



# Supplementary Benefits Act 1976

## 1976 CHAPTER 71

An Act to consolidate the Supplementary Benefit Acts 1966 to 1975 and related enactments. [15th November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### SUPPLEMENTARY BENEFITS

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

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

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

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

- (1) Subject to section 15 of this Act (appeals), the question whether any person is entitled to supplementary benefit, and the amount of any such benefit, shall be determined by the Supplementary Benefits Commission.
- (2) Entitlement to, and the amount of, any supplementary benefit shall be determined in accordance with:—
  - (a) the provisions of this Part of this Act and Schedule 1 to this Act; and
  - (b) any regulations made by the Secretary of State, with the consent of the Treasury, under this subsection.
- (3) Regulations so made may vary the provisions of Part II of Schedule 1 to this Act (calculation of requirements) but shall not reduce any amount specified in those provisions.

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

- (1) Where it appears to the Commission reasonable in all the circumstances they may determine that supplementary benefit shall be paid to a person by way of a single payment to meet an exceptional need.
- (2) In determining whether supplementary benefit shall be paid under this section, and the amount of any such benefit, the Commission may have regard to any resources which would otherwise fall to be disregarded under Part III of Schedule 1 to this Act (calculation of resources).

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

- (1) Nothing in sections 6 to 8 of this Act (persons in full-time employment, persons completing secondary education and persons affected by trade disputes), nor any determination under section 10(3) or (4) of this Act (attendance for instruction or training, or maintenance in a centre), shall prevent the payment of supplementary benefit in an urgent case.
- (2) In determining whether any supplementary benefit is payable by virtue of this section, and the amount or nature of any such benefit, the Commission shall not be bound by anything in Schedule 1 to this Act, or in any regulations made under this Act, which appears to them inappropriate in the circumstances of the case.
- (3) Where, by virtue only of this section, any sums are paid to a person engaged in remunerative full-time work, the Commission may determine that the whole or part of those sums shall be recoverable from him by the Secretary of State, if (they are satisfied that the circumstances are such that the recovery would be equitable).

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

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

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

- (1) Except as provided in the following provisions of this section and in section 9(1) of this Act (supplementary benefit paid after a return to full-time employment following a trade disputes), for any period during which a person is engaged in remunerative full-time work he shall not be entitled to supplementary benefit.
- (2) The Secretary of State may, by regulations made under this subsection, make provision for postponing the exclusion of persons becoming engaged in remunerative full-time work from a right to supplementary benefit under subsection (1) above for such period from the beginning of their engagement as may be specified in the regulations.
- (3) There is no exclusion from a right to supplementary benefit under subsection (1) above where the earning power of a self-employed person is, by reason of a disability, substantially reduced in comparison with that of other persons similarly occupied.

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

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

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

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

- (1) Subject to subsection (2) below, where a person—
  - (a) is, by reason of a stoppage of work which is due to a trade dispute at his place of employment, without employment for any period during the stoppage; and
  - (b) has not during that stoppage become bona fide employed elsewhere in the occupation which he usually follows, or become regularly engaged in some other occupation;

his requirements for that period shall be disregarded for the purposes of supplementary benefit except so far as those requirements include the requirement to provide for any other person.

- (2) Subsection (1) above does not apply in the case of a person who proves that he is not participating in or directly interested in the trade dispute which caused the stoppage of work.
- (3) Until section 111(2) of the Employment Protection Act 1975 has effect (in accordance with an order under section 129(3) of that Act), for subsection (2) above there shall be substituted the following—

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- “(2) Subsection (1) above does not apply in the case of a person who proves—
- (a) that he is not participating in, or financing, or directly interested in, the trade dispute which caused the stoppage of work ; and
  - (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in, or financing, or directly interested in, the dispute.”.

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

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

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- (ii) specifying the amount of supplementary benefit awarded to the claimant and his protected earnings for the purposes of the said Part II as determined by them.
- (5) For the purposes of Part II of Schedule 2 to this Act the protected earnings of a person shall be the sum determined by—
- (a) taking the amount of his weekly requirements, calculated in accordance with paragraphs 1 and 3 and Part II of Schedule 1 to this Act;
  - (b) adding £3 ; and ;
  - (c) subtracting from the result the aggregate weekly amount of any child benefit which falls to be taken into account in calculating his resources for the purposes of this Act.
- (6) If it appears to the Secretary of State that, in cases where two or more persons falling within subsection (1)(a) and (b) above also fall within subsection (1)(c) above in consequence of the ending of the same stoppage of work, anomalies in the operation of this section would result from the arrangements for dealing with claims for supplementary benefit, the Secretary of State may, by regulations made under this subsection, make such provision as he thinks appropriate for securing that this section will operate uniformly in relation to both or all of those persons.
- (7) No provision shall be made by regulations under subsection (6) above which would result in any supplementary benefit paid to a person being recoverable from him by virtue of subsection (2) above where that benefit is paid to him in circumstances in which it would not be so recoverable but for such regulations.
- (8) Until 4th April 1977, for subsection (5)(c) above there shall be substituted the following—
- “(c) subtracting from the result the aggregate weekly amount of any allowances under the Family Allowances Act 1965, or benefit under section 16 of the Child Benefit Act 1975 (interim benefit for unmarried or separated parents), which falls to be taken into account in calculating his resources for the purposes of this Act.”.

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

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

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the Secretary of State for the purposes of this section, and that he shall comply with the rules in force at the place where such instruction or training is given.

- (4) The Commission may determine that a person in whose case a direction under subsection (1) above is in force shall, instead of being entitled to a supplementary allowance for the whole or part of the period specified in that direction, be entitled—
- (a) to be maintained either in a re-establishment centre provided under section 30 of this Act or in accordance with arrangements under subsection (5) below; and
  - (b) to such payments (if any) for meeting his personal requirements, or the requirements of any dependant of his, as they think fit.
- (5) The Commission may, on behalf of the Secretary of State, enter into arrangements with a Government department, or with a voluntary organisation, for the maintenance of persons in whose case directions under subsection (1) above are in force in a centre provided by the department or organisation for purposes similar to the purpose for which a re-establishment centre may be provided by the Commission under section 30 of this Act.

## **11 Supplementary benefit in kind**

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

### *Supplementary provisions*

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

- (1) Where, in determining the amount of any supplementary benefit, the requirements of any person have been taken into account for a period for which he is entitled to payments in respect of—
- (a) benefit (other than a maternity grant or a death grant) under Part II of the Social Security Act 1975 or Part II of the Social Security Pensions Act 1975 ;
  - (b) child benefit;
  - (c) allowances under section 2 (schemes for supplementing workmen's compensation) or allowances or other benefit under section 5 (industrial diseases benefit) of the Industrial Injuries and Diseases (Old Cases) Act 1975 ;
- or
- (d) a family income supplement under the Family Income Supplements Act 1970;
- those payments may, at the discretion of the authority administering the said benefits, allowances or supplement, be abated by the amount by which the amounts paid under

this Act exceed what the Commission determine they would have been had those payments been made before the amount of the supplementary benefit was determined.

- (2) Where for any period—
- (a) a person (in this subsection referred to as A) is entitled to, or to an increase in the amount of, any such benefit or allowance as is mentioned in subsection (1) (a) to (c) above ("the relevant social security benefit") in respect of another person (in this subsection referred to as B); and
  - (b) B's requirements have been taken into account in determining the amount of any supplementary benefit payable for that period to B or some other person (other than A); and
  - (c) the amount of the supplementary benefit so payable has been determined on the basis that A has not made payments for the maintenance of B at a rate equal to or exceeding the amount of, or of the increase in, the relevant social security benefit;

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

- (3) Where, in determining the amount of any supplementary benefit, the requirements of any person have been taken into account for the whole or part of a period in respect of which there might be afforded or granted to him—
- (a) a rate rebate under a scheme under section 11 or 12 of the Local Government Act 1974 or, in Scotland, the standard scheme prescribed under section 112 of the Local Government (Scotland) Act 1973 (including that scheme as varied under section 114 of that Act); or
  - (b) a rebate or allowance under Part II of the Housing Finance Act 1972 or, in Scotland, Part II of the Housing (Financial Provisions) (Scotland) Act 1972;
- and before the whole or part of the rebate or allowance has been afforded or granted, the authority administering the rebate or allowance, as the case may be, are notified by the Commission of the amount by which the amounts paid under this Act exceed what the Commission have determined they would have been had the rebate or allowance been afforded or granted before the amount of the supplementary benefit was determined, the amount of the rebate or allowance to be afforded or granted shall be reduced by the amount so notified.
- (4) Until 6th April 1979, in subsection (1)(a) above, the words " or Part II of the Social Security Pensions Act 1975 " shall be omitted ; and, until 4th April 1977, for subsection (1)(b) above there shall be substituted the following—
- “(b) allowances under the Family Allowances Act 1965, or benefit under section 16 of the Child Benefit Act 1975 (interim benefit for unmarried or separated parents);”.

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

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

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## **14 Administration of supplementary benefits**

- (1) The Secretary of State may, by regulations made under this section, make provision for carrying into effect this Part of this Act and Schedule 1 and Part II of Schedule 2 to this Act.
- (2) Without prejudice to the generality of subsection (1) above, the Secretary of State may, by regulations made under this section, make provision—
  - (a) for requiring claims for supplementary benefit to be made in such manner as may be specified in the regulations ;
  - (b) for requiring—
    - (i) claims for a supplementary pension or supplementary allowance to be made, subject to any exceptions allowed by or under the regulations, not later than the beginning of the first period for which it is payable; and
    - (ii) claims for any other supplementary benefit to be made within such time as may be specified in the regulations;
  - (c) for prescribing the evidence which is to be provided in support of claims for supplementary benefit;
  - (d) for requiring or enabling the Commission, in such circumstances as may be specified in the regulations, to review any determination with respect to supplementary benefit, whether the determination is made by the Commission or by the Appeal Tribunal;
  - (e) for extinguishing the right to payment of any sum by way of supplementary benefit if payment is not obtained within a period, not less than twelve months, prescribed in the regulations from the date on which the right is to be treated under the regulations as having arisen; and
  - (f) for the purposes specified in Part III of Schedule 2 to this Act.
- (3) Where it appears to the Commission that it is necessary for protecting the interests of a claimant or his dependants that the whole or part of any supplementary benefit should be issued to some other person, or where the claimant so requests, they may determine that it shall be issued to that other person.
- (4) The Commission may, if they think fit, defray travelling expenses incurred in connection with claims for supplementary benefit.

