 2
- F1035**Words in s. 182B(1) substituted (26.3.2001) by The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), reg. 1(2), Sch. 1 para. 93(3)(a)
- F1036**S. 182B(2) repealed (1.4.2013 in so far as relates to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 1; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F1037**Words in s. 182B(2) substituted (26.3.2001) by The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), reg. 1(2), Sch. 1 para. 93(3)(b)
- F1038**Words in s. 182B(5)(b) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 2 para. 29; S.I. 2013/983, art. 3(1)(b)(ii)
- F1039**Words in s. 182B(5)(b) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 9 para. 29; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F1040**Words in s. 182B(7) substituted (26.3.2001) by The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), reg. 1(2), Sch. 1 para. 93(3)(c)
- F1041**Words in s. 182B(8) inserted (26.3.2001) by The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), reg. 1(2), Sch. 1 para. 93(3)(d)(i)
- F1042**Words in s. 182B(8) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), Sch. 12 para. 141(a); S.I. 2011/2329, art. 3
- F1043**Words in s. 182B(8) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), Sch. 12 para. 141(b); S.I. 2011/2329, art. 3

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

- C42** S. 182B modified (6.4.2003) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), Sch. 8 para. 34; S.I. 2003/936, art. 2

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## <sup>F1044</sup>National insurance numbers

### Textual Amendments

**F1044S.** 182C and cross-heading inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), [Sch. 1 para. 9](#); S.I. 1997/1577, art. 2, [Sch.](#)

### 182C Requirement to apply for national insurance number **U.K.**

(1) Regulations may make provision requiring a person to apply for a national insurance number to be allocated to him.

<sup>F1045</sup> [ Regulations under subsection (1) above may require the application to be made to the (1A) Secretary of State or to the Inland Revenue.]

(2) An application required by regulations under subsection (1) above shall be accompanied by information or evidence enabling such a number to be allocated.]

### Textual Amendments

**F1045S.** 182C(1A) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(2)(a), [Sch. 1 para. 31](#); S.I. 1999/527, art. 2(b), [Sch. 2](#)

## Industrial injuries and diseases

### 183 Research on industrial injuries, etc **U.K.**

(1) The Secretary of State may promote research into the causes and incidence of accidents arising out of and in the course of employment, or injuries and diseases which—

- (a) are due to the nature of employment; or
- (b) it is contemplated might be prescribed for the purposes of section 108 to 110 of the Contributions and Benefits Act,

either by himself employing persons to conduct such research or by contributing to the expenses of, or otherwise assisting, other persons engaged in such research.

(2) The Secretary of State may pay to persons so employed by him such salaries or remuneration, and such travelling and other allowances, as he may determine with the consent of the Treasury.

### 184 Control of pneumoconiosis **U.K.**

As respects pneumoconiosis, regulations may provide—

- (a) for requiring persons to be medically examined before, or within a prescribed period after, becoming employed in any occupation in relation to which pneumoconiosis is prescribed, and to be medically examined periodically while so employed, and to furnish information required for the purposes of any such examination;
- (b) for suspending from employment in any such occupation, and in such other occupations as may be prescribed, persons found on such an examination—

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- (i) to be suffering from pneumoconiosis or tuberculosis, or
- (ii) to be unsuitable for such employment, having regard to the risk of pneumoconiosis and such other matters affecting their susceptibility to pneumoconiosis as may be prescribed;
- (c) for the disqualification for the receipt of [<sup>F1046</sup>personal independence payment, or benefit as defined in section 122 of the Contributions and Benefits Act,] in respect of pneumoconiosis of any person who fails without good cause to submit himself to any such examination or to furnish information required by the regulations or who engages in any employment from which he has been suspended as mentioned in paragraph (b) above;
- (d) for requiring employers—
  - (i) to provide facilities for such examinations,
  - (ii) not to employ in any occupation a person who has been suspended as mentioned in paragraph (b) above from employment in that occupation or who has failed without good cause to submit himself to such an examination,
  - (iii) to give to such officer as may be prescribed the prescribed notice of the commencement of any prescribed industry or process;
- (e) for the recovery on summary conviction of monetary penalties in respect of any contravention of or failure to comply with any such requirement as is mentioned in paragraph (d) above, so, however, that such penalties shall not exceed £5.00 for every day on which the contravention or failure occurs or continues;
- (f) for such matters as appear to the Secretary of State to be incidental to or consequential on provisions included in the regulations by virtue of paragraphs (a) to (d) above or section 110(1) of the Contribution and Benefits Act.

