

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

Social Security Pensions Act 1975

36 The following sections shall be inserted after section 60ZA—

“60ZB Offences relating to state scheme premiums

If a person fails to pay, at or within the time prescribed for the purpose, any state scheme premium which is payable by him, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

60ZC Questions arising in proceedings

- (1) Where in any proceedings—
 - (a) for an offence under this Act; or
 - (b) involving any question as to payment of a state scheme premium, any such question arises as is mentioned in section 60(1) above, the decision of the Secretary of State shall be conclusive for the purposes of the proceedings.
- (2) If—
 - (a) a decision of any such question is necessary for the determination of proceedings; and
 - (b) the decision of the Secretary of State has not been obtained or a question has been raised with a view to a review of the decision obtained,the question shall be referred to the Secretary of State for determination or review in accordance (subject to any necessary modifications) with sections 17 to 19 of the Administration Act.
- (3) Subsection (1) above does not apply if—
 - (a) an appeal under section 18 of that Act is pending; or
 - (b) the time for appealing has not expired; or
 - (c) a question has been raised with a view to a review of the Secretary of State’s decision under section 19,and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

60ZD Recovery of unpaid state scheme premiums on prosecution

Where—

Status: This is the original version (as it was originally enacted).

- (a) a person has been convicted of an offence under section 60ZB above of failing to pay a state scheme premium at or within the time prescribed for the purpose; and
 - (b) the premium remains unpaid at the date of the conviction,
- he shall be liable to pay to the Secretary of State a sum equal to the amount which he failed to pay.

60ZE Proof of previous offences

- (1) Subject to subsection (2) below, where a person is convicted of an offence mentioned in section 60ZD above, evidence may be given of any previous failure by him to pay state scheme premiums within the time prescribed for the purpose; and in that section “the conviction” and “the offence” mean respectively the conviction referred to in this subsection and the offence of which the person is convicted.
- (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.

60ZF Unpaid premiums - supplementary

- (1) Where in England and Wales a person charged with an offence to which section 60ZD above applies is convicted of that offence in his absence under section 12(2) of the Magistrates' Courts Act 1980, then if—
 - (a) it is proved to the satisfaction of the court, on oath or in the manner prescribed by rules under section 144 of that Act, that notice under section 60ZE(2) above has been duly served specifying the other state scheme premiums in respect of which the prosecutor intends to give evidence; and
 - (b) the clerk of 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 premiums so specified or any of them,

section 60ZE 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) a person is convicted of an offence to which section 60ZD above applies; and
 - (b) an order is made under Part I of the Powers of Criminal Courts Act 1973 placing the offender on probation or discharging him absolutely or conditionally,

sections 60ZD and 60ZE above and subsection (1) above shall apply as if it were a conviction for all purposes.
- (3) In Scotland, where—
 - (a) a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence; and

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- (b) an order is made under Part I of the Criminal Procedure (Scotland) Act 1975 discharging him absolutely or placing him on probation, sections 60ZD and 60ZE above shall apply as if—
 - (i) the conviction on indictment were a conviction for all purposes; or
 - (ii) (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 sections 60ZD and 60ZE above and subsection (1) above shall be recoverable from him as a penalty.
- (5) State scheme premiums recovered by the Secretary of State under those provisions are to be treated for all purposes as premiums paid to the Secretary of State in the respect of the person in respect of whom they were originally payable.”.