## **15 Appeals**

- (1) A person claiming, or in receipt of, supplementary benefit may appeal to the Appeal Tribunal against any determination of the Commission, or a refusal by the Commission to review a determination, with respect to any of the following matters—
  - (a) the right to, or amount of, any supplementary benefit;
  - (b) the issuing of supplementary benefit to a person other than the claimant;
  - (c) the recovery of the whole or part of any sums paid by virtue of section 4 of this Act (urgent needs payment) ;
  - (d) the imposition of a condition of registration for employment under section 5 or of attendance for instruction or training under section 10(3) of this Act;
  - (e) the provision of goods or services instead of the whole or part of any payment;
  - (f) the amount of any excess mentioned in section 12 of this Act (prevention of duplication of payments).



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- (2) Where, on an appeal under this section, any question arises whether a person's own requirements fall to be disregarded by virtue of section 8 of this Act (persons affected by trade disputes)—
- (a) that question shall be referred by the Appeal Tribunal for determination by a local tribunal established under Part III of the Social Security Act 1975 in like manner as a reference under section 99(2)(c) of that Act (reference by insurance officer to a local tribunal under that Act); and
  - (b) the provisions of that Act with respect to such references shall have effect accordingly with respect to any question so referred.
- (3) On an appeal under this section the Appeal Tribunal may—
- (a) confirm the determination appealed against; or
  - (b) if the appeal is against a refusal to review a determination, confirm the refusal; or
  - (c) substitute for any determination appealed against any determination which the Commission could have made;
- and any determination of the tribunal shall be conclusive for all purposes.

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

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

## **PART II**

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

#### *Liability to maintain*

## **17 Liability to maintain**

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

*Recovery of expenditure*

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

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

**19 Affiliation orders**

- (1) The provisions of this section apply in any case in which supplementary benefit is paid to meet requirements which include those of an illegitimate child.
- (2) If no affiliation order is in force the Commission may, within three years from the time when any payment by way of supplementary benefit was made, make application to a justice of the peace acting for the petty sessions area in which the mother of the child

resides for a summons to be served under section 1 of the Affiliation Proceedings Act 1957.

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

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(Scotland) Act 1882, as if the decree were a decree in favour of the Commission or other person.

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

- (1) If, whether fraudulently or otherwise, any person misrepresents, or fails to disclose, any material fact, and in consequence of the misrepresentation or failure—
  - (a) the Secretary of State incurs any expenditure under this Act; or
  - (b) any sum recoverable under this Act by or on behalf of the Secretary of State is not recovered ;
 the Secretary of State shall be entitled to recover the amount thereof from that person.
- (2) If, whether in connection with any legal proceedings or otherwise, any question arises whether any amount paid by way of supplementary benefit is recoverable by the Secretary of State under this section, or as to the amount so recoverable, the question shall be referred to the Appeal Tribunal, and the decision of the tribunal shall be conclusive for all purposes.
- (3) A certificate signed by the clerk of the Appeal Tribunal showing the decision of the tribunal upon a question referred to it under subsection (2) above shall be conclusive evidence of that decision in any legal proceedings; and any certificate purporting to be signed by the clerk of the Appeal Tribunal shall be deemed to be so signed unless the contrary is proved.
- (4) Where any amount paid by way of supplementary benefit is recoverable under this section, it may, without prejudice to any other method of recovery, be recovered by deduction from benefit under Part II of the Social Security Act 1975 or Part II of the Social Security Pensions Act 1975.
- (5) Until 6th April 1979, in subsection (4) above, the words " or Part II of the Social Security Pensions Act 1975 " shall be omitted.

### *Offences*

## **21 False statements**

If any person—

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

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

## **22 Impersonation of officers**

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

## **23 Illegal possession of documents**

- (1) If any person—
  - (a) as a pledge or a security for a debt; or
  - (b) with a view to obtaining payment from the person entitled to it of a debt due either to himself or to any other person;receives, detains or has in his possession any document issued by or on behalf of the Secretary of State for Social Services in connection with any benefit, pension or allowance (whether payable under this Act or otherwise), he shall be guilty of an offence.
- (2) If any person has such a document in his possession without lawful authority or excuse (the proof whereof shall lie on him), he shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.

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

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

## **25 Failure to maintain**

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

*Legal proceedings*

**26 Legal proceedings**

- (1) Any person authorised by the Secretary of State in that behalf may conduct any proceedings under this Act before a magistrates' court although not a barrister or solicitor.
- (2) Without prejudice to any other method of recovery, any sum due under this Act to the Secretary of State, other than a sum due under an order enforceable as an affiliation order, shall be recoverable summarily as a civil debt.
- (3) Notwithstanding anything in any Act—
  - (a) proceedings under this Act for the recovery of a sum recoverable summarily as a civil debt may be begun at any time within three years after the sum became due;
  - (b) proceedings for an offence under this Act may be begun at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months from the commission of the offence, whichever period last expires.
- (4) For the purposes of subsection (3) above, a certificate purporting to be signed by, or on behalf of, the Secretary of State as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to his knowledge shall be conclusive evidence of that date.
- (5) In any proceedings for an offence under this Act the wife or husband of the accused shall be competent to give evidence, whether for or against the accused, but shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or to him by the accused during the marriage.
- (6) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) to (4) above—
  - (a) proceedings for an offence under this Act may, notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975, be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the appropriate authority to justify proceedings comes to his knowledge, or within the period of twelve months from the commission of the offence, whichever period last expires;
  - (b) for the purposes of this subsection—
    - (i) " the appropriate authority " means the Secretary of State or, in the case of proceedings which are not preceded by a report of the facts made by the Secretary of State to the Lord Advocate, means the Lord Advocate ;
    - (ii) a certificate of the appropriate authority as to the date on which such evidence as is mentioned above comes to his knowledge shall be conclusive evidence; and
    - (iii) subsection (3) of section 331 of the said Act of 1975 (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

## PART III

### ADMINISTRATION, GENERAL AND SUPPLEMENTAL

#### *Administration*

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

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

#### **28 The Appeal Tribunal**

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

#### **29 Inspectors**

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

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

- (1) The Commission shall, on behalf of the Secretary of State and in accordance with any directions given by him, exercise the functions set out in Schedule 5 to this Act relating to re-establishment centres and reception centres.
- (2) If in exercise of their functions under Schedule 5 to this Act the Commission so require, payment at such rates as the Commission may determine shall be made by persons for whom temporary board and lodging are provided in a centre maintained under that Schedule.
- (3) The Secretary of State may, by regulations made under this subsection, make provision for the management of, and the preservation of order in, centres maintained under that Schedule.

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- (4) Regulations made under subsection (3) above may—
- (a) include provisions requiring persons accommodated or received in such centres, or specified classes of such persons, to do such work for assisting in the running of the centres as may be specified by or under the regulations; and
  - (b) provide that any person who contravenes, or fails to comply with, any specified provision of the regulations shall be liable on summary conviction to a fine not exceeding £10, or to imprisonment for a term not exceeding one month.

*General and supplemental*

**31 Reciprocal arrangements with Northern Ireland**

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

**32 Reciprocity with other countries**

- (1) For the purpose of giving effect to any agreement with the government of a country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to those of this Act, Her Majesty may by Order in Council provide for modifying or adapting this Act in its application to cases affected by the agreement.
- (2) The modifications of this Act which may be made by virtue of subsection (1) above include provision—



- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);
  - (b) for determining, in cases where rights accrue both under this Act and under the law of that country, which of those rights is to be available to the person concerned ;
  - (c) for making any financial adjustments.
- (3) In relation to the power to make Orders in Council which is conferred by this section, and to Orders made in the exercise of the power, section 166(2) to (4) and (7) and section 168(4) of the Social Security Act 1975 (additional matters which may be dealt with by Order in Council; power to revoke and vary etc.) apply as they do for the purposes of that Act.

### **33 Rules and regulations**

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

### **34 Interpretation**

- (1) In this Act—

" the Appeal Tribunal " means the tribunal which has jurisdiction in accordance with section 28 of this Act;

" blind " means so blind as to be unable to perform any work for which eyesight is essential;

" child " means a person under the age of 16 ;

" the Commission " means the Supplementary Benefits Commission;

" enactment " includes an enactment of the Parliament of Northern Ireland and a provision of a Measure of the Northern Ireland Assembly;

" pensionable age " means, in the case of a man, the age of 65, and, in the case of a woman, the age of 60;

" place of employment " has the same meaning as in section 19 of the Social Security Act 1975 ;

" school " has the same meaning as in the Education Act 1944 or, in Scotland, the Education (Scotland) Act 1962;

" supplementary benefit " means any benefit under this Act, and includes, except where the context otherwise requires, any payments under section 10(4)(b) of this Act (payments where a person is maintained in a centre); and " supplementary pension " and " supplementary allowance " are the supplementary benefits specified in section 1(1)(a) and (b) respectively of this Act;

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" trade dispute " has the same meaning as in section 19 of the Social Security Act 1975 ;

" voluntary organisation " means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit.

- (2) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended or extended by or under any other enactment, including this Act.

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

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

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

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

## SCHEDULES

### SCHEDULE 1

Section 2.

#### PROVISIONS FOR DETERMINING RIGHT TO AND AMOUNT OF SUPPLEMENTARY BENEFITS

#### PART I

##### GENERAL

##### *Amount of supplementary benefits and calculation of requirements and resources*

- 1 (1) Subject to the following provisions of this Part of this Schedule, the amount of any supplementary benefit to which a person is entitled shall be the amount by which his resources fall short of his requirements.
- (2) For the purpose of ascertaining that amount—
- (a) the weekly requirements of any person shall be taken to be the aggregate of such of the amounts specified in Part II of this Schedule as are applicable to his case ; and
  - (b) the resources of any person shall be calculated in accordance with Part III of this Schedule.