#### Textual Amendments

**F1046** Words in s. 184(c) substituted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 30**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

### *Workmen's compensation etc*

## **185 Administration of workmen's compensation etc U.K.**

- (1) Schedule 9 to this Act shall have effect in relation to schemes under paragraphs 2 and 4 of Schedule 8 to the Contributions and Benefits Act.
- (2) Regulations may provide for applying in relation to payments under Part II of that Schedule the provisions of this Act relating to the making of claims and the determination of claims and questions in so far as those provisions apply in relation to—
  - (a) an unemployment supplement;
  - (b) an increase of a disablement pension in respect of a child or adult dependant; or
  - (c) an increase of a disablement pension in respect of the need for constant attendance or exceptionally severe disablement,

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(as the case may be) subject to any additions or modifications

*Supplementary benefit etc*

**186 Application of provisions of Act to supplementary benefit etc** **U.K.**

Schedule 10 to this Act shall have effect for the purpose of making provision in relation to the benefits there mentioned.

*Miscellaneous*

**187 Certain benefit to be inalienable** **U.K.**

(1) Subject to the provision of this Act, every assignment of or charge on—

- [<sup>F1047</sup>(za) universal credit;]
- (a) benefit as defined in section 122 of the Contributions and Benefits Act;
- [<sup>F1048</sup>(aa) a jobseeker's allowance;]
- [<sup>F1049</sup>(ab) state pension credit;]
- [<sup>F1050</sup>(ac) an employment and support allowance;]
- [<sup>F1051</sup>(ad) personal independence payment;]
- (b) any income-related benefit; or
- (c) child benefit,

and every agreement to assign or charge such benefit shall be void; and, on the bankruptcy of a beneficiary, such benefit shall not pass to any trustee or other person acting on behalf of his creditors.

(2) In the application of subsection (1) above to Scotland—

- (a) the reference to assignment of benefit shall be read as a reference to assignation, “assign” being construed accordingly;
- (b) the reference to a beneficiary's bankruptcy shall be read as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 41 of the <sup>M27</sup>Solicitors (Scotland) Act 1980.

(3) In calculating for the purposes of section 5 of the <sup>M28</sup>Debtors Act 1869 or section 4 of the <sup>M29</sup>Civil Imprisonment (Scotland) Act 1882 the means of any beneficiary, no account shall be taken of any increase of disablement benefit in respect of a child or of industrial death benefit.

**Textual Amendments**

**F1047S.** 187(1)(za) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 30**; S.I. 2013/983, art. 3(1)(b)(ii)

**F1048S.** 187(1)(aa) inserted (11.6.96) by [Jobseekers Act 1995 \(c.18\)](#), s. 41(2), **Sch. 2 para. 72**; S.I. 1996/1509, art. 2, Sch.

**F1049S.** 187(1)(ab) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 2 para. 23**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)

**F1050S.** 187(1)(ac) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 10(31)**; S.I. 2008/787, art. 2(4)(f)

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**F1051**S. 187(1)(ad) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 31**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

**Marginal Citations**

**M27** 1980 c. 46

**M28** 1869 c. 62.

**M29** 1882 c. 42.

**188 Exemption from stamp duty U.K.**

- (1) Stamp duty shall not be chargeable on any document to which this subsection applies.
- (2) Subsection (1) above applies to any document authorised by virtue—
  - (a) of Parts I to VI of the Contributions and Benefits Act; or
  - (b) of any provision of this Act so far as it operates in relation to matters to which those Parts relate,or otherwise required in order to give effect to those Parts or to any such provision so far as it so operates or in connection with any description of business thereunder.
- (3) Stamp duty shall not be chargeable—
  - (a) upon such documents used in connection with business under paragraphs 2 and 3 of Schedule 8 to the Contributions and Benefits Act and paragraph 1 of Schedule 9 to this Act as may be specified in a scheme made under paragraph 2 of Schedule 8 to the Contributions and Benefits Act; or
  - (b) upon such documents used in connection with business under paragraphs 4 to 6 of that Schedule and paragraph 2 of Schedule 9 to this Act as may be specified in a scheme made under paragraph 4 of Schedule 8 to the Contributions and Benefits Act.

**PART XVI U.K.**

GENERAL

*Subordinate legislation*

**189 Regulations and orders—general U.K.**

- (1) Subject to <sup>F1052</sup>... [<sup>F1053</sup>any provision providing for an order or regulations to be made by the Treasury or the Inland Revenue and to] any <sup>F1054</sup>... express provision of this Act, regulations and orders under this Act shall be made by the Secretary of State.

<sup>F1055</sup>(2) .....

- (3) Powers under this Act to make regulations or orders are exercisable by statutory instrument [<sup>F1056</sup>(subject to section 24(6B))].
- (4) Except in the case of regulations under section <sup>F1057</sup> ... <sup>F1058</sup> ... above and in so far as this Act otherwise provides, any power conferred by this Act to make an Order in Council, regulations or an order may be exercised—

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- (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 an Order in Council, 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.

- (5) Without prejudice to any specific provision in this Act, a power conferred by this Act to make an Order in Council, regulations or an order <sup>F1059</sup> ... includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to Her Majesty, or the authority making the regulations or order, as the case may be, to be expedient for the purposes of the Order in Council, regulations or order.
- <sup>F1060</sup>(5A) The provision referred to in subsection (5) includes, in a case where regulations under this Act require or authorise the use of electronic communications, provision referred to in section 8(4) and (5) and 9(5) of the Electronic Communications Act 2000.
- (5B) For the purposes of subsection (5A), references in section 8(4) and (5) and 9(5) of the Electronic Communications Act 2000 to an order under section 8 of that Act are to be read as references to regulations under this Act; and references to anything authorised by such an order are to be read as references to anything required or authorised by such regulations.]
- (6) Without prejudice to any specific provisions in this Act, a power conferred by any provision of this Act, except <sup>F1061</sup>sections 14, 24 and 130], to make an Order in Council, regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- <sup>F1062</sup>(7) Any power conferred by this Act to make orders or regulations relating to housing benefit or <sup>F1063</sup>council tax benefit] shall include power to make different provision for different areas <sup>F1064</sup>or different authorities].]
- <sup>F1065</sup><sup>F1062</sup>(7A) Without prejudice to the generality of any of the preceding provisions of this section, regulations under any of sections 2A to <sup>F1066</sup>2F] and 7A above may provide for all or any of the provisions of the regulations to apply in relation to any area or areas specified in the regulations].]
- (8) An order under section <sup>F1067</sup><sup>F1068</sup>140B, 140C]] 150, <sup>F1069</sup>150A,] 152, <sup>F1070</sup>165(4)(a)] or 169 above <sup>F1071</sup>... shall not be made <sup>F1072</sup>by the Secretary of State] without the consent of the Treasury.
- (9) Any powers of the Secretary of State under any provision of this Act, except under <sup>F1073</sup>sections 80 and 154], to make any regulations or order, where the power is not

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expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.

<sup>F1074</sup>(10) .....

- (11) A power under [<sup>F1075</sup>section 179] above to make provision by regulations or Order in Council for modifications or adaptations of the Contributions and Benefits Act or this Act shall be exercisable in relation to any enactment passed after this Act which is directed to be construed as one with them, except in so far as any such enactment relates to a benefit in relation to which the power is not exercisable; 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.
- (12) Any reference in this section or section 190 below to an Order in Council, or an order or regulations, under this Act includes a reference to an Order in Council, 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.

#### Textual Amendments

- F1052** Words in s. 189(1) repealed (6.9.1999 for specified purposes; 5.10.1999 for specified purposes; 18.10.1999 for specified purposes; 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 109\(a\), Sch. 8](#); S.I. 1999/2739, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1), Sch. 1
- F1053** Words in s. 189(1) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 57\(2\)](#); S.I. 1999/527, art. 2(b), Sch. 2
- F1054** Word in s. 189(1) repealed (26.2.2003 for specified purposes, 6.4.2003 in so far as not already in force) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6](#); S.I. 2003/392, art. 2; S.I. 2003/962, art. 2(3)(e), Sch. 1
- F1055** S. 189(2) repealed (6.9.1999 for specified purposes; 5.10.1999 for specified purposes; 18.10.1999 for specified purposes; 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 109\(b\), Sch. 8](#); S.I. 1999/2739, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1), Sch. 1
- F1056** Words in s. 189(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 18 para. 45\(3\)](#) (with arts. 28-31)
- F1057** Words in s. 189(4) repealed (6.9.1999 for specified purposes; 5.10.1999 for specified purposes; 18.10.1999 for specified purposes; 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 109\(c\), Sch. 8](#); S.I. 1999/2739, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1), Sch. 1
- F1058** Words in s. 189(4) repealed (7.2.2013) by [The Public Bodies \(Abolition of the Disability Living Allowance Advisory Board\) Order 2013 \(S.I. 2013/252\), art. 1\(2\), Sch. Pt. 1](#)
- F1059** Words in s. 189(5) repealed (6.9.1999 for specified purposes; 5.10.1999 for specified purposes; 18.10.1999 for specified purposes; 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 109\(d\), Sch. 8](#); S.I. 1999/2739, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1), Sch. 1
- F1060** S. 189(5A)(5B) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\), ss. 104\(1\), 150\(3\)](#); S.I. 2013/358, art. 2(2), Sch. 2 para. 38
- F1061** Words in s. 189(6) substituted (7.2.2013) by [The Public Bodies \(Abolition of the Disability Living Allowance Advisory Board\) Order 2013 \(S.I. 2013/252\), art. 1\(2\), Sch. Pt. 1](#)
- F1062** S. 189(7)(7A) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