##### *Negligible amounts*

- 2 (1) Where the weekly amount of any supplementary benefit would be less than 10p the benefit shall not be payable.
- (2) Sub-paragraph (1) above does not apply where the person claiming, or in receipt of, supplementary benefit is entitled to such other payments as may be specified by regulations made by the Secretary of State under this paragraph and the circumstances are such as may be specified in those regulations.

##### *Aggregation of requirements and resources*

- 3 (1) Where—
- (a) a husband and wife are members of the same household, their requirements and resources shall be aggregated and treated as the husband's;
  - (b) two persons are cohabiting as man and wife, their requirements and resources shall, unless there are exceptional circumstances, be aggregated and treated as the man's.
- (2) Where a person has to provide for the requirements of another person who is a member of the same household, not being a person falling within sub-paragraph (1) above—

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- (a) the requirements of that other person may, and if he has not attained the age of 16 shall, be aggregated with, and treated as, those of the first mentioned person; and
- (b) where their requirements are so aggregated, their resources shall be similarly aggregated.

*Adjustment for exceptional circumstances*

- 4 (1) Where there are exceptional circumstances—
- (a) supplementary benefit may be awarded at an amount exceeding that, if any, calculated in accordance with paragraphs 1 to 3 of this Schedule ; and
  - (b) a supplementary allowance may be reduced below the amount calculated in accordance with those paragraphs, or may be withheld;
- as may be appropriate to take account of those circumstances.
- (2) Sub-paragraph (1)(b) above does not apply to any award of supplementary benefit made by virtue of section 9(1) of this Act (award after a return to full-time employment following a trade dispute).

## PART II

### CALCULATION OF REQUIREMENTS

*Application of paragraphs 7 to 11*

- 5 (1) Subject to sub-paragraph (2) below, the amounts specified in paragraphs 7 to 11 of this Schedule are not applicable to persons falling within any of paragraphs 12 to 16 of this Schedule.
- (2) Where one only of the persons falling within paragraph 3(1) of this Schedule falls within paragraph 14 or 16 (person in hospital or in legal custody), sub-paragraph (1) above shall not exclude the application of the amounts specified in paragraphs 7 to 11 of this Schedule to the other, but the amount applicable to that other person under paragraph 7 or 8 of this Schedule shall be that applicable under paragraph 7(b) or 8(b)(i), as the case may be.

*Amounts preceded by A, B or C*

- 6 (1) Where, in paragraphs 7 and 8 of this Schedule, amounts are preceded by A, B or C—
- (a) the amount preceded by A is applicable if neither of the others is applicable ;
  - (b) the amount preceded by B is applicable if either—
    - (i) the requirements are those of a person eligible for a supplementary pension and neither he, nor a person whose requirements are aggregated with, and treated as, his under paragraph 3 of this Schedule, has attained the age of 80 ; or
    - (ii) the requirements are those of a person who has been in receipt of a supplementary allowance for a continuous period of not less than two years and his right to the allowance is not, and was not at any time during the last two years of that period, subject to the condition of registration for employment under section 5 of this Act;

- (c) the amount preceded by C is applicable if the requirements are those of a person eligible for a supplementary pension and either he, or a person whose requirements are aggregated with, and treated as, his under paragraph 3 of this Schedule, has attained the age of 80.

(2) Where—

- (a) an amount applicable to the requirements of any person under paragraphs 7 and 8 of this Schedule is preceded by B or C ; and
- (b) supplementary benefit is, or would, but for this paragraph, be, awarded in accordance with paragraph 4 of this Schedule at an increased amount so as to take account of exceptional expenses ;

then, subject to sub-paragraph (3) below, the increase shall be made only to the extent that its weekly amount would, but for this sub-paragraph, exceed—

- (i) 50p where the amount applicable is preceded by B ; and
- (ii) 75p where the amount applicable is preceded by C.

(3) Sub-paragraph (2) above does not apply to an increase or part of an increase attributable to—

- (a) heating expenses ; or
- (b) expenses taken into account, but not fully met, under paragraph 11(1)(b) of this Schedule ; or
- (c) expenses of a person whose requirements are, under paragraph 3(2) of this Schedule, aggregated with, and treated as, those of the person entitled to the supplementary benefit.

*Normal requirements*

7 Requirements of persons, other than blind persons—

|   |   | £     |       |
|---|---|-------|-------|
| (a) husband and wife or other persons falling within paragraph 3(1) of this Schedule  | A   | 20.65 |       |
|   | B   | 24.85 |       |
|   | C   | 25.10 |       |
| (b) person living alone or householder not falling within sub-paragraph (a) above who is directly responsible for household necessities and rent (if any) | A   | 12.70 |       |
|   | B   | 15.70 |       |
|   | C   | 15.95 |       |
| (c) any other person aged—  | (i) not less than 18 years                    | A     | 10.15 |
|   |   | B     | 12.60 |
|   |   | C     | 12.85 |
|   | (ii) less than 18 but not less than 16 years  |       | 7.80  |
|   | (iii) less than 16 but not less than 13 years |       | 6.50  |
|   |   |       |       |

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|  | £    |
|--|------|
| (iv) less than 13 but not less than 11 years | 5.35 |
| (v) less than 11 but not less than 5 years   | 4.35 |
| (vi) less than 5 years                       | 3.60 |

*Blind persons*

8 Requirements of persons who are or include blind persons—

|   |   | £    |       |  |  |
|---|---|------|-------|--|--|
| (a) husband and wife or other persons falling within paragraph 3(1) of this Schedule— | (i) if one of them is blind                   | A    | 21.90 |  |  |
|   |   | B    | 26.10 |  |  |
|   |   | C    | 26.35 |  |  |
|   | (ii) if both of them are blind                | A    | 22.70 |  |  |
|   |   | B    | 26.90 |  |  |
|   |   | C    | 27.15 |  |  |
| (b) any other blind person aged—  | (i) not less than 18 years                    | A    | 13.95 |  |  |
|   |   | B    | 16.95 |  |  |
|   |   | C    | 17.20 |  |  |
|   | (ii) less than 18 but not less than 16 years  |      | 8.70  |  |  |
|   | (iii) less than 16 but not less than 13 years |      | 6.50  |  |  |
|   | (iv) less than 13 but not less than 11 years  |      | 5.35  |  |  |
| (v) less than 11 but not less than 5 years  |   | 4.35 |       |  |  |
| (vi) less than 5 years  |   | 3.60 |       |  |  |

*Persons disqualified for unemployment benefit*

9 (1) If a person's right to a supplementary allowance is subject to the condition of registration for employment under section 5 of this Act, then, in relation to any period during which—

- (a) he is disqualified for receiving unemployment benefit under the Social Security Act 1975 by virtue of section 20(1) of that Act (disqualification by reference to conduct resulting in unemployment or conducing to its continuance); or

- (b) he is not so disqualified, but the circumstances are as mentioned in sub-paragraph (2) below ;

this Part of this Schedule shall have effect, as regards the determination of the amount of any supplementary allowance to which he is entitled, as if the amount specified in the entry in paragraph 7 or 8 of this Schedule which relates to his requirements (disregarding for this purpose the requirements of any other person which are, or may be, aggregated with, and treated as, his by virtue only of paragraph 3(2) of this Schedule) were reduced by a sum equal to—

- (i) 40 per cent of the amount so specified ; or  
(ii) if the amount so specified exceeds the amount preceded by A in paragraph 7(b) of this Schedule, 40 per cent of the last-mentioned amount;

disregarding any amount by which that sum exceeds a multiple of 5p.

- (2) The circumstances referred to in sub-paragraph (1)(b) above are that the person concerned—
- (a) has not made a claim for unemployment benefit; or  
(b) has made such a claim, but the claim has not yet been determined ; or  
(c) has had such a claim disallowed otherwise than by reason of his being disqualified as mentioned in sub-paragraph (1)(a) above ;

but in the opinion of the Commission he would be so disqualified if he were to make such a claim, or if his claim had been determined, or if it had not been disallowed for a different reason.

#### *Attendance requirements*

- 10 (1) The amounts applicable under paragraphs 5 to 9 of this Schedule shall be increased on account of the attendance requirements of a severely disabled person who is either entitled to an attendance allowance, or a child in respect of whose disablement the relevant person is entitled to an attendance allowance, by—
- (a) £12.20 where the entitlement is to the higher weekly rate of attendance allowance referred to in section 35(3) of the Social Security Act 1975 ; and  
(b) £8.15 where the entitlement is to the lower weekly rate of attendance allowances so referred to.

- (2) In this paragraph—

" attendance allowance " means an attendance allowance under Chapter II of Part II of the Social Security Act 1975 ;

" attendance requirements " means such requirements of a disabled person for attention or supervision from another person as entitle any person to attendance allowance;

" relevant person ", in relation to a child, means the person claiming or in receipt of supplementary benefit or a person whose requirements are, under paragraph 3 of this Schedule, aggregated with, and treated as, those of the person claiming, or in receipt of, supplementary benefit.

- (3) For the purposes of this paragraph the provisions of regulations under Chapter VI of Part II of the Social Security Act 1975 relating to overlapping benefits shall not be treated as affecting the rate of attendance allowance to which a person is entitled.