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- F1063** Words in s. 189(7) substituted (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 118(4), **Sch. 9 para. 24**
- F1064** Words in s. 189(7) substituted (1.7.97) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), **Sch. 1 para. 10**; S.I. 1997/1577, art. 2, Sch.
- F1065** S. 189(7A) inserted (11.11.1999) by the Welfare Reform and Pensions Act 1999 (c. 30), s. 89(4)(e), **Sch. 12 para. 83**
- F1066** Word in s. 189(7A) substituted (12.11.2009) by Welfare Reform Act 2009 (c. 24), **ss. 2(4)**, 61(1)
- F1067** Words in s. 189(8) substituted (1.4.1997) by Housing Act 1996 (c. 52), s. 232(3), **Sch. 13**, para. 3(5); S.I. 1997/618, art. 2(1) (with Sch.)
- F1068** Words in s. 189(8) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F1069** Word in s. 189(8) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by Pensions Act 2007 (c. 22), s. 30(1)(a)(3), **Sch. 1 para. 29**
- F1070** Words in s. 189(8) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 3 para. 57(3)**; S.I. 1999/527, art. 2(b), Sch. 2
- F1071** Words in s. 189(8) omitted (6.10.1997) by virtue of Social Security (Recovery of Benefits) Act 1997 (c. 27), s. 34(2), **Sch. 3 para. 10**, **Sch. 4**; S.I. 1997/2085, art. 2(2)
- F1072** Words in s. 189(8) inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 4 para. 3**; S.I. 2003/392, art. 2
- F1073** Words in s. 189(9) substituted (7.2.2013) by The Public Bodies (Abolition of the Disability Living Allowance Advisory Board) Order 2013 (S.I. 2013/252), art. 1(2), **Sch. Pt. 1**
- F1074** S. 189(10) repealed (6.9.1999 for specified purposes; 5.10.1999 for specified purposes; 18.10.1999 for specified purposes; 29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 109(f), **Sch. 8**; S.I. 1999/2739, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1), Sch. 1
- F1075** Words in s. 189(11) substituted (2.12.1999) by Northern Ireland Act 1998 (c. 47), s. 101(3), **Sch. 13 para. 11**; S.I. 1999/3209, art. 2, Sch.

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

- C43** S. 189 modified (19.5.1999) by The Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), arts. 1, 2(1), **Sch.**; (30.6.1999) by The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748), arts. 1, 3, Sch. 1 para. 13; (1.7.1999) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), arts. 1(1), 2, Sch.

## 190 Parliamentary control of orders and regulations **U.K.**

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

- [<sup>F1076</sup>(zza) an order under section 115A(3B);]
- [<sup>F1077</sup>(zzb) regulations under section 115C(2) or 115D(1) or (2);]
- [<sup>F1078</sup>(za) regulations under section 132A(4);]
- (a) an order under section 141, 143 <sup>F1079</sup> ... , 145, <sup>F1080</sup> ... , 150, [<sup>F1081</sup>150A,] 152, or 162(7) above;
- [<sup>F1082</sup>(aza) any order containing provision adding any person to the list of persons falling within section 109B(2A) above;]
- [<sup>F1083</sup>(aa) the first regulations to be made under section 2A;]or
- [<sup>F1084</sup>(ab) the first regulations to be made under section 2AA;]
- (b) regulations under section <sup>F1085</sup> ... [<sup>F1086</sup>122B(1)(b) or] 154 above,



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shall not be made unless a draft of the instrument has been laid before Parliament and been approved by a resolution of each House of Parliament.

(2) Subsection (1) above does not apply to a statutory instrument by reason only that it contains regulations under section 154 above which are to be made for the purpose of consolidating regulations to be revoked in the instrument.