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### *Rent*

- 11 (1) The amounts applicable under paragraphs 5 to 10 of this Schedule shall be increased—
- (a) where the person claiming, or in receipt of, supplementary benefit, or a person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule, is a householder, by the amount of the net rent payable, reduced where appropriate under sub-paragraph (2) below (adjustment for non-dependants sharing the accommodation), or such part of that amount as is reasonable in the circumstances ;
  - (b) in any other case, by £1.20.
- (2) Where another person, not being a person whose requirements are aggregated with, and treated as, the requirements of the householder under paragraph 3 of this Schedule, resides, otherwise than as a sub-tenant, in the premises for which the rent is paid, then, unless the householder or a person whose requirements are aggregated with, and treated as, his under paragraph 3(1) is blind, the amount mentioned in sub-paragraph (1)(a) above may be reduced by an amount not exceeding such part of the net rent as is reasonably attributable to that other person.
- (3) In sub-paragraphs (1) and (2) above " net rent " means—
- (a) the rent payable for one week ; and
  - (b) so much of any outgoings borne by the householder as is attributable to one week, including rates, a reasonable allowance towards any necessary expenditure on repairs or insurance, and such proportion as is for the time being attributable to interest of any sum payable in respect of a mortgage debt or heritable security charged on the house in which the householder resides, or on any interest in the house ;
- less any proceeds of sub-letting any part of the premises in respect of which the rent is paid or the outgoings are incurred.
- (4) Where any amount of the rent or rates is met by a rent rebate or rent allowance under Part II of the Housing Finance Act 1972, or by any rate rebate, the amount so met shall be deducted from the increase to be made under sub-paragraph (1)(a) above.
- (5) The provisions of this sub-paragraph have effect as respects the exercise of the power under sub-paragraph (1)(a) above to take account of part only of the net rent payable (reduced where appropriate under sub-paragraph (2) above) for any period for which a rent rebate or rent allowance is made to a person in receipt of supplementary benefit, or to a person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule.
- (a) The said power shall not be exercisable—
    - (i) subject to paragraph (b) below, on the ground that the rent is an excessive rent for the house ; or
    - (ii) subject to paragraph (c) below, on the ground that the rent is excessive because of the size, location or character of the house ; or
    - (iii) on the ground that the rent is excessive having regard to the resources of the tenant and of any person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule.
  - (b) Paragraph (a)(i) above shall not apply to rent disregarded in pursuance of paragraph 14 of Schedule 4 to the Housing Finance Act 1972.
  - (c) Paragraph (a)(ii) above—



- (i) shall not apply where a rent allowance is granted for the period and a reduction falls to be made under sub-paragraph (2) above (adjustment for non-dependants sharing the accommodation); and
  - (ii) where rent is reduced under paragraph 17 of Schedule 3 to the said Act of 1972, shall only apply to the amount of the rent after the reduction.
- (d) The foregoing provisions of this sub-paragraph shall not apply where the rebate or allowance has been restricted under paragraph 14 of Schedule 3 to the said Act of 1972.
- (e) This sub-paragraph shall not affect the provisions of sub paragraph (1)(a) above so far as they relate to any amount which is not rent which is eligible to be met by a rebate or an allowance as defined in section 25 of the said Act of 1972.
- (6) In the application of this paragraph to Scotland, the following provisions shall have effect in substitution for sub-paragraphs (4) and (5) above—
- “(4) Where any amount of the rent or rates is met by a rent rebate or rent allowance under Part II of the Housing (Financial Provisions) (Scotland) Act 1972, or by any rate rebate, the amount so met shall be deducted from the increase to be made under sub-paragraph (1)(a) above.
- (5) The provisions of this sub-paragraph have effect as respects the exercise of the power under sub-paragraph (1)(a) above to take account of part only of the net rent payable (reduced where appropriate under sub-paragraph (2) above) for any period for which a rent rebate or rent allowance is made to a person in receipt of supplementary benefit, or to a person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule.
- (a) The said power shall not be exercisable—
- (i) subject to paragraph (b) below, on the ground that the rent is an excessive rent for the house ; or
  - (ii) subject to paragraph (c) below, on the ground that the rent is excessive because of the size, location or character of the house; or
  - (iii) on the ground that the rent is excessive having regard to the resources of the tenant and of any person whose requirements are aggregated with, and treated as, his under paragraph 3(1) of this Schedule.
- (b) Paragraph (a)(i) above shall not apply to rent disregarded in pursuance of paragraph 15 of Schedule 3 to the Housing (Financial Provisions) (Scotland) Act 1972.
- (c) Paragraph (a)(ii) above—
- (i) shall not apply where a rent allowance is granted for the period and a reduction falls to be made under sub-paragraph (2) above (adjustment for non-dependants sharing the accommodation); and
  - (ii) where rent is reduced under paragraph 17 of Schedule 2 to the said Act of 1972, shall only apply to the amount of the rent after the reduction.

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- (d) The foregoing provisions of this sub-paragraph shall not apply where the rebate or allowance has been restricted under paragraph 14 of Schedule 2 to the said Act of 1972.
- (e) This sub-paragraph shall not affect the provisions of sub-paragraph (1)(a) above so far as they relate to any amount which is not rent for the purposes of Part II of the said Act of 1972.”.

*Trade disputes*

|    |   |   |
|----|---|---|
| 12 | Requirements of persons falling within paragraph 3 of this Schedule, where the requirements of any one or more, but not both or all, of such persons are to be disregarded by virtue of section 8 of this Act (persons affected by trade disputes). | The amount which, if the persons were not persons falling within paragraph 3 of this Schedule, would be applicable under paragraph 7(c) or 8(b) of this Schedule to the person or persons whose requirements are not to be so disregarded, such amount being increased in accordance with paragraphs 10 and 11 of this Schedule in the case of the amounts mentioned in those paragraphs. |
|    | Requirements of persons falling within paragraph 3 of this Schedule, where the requirements of any one or more, but not both or all, of such persons are to be disregarded by virtue of section 8 of this Act (persons affected by trade disputes). | The amount which, if the persons were not persons falling within paragraph 3 of this Schedule, would be applicable under paragraph 7(c) or 8(b) of this Schedule to the person or persons whose requirements are not to be so disregarded, such amount being increased in accordance with paragraphs 10 and 11 of this Schedule in the case of the amounts mentioned in those paragraphs. |

*Persons in local authority homes*

|    |   |   |
|----|---|---|
| 13 | Requirements of a person for whom accommodation is provided under Part III of the National Assistance Act 1948. | The aggregate of such of the sums prescribed for the purposes of section 22(3) and (4) of that Act (minimum rate of payment for accommodation and personal requirements) as are applicable to his case. |
|    | Requirements of a person for whom accommodation is provided under Part III of the National Assistance Act 1948. | The aggregate of such of the sums prescribed for the purposes of section 22(3) and (4) of that Act (minimum rate of payment for accommodation and personal requirements) as are applicable to his case. |

*Persons in hospital*

|    |   |   |
|----|---|---|
| 14 | Requirements of a person residing as a patient in any hospital. | Such amount, if any, as may be appropriate, having regard to all the circumstances. |
|    | Requirements of a person residing as a patient in any hospital. | Such amount, if any, as may be appropriate, having regard to all the circumstances. |

*Persons paying for board and lodging*

|    |   |  |
|----|---|--|
| 15 | Requirements of a person paying inclusive charge for board and lodging. | Such amount as may be appropriate, not being less than the amount which would be applicable under paragraphs 7 to 10 of this Schedule. |
|    | Requirements of a person paying inclusive charge for board and lodging. | Such amount as may be appropriate, not being less than the amount which would be applicable under paragraphs 7 to 10 of this Schedule. |

*Persons in legal custody*

|    |  |   |
|----|--|---|
| 16 | Requirements of a person in prison or otherwise detained in legal custody. | Nil (except for any amount applicable by virtue of paragraph 3 of this Schedule). |
|    | Requirements of a person in prison or otherwise detained in legal custody. | Nil (except for any amount applicable by virtue of paragraph 3 of this Schedule). |

**PART III**

## CALCULATION OF RESOURCES

*Disregard of capital value of dwelling*

|    |  |
|----|--|
| 17 | In taking into account the value to any person of an interest in the dwelling in which he resides, any sum which might be obtained by him by selling that interest, or borrowing money upon the security of that interest, shall be disregarded. |
|----|--|

*Resources wholly disregarded*

|    |  |
|----|--|
| 18 | There shall be wholly disregarded—   |
|    | (a) any maternity grant under section 21 of the Social Security Act 1975 ;                 |
|    | (b) any death grant under section 32 of that Act;  |
|    | (c) any sums payable to any person as holder of the Victoria Cross or of the George Cross. |

- 19 If the value of the capital resources taken into account would not exceed £1,200 they shall be wholly disregarded, together with any income derived from them.

*Calculation of income from capital resources*

- 20 The capital resources taken into account, together with any income derived from them, shall be treated as equivalent to a weekly income of 25p for each complete £50 of the excess of the value of the capital resources over £1,200.

*Net weekly earnings*

- 21 For the purposes of this Schedule a person's net weekly earnings shall be calculated or estimated in such manner as the Secretary of State may, by regulations made under this paragraph, prescribe.

*Earnings*

- 22 (1) Subject to sub-paragraphs (2) and (3) below, the weekly earnings of any person shall be taken to be his net weekly earnings reduced—
- (a) by £2, if he is the person claiming, or in receipt of, supplementary benefit and his right thereto is subject to the condition of registration for employment under section 5 of this Act, and paragraph (b) below does not apply ; or
  - (b) by £6, if he is the parent in a one parent family, that is to say, a person who has to provide for the requirements of another person who is a member of the same household, being a person whose resources are aggregated with, and treated as, his by virtue of paragraph 3(2) of this Schedule, and—
    - (i) that other person is either ,a child or a person who is not entitled to supplementary benefit by virtue of section 7 of this Act (persons completing secondary education); and
    - (ii) there is no one whose requirements are, or would but for exceptional circumstances be, aggregated with, and treated as, his under paragraph 3(1) of this Schedule ; or
  - (c) by £4, in any other case.
- (2) There shall be wholly disregarded the weekly earnings of—
- (a) a child ; and
  - (b) a person who is not entitled to supplementary benefit by virtue of section 7 of this Act (persons completing secondary education);
- whose resources are, by virtue of paragraph 3(2) of this Schedule, aggregated with, and treated as, those of the person who has to provide for his requirements.
- (3) Where a person who has, by reason of a stoppage of work which was due to a trade dispute at his place of employment, been without employment for any period during the stoppage becomes engaged in remunerative full-time work again in consequence of the ending of the stoppage—
- (a) any advance of earnings made or offered to him during so much of that engagement as falls within the period of fifteen days from the beginning of the engagement shall be taken into account in calculating or estimating his net weekly earnings ; and
  - (b) for the purpose of any claim for supplementary benefit made by him during so much of that engagement as falls within that period of fifteen days, sub-

paragraph (1) above shall have effect as regards his weekly earnings (but not those of any other person) subject to the following modification—

the reduction provided for in sub-paragraph (1)(c) above shall not be applied to the full amount of his net weekly earnings but only to the amount (if any) by which his net weekly earnings exceed his net weekly earnings from his full-time work.

*Disregard of £4 a week of certain income*

- 23 (1) Subject to the provisions of this paragraph and of paragraphs 24 and 25 of this Schedule, there shall be disregarded £4 a week of the income which would, but for this paragraph, be taken into account, except so far as it consists of earnings or of any sum taken into account under paragraph 20 of this Schedule.
- (2) This paragraph does not apply to income consisting of—
- (a) any child benefit;
  - (b) any family income supplement under the Family Income Supplements Act 1970;
  - (c) any graduated retirement benefit under section 36 of the National Insurance Act 1965 ;
  - (d) any payment for the maintenance of a person whose requirements are taken into account in ascertaining the amount of supplementary benefit, being a payment made under the order of a court or a payment made by a person who, for the purposes of this Act, is liable to maintain the first-mentioned person ;
  - (e) any guaranteed minimum pension within the meaning of the Social Security Pensions Act 1975.
- (3) This paragraph does not apply to income consisting of any benefit under Chapters I to III of Part II of the Social Security Act 1975 or Part II of the Social Security Pensions Act 1975 except as provided in paragraph 24 of this Schedule and subject, in the case of any mobility allowance, to section 37A(8) of the Social Security Act 1975.
- (4) Except as provided in paragraph 24 of this Schedule, this paragraph applies to income consisting of injury benefit under Part II of the Social Security Act 1975, or of industrial death benefit under that Part of that Act, only to the extent of—
- (a) so much of—
    - (i) any widow's pension payable at the higher permanent rate under section 68 of the Social Security Act 1975 ; or
    - (ii) any widower's pension under section 69 of that Act;
 as exceeds the sum specified in section 6(1)(a) of the Social Security Pensions Act 1975 ;
  - (b) any parent's pension under section 71 of the Social Security Act 1975;
  - (c) any relative's pension under section 72 of that Act.
- (5) Except as provided in paragraph 24 of this Schedule, this paragraph applies to income consisting of any pension or allowance for a widow or widower, or in respect of children, granted in respect of a death due to service or war injury under powers conferred by or under any of the Acts mentioned in sub-paragraph (6)(a) below, or under any scheme mentioned in sub-paragraph (6)(b) below, only to the extent of so much of any pension or allowance for a widow or widower as exceeds the sum specified in section 6(1)(a) of the Social Security Pension Act 1975.

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

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- (6) The Acts and schemes mentioned in sub-paragraph (5) above are—
- (a) The Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, the Home Guard Act 1951 and the Ulster Defence Regiment Act 1969 ;
  - (b) any scheme made under the Injuries in War (Compensation) Act 1914, or the Injuries in War Compensation Act 1914 (Session 2) and any War Risk Compensation Scheme for the Mercantile Marine.
- (7) Sub-paragraph (5) above applies in relation to a pension or allowance for a woman who was living with a deceased person as his wife as it applies in relation to a pension or allowance for a widow.
- (8) In this paragraph and in paragraph 24(1) of this Schedule any reference to an allowance, pension, benefit or other payment of any description includes a reference to any analogous allowance, pension, benefit or payment.
- (9) Until—
- (a) 4th April 1977, for sub-paragraph (2)(a) above there shall be substituted the following—
    - “(a) allowances under the Family Allowances Act 1965, or benefit under section 16 of the Child Benefit Act 1975 (interim benefit for unmarried or separated parents);”;
  - (b) 6th April 1978, in sub-paragraph (2) above, paragraph (e) shall be omitted ; and
  - (c) 6th April 1979, in sub-paragraph (3) above, the words " or Part II of the Social Security Pensions Act 1975 " shall be omitted, and, in sub-paragraphs (4)(a) and (5) above, for the words " as exceeds the sum specified in section 6(1)(a) of the Social Security Pensions Act 1975 " there shall be substituted the words " as exceeds the orate specified in Part I of Schedule 4 to the Social Security Act 1975 for a widow's pension under that Act ".
- 24 (1) In the case of a person who has preserved 1976 rights, paragraph 23 of this Schedule applies to—
- (a) income consisting of any benefit under Chapters I to III of Part II of the Social Security Act 1975, or Part II of the Social Security Pensions Act 1975, to the extent of—
    - (i) £0.38 of—
      - (a) any increase of widow's allowance or widowed mother's allowance, being an increase in respect of an only, or the elder or eldest, qualifying child, or a second qualifying child ; or
      - (b) any child's special allowance or any increase thereof in respect of a second qualifying child;
    - (ii) £0.28 of—
      - (a) any increase of a widow's allowance or widowed mother's allowance, being an increase in respect of any additional qualifying child beyond the first two ; or
      - (b) any increase of a child's special allowance in respect of any additional qualifying child beyond the second ;

- (b) income consisting of injury benefit under Part II of the Social Security Act 1975, or of industrial death benefit under that Part of that Act, to the extent of—
    - (i) £0.38 of any allowance under section 70 of that Act in respect of an only, or the elder or eldest, qualifying child, or a second qualifying child ;
    - (ii) £0.28 of any allowance under that section in respect of any additional qualifying child beyond the first two ;
  - (c) such income as is referred to in the case specified in paragraph 23(5) of this Schedule, to the extent of—
    - (i) £0.38 of any allowance in respect of an only, or the elder or eldest, child, or a second child;
    - (ii) £0.28 of any allowance in respect of any additional child beyond the first two.
- (2) For the purposes of this paragraph a person has preserved 1976 rights if—
- (a) at any time before 15th November 1976 he was entitled simultaneously to supplementary benefit and to any one or more of the allowances and increased allowances referred to in sub-paragraph (1) above ; and
  - (b) he has since that time continued so entitled without interruption for any period longer than 13 weeks, excepting any periods during which he has been an in-patient in a hospital.
- (3) For the purpose of sub-paragraph (2)(b) above, the question whether the person was entitled to supplementary benefit at any time is determined on the assumption that he then had preserved 1976 rights.
- (4) Until 6th April 1979, in sub-paragraph (1)(a) above, the words " or Part II of the Social Security Pensions Act 1975 " shall be omitted.

*Limited disregard of occupational pensions etc.*

- 25 (1) There shall not be disregarded under paragraph 23 of this Schedule more than £1 a week of any income consisting of one or more payments of any kind to which this paragraph applies.
- (2) This paragraph applies to—
- (a) any pension or other periodical sum paid to, or to the widow of, a person by reason of any service or employment in which he was formerly engaged ;
  - (b) any periodical sum paid to a person on account of his employment having terminated by reason of redundancy.
- (3) Paragraphs (a) and (b) of sub-paragraph (2) above apply whether or not the payment is made by a former employer and whether or not there is any right to receive it; but paragraph (a) shall not be construed as applying to—
- (a) any pension or allowance mentioned in paragraph 23(4) or (5) or 24(1)(b) or (c) of this Schedule or any other payment by way of compensation for injury, disease, disablement or death suffered by a person by reason of the service or employment in which he was engaged; or
  - (b) any payment out of a trust fund established for relieving, hardship in particular cases and made at the discretion of the trustees of the fund.

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

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*Specific resources falling to be treated as income*

- 26 (1) In calculating a person's resources for the purposes of this Schedule there shall be treated as income (and, subject to paragraph 23 of this Schedule, taken into account as such)—
- (a) any amount which, while he is employed in such circumstances as are mentioned in sub-paragraph (2) below—
    - (i) becomes available to him ; or
    - (ii) would become available to him on application being duly made ;
 by way of repayment of income tax deducted from Ms emoluments, whether in the same or any previous office or employment, in pursuance of section 204 of the Income and Corporation Taxes Act 1970 (pay as you earn), except so far as the repayment in question is attributable to any period of absence from work through sickness or other similar cause or to any period of unemployment; and
  - (b) any payment which he receives or is entitled to obtain, whether from a trade union or any other source, by reason of being without employment for any period during a stoppage of work which is due to a trade dispute at his place of employment.
- (2) The circumstances referred to in sub-paragraph (1)(a) above are that the person concerned is employed in an office or employment and that his emoluments therefrom are assessable to income tax under Schedule E.

*Further reduction of resources*

- 27 Any resources not specified in the foregoing provisions of this Schedule may be treated as reduced by such amount (if any) as may be reasonable in the circumstances of the case.

*Resources deliberately abandoned*

- 28 If a person has deprived himself of any resources for the purpose of securing supplementary benefit, or increasing the amount of any such benefit, those resources may be taken into account as if they were still his.

*Discretionary trusts*

- 29 Any sum which is held on a discretionary trust for the benefit of a person may be treated as included in his resources.

*Attribution of assets*

- 30 (1) Subject to paragraph 29 of this Schedule and to the following provision of this paragraph, a person shall be deemed for the purposes of this Schedule to own an asset if he is absolutely entitled in possession to the whole beneficial interest therein and not otherwise.
- (2) Where two or more persons are beneficially entitled in possession to any asset they shall be treated for the purposes of this Schedule as if each of them were entitled in possession to the whole beneficial interest in an equal share in the asset unless it appears that their respective beneficial interests are not equal; and in that case they



shall be treated as respectively entitled in possession to the whole beneficial interest in such shares as appears to be just.

- (3) In the application of this paragraph to Scotland, the words " in possession " shall be omitted wherever they occur.

## SCHEDULE 2

Sections 9 and 14.