(3) A statutory instrument—

(a) which contains (whether alone or with other provisions) orders or regulations made under this Act by the Secretary of State [<sup>F1087</sup>, the Treasury or the Inland Revenue]; and

(b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F1088</sup>(4) .....

#### Textual Amendments

- F1076S.** 190(1)(zza) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 114(2)**, 150(3); S.I. 2012/863, art. 2(3)(b)
- F1077S.** 190(1)(zzb) inserted (10.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 116(2)**, 150(3); S.I. 2012/1246, art. 2(1)(b)
- F1078S.** 190(1)(za) inserted (30.3.2006) by [National Insurance Contributions Act 2006 \(c. 10\)](#), **ss. 7(3)**, 9
- F1079** Words in s. 190(1)(a) repealed (6.4.2000) by the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(3)(c), **Sch. 13 Pt. VI**; S.I. 1999/3420, art. 4(e)
- F1080** Words in s. 190(1)(a) repealed (6.4.1999) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), Sch. 7 para. 110(1)(b), **Sch. 8**; S.I. 1999/418, art. 2
- F1081** Word in s. 190(1)(a) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), **Sch. 1 para. 30**
- F1082S.** 190(1)(aza) inserted (26.2.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), **ss. 1(9)**, 20(1); S.I. 2002/403, art. 2(b)
- F1083S.** 190(1)(aa) inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(4)(e), **Sch. 12 para. 83**
- F1084S.** 190(1)(ab) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 15**; S.I. 2003/1666, art. 2(b)
- F1085** Words in s. 190(1)(b) omitted (6.10.1997) by virtue of [Social Security \(Recovery of Benefits\) Act 1997 \(c. 27\)](#), s. 34(2), Sch. 3 para. 11, **Sch. 4**; S.I. 1997/2085, art. 2(2)
- F1086** Words in s. 190(1)(b) inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), **Sch. 1 para. 11**; S.I. 1997/1577, art. 2, Sch.
- F1087** Words in s. 190(3)(a) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 3 para. 58**; S.I. 1999/527, art. 2(b), Sch. 2
- F1088S.** 190(4) repealed (29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), Sch. 7 para. 110(2), **Sch. 8**; S.I. 1999/3178, art. 2(1)(a), Sch. 1

#### Supplementary

### 191 Interpretation—general **U.K.**

In this Act, unless the context otherwise requires—

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“the 1975 Act” means the <sup>M30</sup>Social Security Act 1975;

“the 1986 Act” means the “<sup>M31</sup>Social Security Act 1986”;

“benefit” means benefit under the Contributions and Benefits Act [<sup>F1089</sup>and includes [<sup>F1090</sup>universal credit,] a jobseeker's allowance][<sup>F1091</sup>state pension credit, an employment and support allowance and personal independence payment];

[<sup>F1092</sup>[<sup>F1093</sup> “billing authority” has the same meaning as in Part I of the <sup>M32</sup>Local Government Finance Act 1992;]]

“Christmas bonus” means a payment under Part X of the Contributions and Benefits Act;

“claim” is to be construed in accordance with “claimant”;

“claimant” (in relation to contributions under Part I and to benefit under Parts II to IV of the Contributions and Benefits Act) means—

- (a) a person whose right to be excepted from liability to pay, or to have his liability deferred for, or to be credited with, a contribution, is in question;
- (b) a person who has claimed benefit;

and includes, in relation to an award or decision a beneficiary under the award or affected by the decision;

“claimant” (in relation to industrial injuries benefit) means a person who has claimed such a benefit and includes—

- (a) an applicant for a declaration under [<sup>F1094</sup>section 29 of the Social Security Act 1998] that an accident was or was not an industrial accident; and
- (b) in relation to an award or decision, a beneficiary under the award or affected by the decision;

<sup>F1095</sup> .....

<sup>F1096</sup> .....

“the Consequential Provisions Act” means the <sup>M33</sup>Social Security (Consequential Provisions) Act 1992;

[<sup>F1097</sup>“contribution” means a contribution under Part I of the Contributions and Benefit Act;]

[<sup>F1098</sup>“contribution-based jobseeker's allowance” has the same meaning as in the Jobseekers Act 1995;]

“contributions card” has the meaning assigned to it by section 114(6) above;

“the Contributions and Benefits Act” means the <sup>M34</sup>Social Security (Contributions and Benefits) Act 1992;

[<sup>F1099</sup>“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

[<sup>F1092</sup>[<sup>F1100</sup>“council tax benefit Scheme” shall be construed in accordance with section 139(1) above;]]

“disablement benefit” is to be construed in accordance with section 94(2)(a) of the Contributions and Benefits Act;

<sup>F1101</sup> .....