### RECOVERY OF SUMS PAID BY WAY OF SUPPLEMENTARY BENEFIT ON AWARDS MADE BY VIRTUE OF SECTION 9(1) OF THIS ACT

#### PART I

##### GENERAL

- 1 (1) In this Schedule—

" available earnings ", in relation to an employee on any pay-day, means the earnings which remain payable to him on that pay-day after deduction by his employer of all amounts lawfully deductible by the employer otherwise than by virtue of a deduction notice ;

" the claimant ", in relation to a notification of award under section 9(4) of this Act, means the person stated therein to have had an award of supplementary benefit made to him ;

" deduction notice " has the meaning assigned by paragraph 2(1) of this Schedule ;

" employment " means employment in remunerative full-time work, and related expressions shall be construed accordingly;

" pay-day ", in relation to earnings paid to an employee, means an occasion on which they are paid ;

" prescribed " means prescribed by the regulations ;

" protected earnings ", in the case of any person, means his protected earnings for the purposes of Part II of this Schedule, as determined by the Commission in accordance with section 9(5) of this Act;

" the regulations " means regulations made by the Secretary of State under section 14 of this Act;

" repaid by the claimant " means paid by the claimant directly to the Secretary of State by way of repayment of supplementary benefit paid to the claimant on any award made to him during the period of fifteen days from the beginning of the relevant engagement (including any additional supplementary benefit paid to him on that award where the amount of the award is increased on an appeal or as a result of a review).

- (2) For the purposes of Part II of this Schedule in its application to any sum which is recoverable from a person by virtue of subsection (2) of section 9 of this Act as having been paid to him by virtue of that subsection during the period of fifteen days from the beginning of an engagement falling within subsection (1) of that section, " the relevant engagement " means that engagement.
- (3) The provisions of Part II of this Schedule relating to the recovery of supplementary benefit by deduction from earnings are framed in terms applicable to employees

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whose earnings are paid weekly ; but the Secretary of State may, by the regulations, provide that, in the case of employees whose earnings are paid otherwise, those provisions shall have effect with such adaptations as may be specified in the regulations.

## PART II

### RECOVERY OF SUPPLEMENTARY BENEFIT PAID

#### *Service and contents of deduction notices*

- 2 (1) Where the Secretary of State receives a notification of award under section 9(4) of this Act, then, unless the amount of supplementary benefit specified therein as having been awarded to the claimant has already been repaid by the claimant, the Secretary of State shall serve on the person, if any, by whom the claimant is for the time being employed a notice under this paragraph (in this Schedule referred to as a "deduction notice") relating to the claimant.
- (2) Every deduction notice shall contain the following particulars—
- (a) particulars enabling the employer to identify the claimant;
  - (b) the amount by reference to which deductions are to be made by the employer from the claimant's earnings by virtue of the notice;
  - (c) the claimant's protected earnings; and
  - (d) such other particulars as may be prescribed.
- (3) Subject to the following provisions of this Part of this Schedule—
- (a) the amount specified in a deduction notice as the amount by reference to which deductions are to be made by the employer shall be equal to the amount of supplementary benefit specified in the notification of award to the claimant under section 9(4) of this Act or, if any part of the last-mentioned amount has been repaid by the claimant before the date of the deduction notice, shall be equal to so much of that amount as has not been so repaid before that date ; and
  - (b) the sum so specified as the claimant's protected earnings shall, subject to the regulations, be the same as that specified in that notification of award.
- (4) If, after the Secretary of State has received a notification of award under section 9(4) of this Act and served a deduction notice relating to the claimant, the Secretary of State receives a further notification of award relating to the same person, then, unless the aggregate of the amounts of supplementary benefit respectively specified in all notifications of award relating to the claimant which have been received by the Secretary of State since the beginning of the relevant engagement has already been repaid by the claimant, the Secretary of State shall serve a further deduction notice on the person, if any, by whom the claimant is for the time being employed.
- (5) Where a further deduction notice is served at any time by virtue of sub-paragraph (4) above, then—
- (a) if at that time there is in force in relation to the claimant a previous deduction notice served after the beginning of the relevant engagement, the amount specified in the further deduction notice as the amount by reference to which deductions are to be made by the employer shall be equal to the sum of the following amounts—

- (i) the amount specified in the previous deduction notice as the amount by reference to which deductions are to be so made ; and
  - (ii) the amount of supplementary benefit which, in the further notification of award in consequence of which the further deduction notice is being served, is specified as having been awarded to the claimant;
- reduced by the aggregate of any amounts repaid by the claimant on or after the date of the previous notice and before the date of the further deduction notice ;
- (b) in any other case, the amount so specified in the further deduction notice shall be the amount which would fall to be so specified in that notice in accordance with paragraph 5 below if the further deduction notice were being served by virtue of that paragraph.
- (6) Service of a further deduction notice by virtue of sub-paragraph (4) above shall have the effect of cancelling any earlier deduction notice relating to the claimant which is in force when the further deduction notice is served, but shall not affect the validity of anything done by virtue of the earlier notice while it was in force.

*Period for which deduction notice has effect*

- 3 (1) A deduction notice shall come into force when it is served on the employer of the claimant to whom it relates and shall (unless previously cancelled by virtue of paragraph 2(6) above or sub-paragraph (2) below) cease to have effect as soon as any of the following events occur—
- (a) the claimant dies or ceases to be in the employment of the person on whom the deduction notice was served ;
  - (b) the aggregate of—
    - (i) all amounts, if any, repaid by the claimant on or after the date of the deduction notice in question ; and
    - (ii) all amounts, if any, deducted from the claimant's earnings by virtue of the deduction notice in question or, if the condition specified in sub-paragraph (4) below is fulfilled in the case of the notice in question, all amounts, if any, deducted from the claimant's earnings by virtue of that notice of any relevant previous deduction notice within the meaning of that sub-paragraph;
 reaches the amount specified in the notice in question as the amount by reference to which deductions are to be made by the employer;
  - (c) the expiration of the period of fourteen weeks beginning with the date of the notice.
- (2) The Secretary of State may at any time give a direction in writing cancelling a deduction notice, and shall cause a copy of any such direction to be served on the employer concerned and on the claimant. A direction given under this sub-paragraph shall take effect when a copy of it is served on the employer concerned.
- (3) Where a deduction notice is cancelled under sub-paragraph (2) above, no further deduction notice relating to the claimant shall be served in connection with any supplementary benefit awarded to him by virtue of section 9(1) of this Act during the period of fifteen days from the beginning of the relevant engagement.

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- (4) If, in the case of a deduction notice which is in force (in this sub-paragraph referred to as " the current notice ") the following condition is fulfilled, namely that at the time when that notice was served on the employer there was in force in relation to the claimant a previous deduction notice served on the same employer after the beginning of the relevant engagement, each of the following shall for the purposes of sub-paragraph (1)(b)(ii) above constitute a relevant previous deduction notice, that is to say—
- (i) that previous deduction notice ; and
  - (ii) any earlier previous deduction notice relating to the claimant which was served on that employer after the beginning of the relevant engagement, if (subject to sub-paragraph (5) below) the claimant was continuously in the employment of that employer from the time when the earlier previous notice in question was served to the time when the current notice was served.
- (5) For the purposes of sub-paragraph (4) above the continuity of a period of employment under the same employer shall be treated as having been broken on any occasion on which a deduction notice relating to the employee, which was served on the employer after the beginning of the relevant engagement, ceased to have effect by reason of the expiration of the period of fourteen weeks mentioned in sub-paragraph (1)(c) above.

*Effect of deduction notice*

- 4 (1) While a deduction notice is in force in respect of an employee, the following provisions of this paragraph shall apply as regards any pay-day on which his available earnings exceed his protected earnings (as specified in the notice):

Provided that, as regards any pay-day falling within the period of seven days beginning with the day on which the deduction notice comes into force, sub-paragraphs (2) and (3)(a) below shall have effect as if for the words " shall deduct" there were substituted the words " may deduct " .

In this paragraph " the notified amount " , in relation to a deduction notice, means the amount specified in that notice in accordance with paragraph 2(2)(b) above.

- (2) If on the pay-day in question the employee's available earnings exceed his protected earnings (as specified in the deduction notice) by an amount equal to or less than one-tenth of the notified amount, the employer shall deduct from the employee's available earnings the amount of the excess.
- (3) If on the pay-day in question the employee's available earnings exceed his protected earnings (as specified in the deduction notice) by an amount greater than one-tenth of the notified amount, the employer—
- (a) shall deduct from the employee's available earnings an amount equal to one-tenth of the notified amount; and
  - (b) may with the consent in writing of the employee deduct from the employee's available earnings a larger amount:

Provided that the total amount deducted from the employee's available earnings by virtue of this sub-paragraph on any one payday shall not be greater than the amount by which the employee's available earnings exceed his protected earnings (as specified in the deduction notice).

- (4) Notwithstanding anything in sub-paragraph (2) or (3) above—

- (a) the employer shall not make a deduction on a pay-day by virtue of the deduction notice if the employee satisfies him that up to that pay-day he has not obtained payment of the supplementary benefit to which the deduction notice relates; and
  - (b) the employer shall not on any pay-day deduct from the employee's earnings by virtue of the deduction notice an amount greater than the amount by which, immediately before that pay-day, the notified amount exceeds the aggregate of all such amounts as, in relation to that notice, are mentioned in paragraph 3(1)(b)(i) and (ii) above.
- (5) Where on any pay-day the employer makes no deduction from the employee's earnings by reason only that the employee has satisfied him as mentioned in sub-paragraph (4)(a) above, the employer shall forthwith give notice of that fact to the Secretary of State at the prescribed place and in the prescribed manner.
- (6) Where the employer is required by sub-paragraph (2) or (3)(a) above to make a deduction on a pay-day and the amount of the deduction which he would be so required to make apart from this sub-paragraph includes a fraction of 1p, the amount which he is so required to deduct on that pay-day shall be reduced by that fraction.