“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;

[<sup>F1102</sup>“financial year” has the same meaning as in the Local Government Finance Act 1992;]

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- F1101** .....  
“housing authority” means a local authority [<sup>F1103</sup>or a new town corporation];  
“housing benefit scheme” is to be construed in accordance with section 134(1) above;  
[<sup>F1104</sup>“income-based jobseeker's allowance” has the same meaning as in the Jobseekers Act 1995;]  
“income-related benefit” means—  
(a) income support;  
(b) <sup>F1105</sup> .....  
(c) <sup>F1105</sup> .....  
(d) housing benefit; and  
(e) [<sup>F1106</sup>council tax benefit];  
[<sup>F1107</sup>“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]  
“industrial injuries benefit” means benefit under Part V of the Contributions and Benefits Act, other than under Schedule 8;  
[<sup>F1108</sup>“Inland Revenue” means the Commissioners of Inland Revenue]  
**F1109** .....  
**F1110** .....  
“local authority” means—  
(a) in relation to England <sup>F1111</sup>..., the council of a district or London borough, the Common Council of the City of London or the Council of the Isles of Scilly;  
(aa) [<sup>F1112</sup>in relation to Wales, the council of a county or county borough;] and  
(b) in relation to Scotland [<sup>F1113</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];  
“medical examination” includes bacteriological and radiographical tests and similar investigations, and “medically examined” has a corresponding meaning; “medical practitioner” means—  
(a) a registered medical practitioner; or  
(b) a person outside the United Kingdom who is not a registered medical practitioner, but has qualifications corresponding (in the Secretary of State's opinion) to those of a registered medical practitioner;  
“medical treatment” means medical, surgical or rehabilitative treatment (including any course of diet or other regimen), and references to a person receiving or submitting himself to medical treatment are to be construed accordingly;  
[<sup>F1114</sup>“money purchase contracted-out scheme” is to be construed in accordance with section 181A of the Pensions Act;]  
“new town corporation” means—  
(a) [<sup>F1115</sup>in relation to England—  
(i) a development corporation established under the New Towns Act 1981; or  
(ii) the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008;

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- (iii) [<sup>F1116</sup>the Greater London Authority so far as exercising its new towns and urban development functions;]
- (ab) in relation to Wales—
- (i) a development corporation established under the New Towns Act 1981; and
- (ii) the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of that Act;] and
- (b) in relation to Scotland, a development corporation established under the <sup>M35</sup>New Towns (Scotland) Act 1968;
- [<sup>F1117</sup>“the Northern Ireland Department” means the Department for Social Development but—
- (a) in section 122 and sections 122B to 122E also includes the Department of Finance and Personnel; and
- (b) in sections 121E, 121F, 122, 122ZA, 122C and 122D also includes the Department for Employment and Learning;]
- “the Northern Ireland Administration Act” means the <sup>M36</sup>Social Security (Northern Ireland) Administration Act 1992;
- “occupational pension scheme” has the same meaning as in [<sup>F1118</sup>section 1] of the Pensions Act;
- “the Old Cases Act” means the <sup>M37</sup>Industrial Injuries and Diseases (Old Cases) Act 1975;
- “Old Cases payments” means payments under Part I of Schedule 8 to the Contributions and Benefits Act;
- [<sup>F1119</sup>“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995];
- “the Pensions Act” means the [<sup>F1120</sup>Pension Schemes Act 1993];
- “personal pension scheme” has the meaning assigned to it by [<sup>F1121</sup>section 1] of the Pensions Act and “appropriate”, in relation to such a scheme, shall be construed in accordance with [<sup>F1122</sup>section 181A(6)] of that Act]
- “prescribe” means prescribe by regulations [<sup>F1123</sup>and “prescribed” must be construed accordingly];
- <sup>F1124</sup> .....
- <sup>F1125</sup> ... “rent rebate” and “rent allowance” shall be construed in accordance with section 134 above;
- <sup>F1126</sup> .....
- <sup>F1126</sup> .....
- [<sup>F1127</sup>“state pension credit” means state pension credit under the State Pension Credit Act 2002;]
- “tax year” means the 12 months beginning with 6th April in any year;
- <sup>F1128</sup> .....
- [<sup>F1129</sup>“universal credit assessment period” means an assessment period for the purposes of Part 1 of the Welfare Reform Act 2012;]
- “widow's benefit” has the meaning assigned to it by section 20(1)(e) of the Contributions and Benefits Act.