*Power to serve further deduction notice in certain circumstances*

- 5 (1) Where a deduction notice has ceased to have effect by reason of the claimant ceasing to be in the employment of the person on whom the notice was served or by reason of the expiration of the period of fourteen weeks mentioned in paragraph 3(1)(c) above, the Secretary of State may, if he thinks fit, serve a further deduction notice on the person, if any, by whom the claimant is for the time being employed.
- (2) Notwithstanding anything in the foregoing provisions of this Schedule, in any further deduction notice served by virtue of sub-paragraph (1) above—
- (a) the amount specified as the amount by reference to which deductions are to be made by the employer shall be equal to the amount mentioned in sub-paragraph (3) below ; and
  - (b) the amount specified as the claimant's protected earnings shall, subject to the regulations, be the same as the amount specified in that behalf in the last deduction notice relating to him which was in force before the date of the further deduction notice.
- (3) The amount referred to in sub-paragraph (2)(a) above is the aggregate of the amounts of supplementary benefit respectively specified in all notifications of award under section 9(4) of this Act relating to the claimant received by the Secretary of State after the beginning of the relevant engagement and before the date of the further deduction notice in question reduced—
- (a) by so much, if any, of the aggregate of those amounts as has been repaid by the claimant before the date of the further deduction notice;
  - (b) in respect of every previous deduction notice served after the beginning of the relevant engagement which has been in force in relation to the claimant, by whichever is the greater of the following amounts—
    - (i) the aggregate of the amounts actually deducted by the relevant employer from the claimant's earnings by virtue of the previous deduction notice in question ; and

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- (ii) the aggregate of the amounts which that employer was required by paragraph 4(2) or 4(3)(a) above to deduct from those earnings by virtue of that previous notice.

*Liability of employers*

- 6 (1) A person who by virtue of a deduction notice makes one or more deductions from the earnings of a person in his employment shall, in accordance with the regulations, pay the amount or amounts deducted to the Secretary of State.
- (2) No criminal proceedings shall lie against any person on account of a contravention of sub-paragraph (2) or (3)(a) of paragraph 4 above ; but if, on any pay-day on which the said sub-paragraph (2) or the said sub-paragraph (3)(a) requires a person to make a deduction from the earnings of a person in his employment, the employer makes no deduction from the employee's earnings, or deducts from them an amount smaller than the amount which he is thereby required to deduct, then—
- (a) so much of the last-mentioned amount as is not deducted by the employer from the employee's earnings on that payday shall be recoverable from the employer by the Secretary of State; and
- (b) any sum recovered from the employer by the Secretary of State by virtue of paragraph (a) above in consequence of his omission to deduct the required amount from the employee's earnings on that pay-day shall, for the purposes of this Schedule, be deemed to have been repaid by the employee.
- (3) For the purposes of any proceedings brought by the Secretary of State by virtue of sub-paragraph (2)(a) above against a person in connection with a deduction notice served on him in respect of a person who at the material time was in that person's employment, it shall be presumed, except in so far as the contrary is proved, that on every pay-day which occurred while that notice was in force the employee's available earnings exceeded his protected earnings (as specified in the notice) by an amount greater than one-tenth of the notified amount (within the meaning of paragraph 4 above).

*Right of Secretary of State to recover directly from claimant*

- 7 (1) Where the Secretary of State has received a notification of award under section 9(4) of this Act and it is at any time not practicable for him, by means of a deduction notice, to effect recovery of—
- (a) the amount of supplementary benefit specified in that notification as having been awarded to the claimant; or
- (b) so much of that amount as, not having previously been repaid by the claimant or deducted from the claimant's earnings by virtue of this Part of this Schedule, remains to be recovered from the claimant;
- the amount of supplementary benefit so specified or so much of it as remains to be recovered from the claimant, as the case may be, shall, by virtue of this paragraph, be recoverable from the claimant by the Secretary of State.
- (2) For the purpose of any proceedings brought by virtue of this paragraph a certificate purporting to be signed by or on behalf of the Secretary of State and stating that it is not practicable for him, by means of a deduction notice, to effect the recovery of—
- (a) the amount of supplementary benefit specified in a notification of award under section 9(4) of this Act as having been awarded to the claimant; or

(b) so much of that amount as remains to be recovered from the claimant; shall be conclusive evidence of the matters dealt with in the certificate (other than any matter affecting the determination of the actual amount, if any, which the Secretary of State is entitled to recover from the claimant by virtue of this paragraph).

*Increase of amount of award on appeal or review*

8 If, after the Secretary of State has received a notification of award under section 9(4) of this Act and served a deduction notice relating to the claimant, the amount of the award which was the subject of the notification is increased—

- (a) on an appeal under section 15 of this Act; or
- (b) as a result of a review by the Commission of any determination affecting that amount;

the foregoing provisions of this Schedule shall have effect as if on the date on which the increase is awarded the Secretary of State had received a further notification of award under section 9(4) of this Act specifying the amount of the increase as the amount of supplementary benefit awarded to the claimant and, subject to the regulations, specifying as the claimant's protected earnings the same amount as was specified in that behalf in the last notification of award relating to him which was received by the Secretary of State. References in the provisions of this Schedule to a notification of award shall be construed accordingly.

### PART III

#### PURPOSES FOR WHICH PROVISION MAY BE MADE BY THE REGULATIONS

- 1 Any purpose for which provision is, by section 9 of this Act or Parts I or II of this Schedule, authorised or required to be made by the regulations.
- 2 For requiring, in such cases as may be prescribed, notice to be given at the prescribed place and in the prescribed manner to the Secretary of State where, after a deduction notice relating to any person has been duly served, that person ceases to be in the employment of the person on whom that notice was served or, having so ceased, subsequently enters the employment of the same or any other person.
- 3 For requiring or enabling the Commission, in such circumstances as may be prescribed, to review any determination made by them of a person's protected earnings for the purposes of Part II of this Schedule.
- 4 For enabling the Secretary of State to vary any deduction notice for the time being in force so far as may be necessary to bring the sum specified in the notice as the protected earnings, for the purposes of Part II of this Schedule, of the person to whom the notice relates into conformity with any determination of that person's protected earnings for those purposes made by the Commission (whether on a review or otherwise) after the date of the notice.
- 5 For modifying the operation of Part II of this Schedule, and any provision of Part I of this Schedule for the purposes thereof, in cases where section 9(1) of this Act applies to the same person as regards two or more separate periods of fifteen days.

### SCHEDULE 3

Section 27.

#### CONSTITUTION AND PROCEEDINGS OF SUPPLEMENTARY BENEFITS COMMISSION

- 1 (1) The Supplementary Benefits Commission shall continue by that name as a body corporate having perpetual succession and a common seal.
- (2) The Commission shall consist of a chairman, a deputy chairman and not more than six other members appointed by the Secretary of State.
- (3) At least two members of the Commission shall be women.
- 2 Every member of the Commission shall hold and vacate office in accordance with the terms of his appointment.
- 3 A person who has ceased to be a member of the Commission shall be eligible for reappointment.
- 4 The Commission may act notwithstanding any vacancy among their members.
- 5 The procedure and quorum of the Commission shall be such as the Commission may from time to time determine.
- 6 The Secretary of State may out of moneys provided by Parliament pay to members of the Commission such remuneration as he may, with the approval of the Minister for the Civil Service, from time to time determine.
- 7 Every document purporting to be an instrument issued by the Commission and to be sealed with the seal of the Commission or to be signed by a person authorised to act in that behalf shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown.

### SCHEDULE 4

Section 28.

#### CONSTITUTION, JURISDICTION AND PROCEEDINGS OF APPEAL TRIBUNALS

- 1 Each of the tribunals shall consist of a chairman and two other members.
- 2 Each tribunal shall have jurisdiction in respect of such district as may be assigned to it by the Secretary of State.
- 3 (1) The chairman and other members of every tribunal shall be appointed by the Secretary of State, and of those other members one shall be so appointed from among persons appearing to the Secretary of State to represent work-people.
- (2) The Secretary of State may appoint persons to act, in the event of absence or incapacity, in the place of members of a tribunal.
- 4 The Secretary of State shall pay to the chairman or acting chairman of a tribunal such remuneration, and to any member thereof such travelling and other allowances (including compensation for loss of remunerative time), as he may, with the consent of the Treasury, determine.
- 5 The Secretary of State shall assign to each tribunal a clerk and such other officers and servants and shall pay to them such salaries or fees and such allowances as he may, with the consent of the Treasury, determine.
- 6 (1) The Secretary of State may make rules—



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- (a) as to the tenure of office of members of tribunals;
  - (b) as to the procedure of tribunals and the procedure in connection with the bringing of matters before a tribunal, and as to the time within which matters may be brought before tribunals ;
  - (c) as to the payment by the Secretary of State to persons attending proceedings before tribunals of travelling and other allowances (including compensation for loss of remunerative time);
  - (d) for authorising proceedings notwithstanding that the members of the tribunal are not all present.
- (2) The power to make rules as to procedure under this paragraph includes power to make provision as to the representation of one person in any proceedings by another person.
- (3) In any case where proceedings take place in accordance with rules made under sub-paragraph (1)(d) above, the tribunal shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman or acting chairman shall have a second or casting vote.

## SCHEDULE 5

Section 30.

### RE-ESTABLISHMENT CENTRES AND RECEPTION CENTRES

#### *Re-establishment centres*

- 1 (1) The Commission may provide centres, known as re-establishment centres, where persons who are in need of re-establishment through lack of regular occupation or lack of instruction or training may attend or be maintained by the Commission for their re-establishment and may, whether attending or being maintained at such a centre, be afforded by the Commission the occupation, instruction or training required to fit them for entry into, or return to, regular employment.
- (2) Persons mentioned in sub-paragraph (1) above may attend or be maintained at re-establishment centres whether in consequence of a determination of the Commission under section 10(3) or (4) of this Act (attendance for instruction or training or maintenance in a centre) or otherwise.

#### *Reception centres*

- 2 (1) It shall be the duty of the Commission to make provision whereby persons without a settled way of living may be influenced to lead a more settled life, and the Commission shall provide and maintain centres, to be known as reception centres, for the provision of temporary board and lodging for such persons.
- (2) The Commission may require the councils of counties, other than metropolitan counties, and of metropolitan districts, regions, island areas and London boroughs and the Common Council of the City of London to exercise, on behalf of the Secretary of State and in accordance with any directions given by the Commission, the functions of providing and maintaining reception centres.