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## Textual Amendments

- F1089** Words in s. 191 inserted (22.4.1996) by [Jobseekers Act 1995 \(c.18\)](#), s. 41(2), [Sch. 2 para. 73\(2\)](#); S.I. 1996/1126, art. 2(a)
- F1090** Words in s. 191 inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 31](#); S.I. 2013/358, art. 2(1), Sch. 1 para. 21; S.I. 2013/983, art. 3(1)(b)(ii)
- F1091** Words in s. 191 substituted (25.2.2013 for specified purposes, 8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 32](#); S.I. 2013/358, arts. 2(1), 7(1)(2)(k), Sch. 1 para. 22, Sch. 3; S.I. 2013/1250, art. 2
- F1092** Words in s. 191 repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F1093** Words in s. 191 substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 25\(a\)](#)
- F1094** Words in s. 191 substituted (5.7.1999 for specified purposes, 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 7 para. 111\(b\)](#); S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/3178, art. 2(1), Sch. 1
- F1095** Words in s. 191 repealed (29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), Sch. 7 para. 111(a), [Sch. 8](#); S.I. 1999/3178, art. 2, Sch. 1
- F1096** Words in s. 191 omitted (6.10.1997) by virtue of [Social Security \(Recovery of Benefits\) Act 1997 \(c. 27\)](#), s. 34(2), Sch. 3 para. 12, [Sch. 4](#); S.I. 1997/2085, art. 2(2)
- F1097** Words in s. 191 inserted (1.7.1997) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), s. 25(1), [Sch. 1 para. 12\(2\)](#); S.I. 1997/1577, art. 2, Sch.
- F1098** Words in s. 191 inserted (22.4.1996) by [Jobseekers Act 1995 \(c.18\)](#), s. 41(2), [Sch. 2 para. 73\(3\)](#); S.I. 1996/1126, art. 2(a)
- F1099** Words in s. 191 inserted (18.3.2008 for specified purposes, 27.7.2008 in so far as not already in force, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(32\)\(b\)](#); S.I. 2008/787, art. 2(1)(3)(a)(4)(f), Sch.
- F1100** Words in s. 191 inserted (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), s. 232(3), [Sch. 13 para. 3\(6\)\(a\)](#); S.I. 1997/618, art. 2(1) (with Sch.)
- F1101** Words in s. 191 repealed (29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), Sch. 7 para. 111(a), [Sch. 8](#); S.I. 1999/3178, art. 2, Sch. 1
- F1102** Words in s. 191 substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 25\(b\)](#)
- F1103** Words in s. 191 substituted (1.4.2002) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 113(1), [Sch. 10 para. 17](#); S.S.I. 2002/168, art. 2, Sch.
- F1104** Words in s. 191 inserted (22.4.1996) by [Jobseekers Act 1995 \(c.18\)](#), s. 41(2), [Sch. 2 para. 73\(4\)](#); S.I. 1996/1126, art. 2(a)
- F1105** Words in s. 191 repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)
- F1106** Words in s. 191 substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 118(4), [Sch. 9 para. 25\(c\)](#)
- F1107** Words in s. 191 inserted (18.3.2008 for specified purposes, 27.7.2008 in so far as not already in force, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(32\)\(c\)](#); S.I. 2008/787, art. 2(1)(3)(a)(4)(f), Sch.
- F1108** Words in s. 191 inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(2)(a), [Sch. 1 para. 32](#); S.I. 1999/527, art. 2(b), Sch. 2
- F1109** Words in s. 191 omitted (13.4.1995) by virtue of [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#), s. 16(3), Sch. 1 para. 52, [Sch. 2](#); S.I. 1994/2926, art. 2(4), Sch. Pt. IV

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- F1110** Words in s. 191 repealed (1.4.1996) by Local Government etc. (Scotland) Act 1994 (c. 39), s. 184(2), Sch. 13 para. 175(5)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), Sch. 2
- F1111** Words in s. 191 omitted (1.4.1996) by virtue of Local Government (Wales) Act 1994 (c. 19), s. 66(3), Sch. 16 para. 94, **Sch. 18**; S.I. 1996/396, art. 4, Sch. 2
- F1112** Words in s. 191 inserted (1.4.1996) by Local Government (Wales) Act 1994 (c. 19), s. 66(3), **Sch. 16 para. 94**; S.I. 1996/396, art. 4, Sch. 2
- F1113** Words in s. 191 substituted (1.4.1996) by Local Government etc. (Scotland) Act 1994 (c. 39), s. 184(2), **Sch. 13 para. 175(5)(b)**; S.I. 1996/323, art. 4(1)(c)
- F1114** Words in s. 191 substituted (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) (No. 2) Regulations 2011 (S.I. 2011/1724), regs. 1(2), **2(3)(a)**
- F1115** Words in s. 191 substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 61**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F1116** Words in s. 191 inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 31**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F1117** Words in s. 191 substituted (9.9.2002) by Employment Act 2002 (c. 22), s. 55(2), **Sch. 7 para. 16**; S.I. 2002/2256, art. 2(b)
- F1118** Words in s. 191 substituted (7.2.1994) by Pension Schemes Act 1993 (c. 48), s. 193(2), **Sch. 8 para. 31(b)**; S.I. 1994/86, art. 2
- F1119** Words in s. 191 substituted (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2), **Sch. 4 para. 14**
- F1120** Words in s. 191 substituted (7.2.1994) by Pension Schemes Act 1993 (c. 48), s. 193(2), **Sch. 8 para. 31(c)**; S.I. 1994/86, art. 2
- F1121** Words in s. 191 substituted and added (7.2.1994) by Pension Schemes Act 1993 (c. 48), s. 193(2), **Sch. 8 para. 31(d)**; S.I. 1994/86, art. 2
- F1122** Words in s. 191 substituted (6.4.2012) by The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) (No. 2) Regulations 2011 (S.I. 2011/1724), regs. 1(2), **2(3)(b)**
- F1123** Words in s. 191 inserted (3.7.2007) by Welfare Reform Act 2007 (c. 5), s. 70(1), **Sch. 5 para. 10**
- F1124** Words in s. 191 repealed (29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 111(a), **Sch. 8**; S.I. 1999/3178, art. 2, Sch. 1
- F1125** Words in s. 191 omitted (1.4.1997) by virtue of Housing Act 1996 (c. 52), s. 232(3), **Sch. 13 para. 3(6)(b)**; S.I. 1997/618, art. 2(1) (with Sch.)
- F1126** Words in s. 191 omitted (1.4.1997) by virtue of Housing Act 1996 (c. 52), s. 232(3), **Sch. 13 para. 3(6)(c)**; S.I. 1997/618, art. 2(1) (with Sch.)
- F1127** Words in s. 191 inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 24(3)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F1128** Words in s. 191 repealed (29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 111(a), **Sch. 8**; S.I. 1999/3178, art. 2, Sch. 1
- F1129** Words in s. 191 inserted (26.11.2014 with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **7(1)(c)**

### Marginal Citations

- M30** 1975 c. 14.  
**M31** 1986 c. 50.  
**M32** 1992 c. 14.  
**M33** 1992 c. 6.  
**M34** 1992 c. 4.  
**M35** 1968 c. 16.  
**M36** 1992 c. 8.  
**M37** 1975 c. 16.

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## 192 Short title, commencement and extent **U.K.**

- (1) This Act may be cited as the Social Security Administration Act 1992.
- (2) This Act is to be read, where appropriate, with the Contributions and Benefits 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—
  - <sup>F1130</sup> ...
  - <sup>F1131</sup> ...
  - <sup>F1132</sup> section 132A (and sections 189 and 190, but only for the purposes of regulations under section 132A);
  - section 170 (with Schedule 5);
  - <sup>F1133</sup> section 171 (with Schedule 6);
  - section 177 (with Schedule 8); and this section.
- (6) Except as provided by this section, this Act does not extend to Northern Ireland.

### Textual Amendments

- F1130** Words in s. 192(5) repealed (6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), Sch. 7 para. 112, **Sch. 8**; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/3178, art. 2(1), Sch. 1
- F1131** Words in s. 192(5) omitted (6.10.1997) by virtue of [Social Security \(Recovery of Benefits\) Act 1997 \(c. 27\)](#), s. 34(2), Sch. 3 para. 13, **Sch. 4**; S.I. 1997/2085, art. 2(2)
- F1132** Words in s. 192(5) inserted (30.3.2006) by [National Insurance Contributions Act 2006 \(c. 10\)](#), **ss. 7(4), 9**
- F1133** Words in s. 192(5) inserted (2.12.1999) by [Northern Ireland Act 1998 \(c. 47\)](#), **ss. 89(9), 101(3)**; S.I. 1999/3209, art. 2, Sch.

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