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- (3) A council may recover from the Secretary of State any expenditure incurred by them under this paragraph with the approval of the Commission, given either as respects that expenditure or generally as respects expenditure up to a specified amount.
- (4) Before giving directions under sub-paragraph (2) above the Commission shall consult with such local authorities, or associations of local authorities, as appear to them to be concerned.

*Accommodation in reception centres in special cases*

- 3 (1) This paragraph applies to reception centres (in this paragraph referred to as "designated reception centres") designated by the Secretary of State for the purposes of this paragraph on the application of the Commission.
- (2) Where a person seeks lodging in a designated reception centre and it appears to the Commission, or, if the centre is being provided by a local authority, to the local authority, that he persistently resorts to reception centres when capable of maintaining himself, the Commission or local authority may direct that he shall only be received into the centre subject to the conditions specified in sub-paragraph (5) below.
- (3) On a direction given under sub-paragraph (2) above the person to whom it relates may require that the matter shall be referred to the Appeal Tribunal and, if he so requires, the direction shall not have effect until the matter has been determined by the tribunal.
- (4) On any such reference the tribunal may either quash the direction or order that, during such period as may be specified in the order, the person to whom the direction relates shall only be admitted to a designated reception centre subject to the conditions specified in sub-paragraph (5) below.
- (5) The conditions hereinbefore referred to are—
  - (a) that the person in question shall remain at the centre for at least such period from the time he entered it, not exceeding forty-eight hours, as the Commission or the local authority providing the centre may require; and
  - (b) that, while the person in question is at the centre, he shall do such suitable work within the curtilage thereof as the Commission or local authority may require.
- (6) A person received into a centre subject to the conditions specified in sub-paragraph (5) above shall, if he fails to comply with those conditions, be liable on summary conviction to a fine not exceeding £10 or to imprisonment for a term not exceeding one month.

*Contributions to centres maintained by voluntary organisations*

- 4 The Commission may make contributions to the funds of any voluntary organisation maintaining centres for purposes similar to the purposes for which re-establishment centres or reception centres are maintained by the Commission.

## SCHEDULE 6

Section 35(1).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### PART I

##### *General Provisions*

- 1 (1) In so far as any order, rule, regulation, appointment, approval or other thing made or done, or deemed to be made or done, under an enactment repealed by this Act could have been made or done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if made or done under that provision.
- (2) Anything begun under an enactment repealed by this Act may be continued under the corresponding provision of this Act as if begun under that provision.
- (3) References in this Act to things done, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between enactments repealed by this Act and the corresponding provisions of this Act, be construed as including references to things done, suffered or occurring before the commencement of this Act
- (4) Where any instrument or document refers expressly or by implication to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.
- 2 (1) Paragraph 1 above applies in particular to any claim for, or award of, supplementary benefit made before the commencement of this Act and to anything done or occurring in, or for the purposes of, adjudication proceedings before that day.
- (2) Any question as to entitlement to, or the amount of, any supplementary benefit, and any other question with respect to supplementary benefit, for any period shall be determined in accordance with the provisions with respect to those matters in force during that period.
- 3 Any order made after the commencement of this Act, and any order so made varying or revoking an earlier order made before or after the commencement of this Act, appointing a day upon which any of the enactments specified in Part II of Schedule 8 to this Act shall come into operation, or specifying a day from which any such enactment shall have effect, may include consequential provision for the amendment or repeal of such of the following provisions of this Act as may be relevant to the purposes of the order—  
sections 8(3), 9(8), 12(4), 20(5) and 35(3) and in Schedule 1 paragraphs 23(9) and 24(4).

#### PART II

##### *Specific Provisions (including some retained from previous Acts)*

- 4 The following enactments as having effect at the commencement of this Act shall, subject to the amendments therein specified in Schedule 7 to this Act, continue to have effect as amended by section 39 of, and Schedule 6 to, the Supplementary Benefit Act 1966, notwithstanding the repeal by this Act of the said Act of 1966:—

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the Polish Resettlement Act 1947  
the National Assistance Act 1948.

- 5 Any enactment or instrument that is to be construed in accordance with section 2(3) of the Supplementary Benefit Act 1966, as having effect in accordance with the Secretary of State for Social Services Order 1968, shall continue to be so construed notwithstanding the repeal by this Act of the said Act of 1966.
- 6 (1) The following provisions of this paragraph shall apply where, at 11th August 1966, a person (in this paragraph referred to as "the former beneficiary") was in receipt of—
- (a) a pension under the Old Age Pensions Act 1936 ; or
  - (b) an assistance grant under the National Assistance Act 1948.
- (2) This Act shall apply, subject to the following provisions of this paragraph, as if a claim for a supplementary pension or a supplementary allowance, as the case may be, had been duly made by the former beneficiary or, if the former beneficiary is a woman falling within paragraph 3(1) of Schedule 1 to this Act, by the other person falling within that paragraph.
- (3) If the former beneficiary or the said other person is not entitled to a supplementary pension or supplementary allowance the Commission may nevertheless award him such a pension or allowance at a rate not exceeding that of the pension or grant mentioned in sub-paragraph (1) above ; and if he is entitled to a supplementary pension or supplementary allowance but at a lower rate the Commission may determine that it shall be payable at a rate not exceeding that of the said pension or grant.
- (4) If the former beneficiary is a woman falling within paragraph 3(1) of Schedule 1 to this Act then, unless she otherwise requests, so much of any supplementary pension or supplementary allowance payable (whether by virtue of this paragraph or otherwise) to the other person falling within that paragraph as is equal to the pension or grant mentioned in sub-paragraph (1) above shall be issued to the former beneficiary.
- 7 Any appeal which, by virtue of paragraph 2 of Schedule 7 to the Supplementary Benefit Act 1966, could have been brought against a decision of the National Assistance Board to a tribunal constituted under Schedule 3 to that Act may be so brought to such of the tribunals constituted in accordance with Schedule 4 to this Act as, under that Schedule, has jurisdiction in the case in question, and in any such proceedings the Commission shall be a party instead of the said Board, notwithstanding the repeal by this Act of the said Act of 1966.
- 8 (1) Any proceedings for the recovery of a sum which, if the Supplementary Benefit Act 1966 had not been passed, could have been taken by the National Assistance Board may be taken—
- (a) if they are proceedings under section 43 or 44 of the National Assistance Act 1948, by the Commission;
  - (b) in any other case, by the Secretary of State.
- (2) Any payments ordered in proceedings continued or begun by virtue of sub-paragraph (1) above or of paragraph 7 of Schedule 7 to the Supplementary Benefit Act 1966 which, if that Act had not been passed, would have been ordered to be made to the National Assistance Board shall be ordered to be made to the Secretary of State.

- (3) The Commission instead of the Secretary of State shall be a party to any proceedings for the enforcement, variation or revocation of an order under section 43 or 44 of the National Assistance Act 1948 for the payment of money which, by virtue of subparagraph (2) above or of paragraph 5 above, is payable to the Secretary of State instead of to the National Assistance Board.

## SCHEDULE 7

Section 35(2).

### CONSEQUENTIAL AMENDMENTS

#### *Polish Resettlement Act 1947*

- 1 In section 3 of the Polish Resettlement Act 1947—
- (a) in subsection (5), for the words " regulations made for the purposes of section 11 of the Ministry of Social Security Act 1966 " there shall be substituted the words " regulations made, or having effect as if made, under or for the purposes of section 5 of the Supplementary Benefits Act 1976 " ;
  - (b) in subsection (7), for the words " sections 26 and 29 of the Ministry of Social Security Act 1966 " there shall be substituted the words " sections 20 and 21 of the Supplementary Benefits Act 1976 ";
  - (c) in subsection (8), for the words " section 23 of the Ministry of Social Security Act 1966 " there shall be substituted the words " section 18 of the Supplementary Benefits Act 1976 " ; and
  - (d) in subsection (9), for the words "section 33(3)(a) of the Ministry of Social Security Act 1966 " there shall be substituted die words " section 26(3)(a) of the Supplementary Benefits Act 1976 ".
- 2 In the Schedule to that Act, in paragraph 4—
- (a) for the words " constituted under Schedule 3 to the Ministry of Social Security Act 1966 " there shall be substituted the words " constituted in accordance with Schedule 4 to the Supplementary Benefits Act 1976 " ; and
  - (b) for the words " section 18(1) of the Ministry of Social Security Act 1966 " there shall be substituted the words " section 15(1) of the Supplementary Benefits Act 1976 ".

#### *National Assistance Act 1948*

- 3 In section 22 of the National Assistance Act 1948—
- (a) in subsection (3), for the words "the Ministry of Social Security Act 1966" there shall be substituted the words " the Supplementary Benefits Act 1976 " ;
  - (b) in subsection (5), for the words " Schedule 2 to the Ministry of Social Security Act 1966" there shall be substituted the words " Schedule 1 to the Supplementary Benefits Act 1976 " ; and
  - (c) in subsection (9), for the words "the Ministry of Social Security Act 1966" there shall be substituted the words " the Supplementary Benefits Act 1976 ".
- 4 In section 43 of that Act, there shall be inserted the following subsections—

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“(6) Any order made, whether before or after the commencement of the Supplementary Benefits Act 1976, under this section shall be enforceable as an affiliation order, and accordingly subsection (1) of section 56 of this Act shall not apply to any sum due under such an order.

(7) Any proceedings for such an order (but not proceedings for the enforcement, revocation or variation of such an order) shall be included among the proceedings which are domestic proceedings within the meaning of the Magistrates' Courts Act 1952; and section 56 of that Act (definition of 'domestic proceedings') shall have effect accordingly.

(8) Subsections (6) and (7) of this section do not extend to Scotland.”.

5 In section 53 of that Act, for the words " Schedule 3 to (he Ministry of Social Security Act 1966 " there shall be substituted the words " Schedule 4 to the Supplementary Benefits Act 1976 ".

6 In Schedule 6 to that Act—

- (a) in paragraph 4(2), for the words "the Ministry of Social Security Act 1966 " there shall be substituted the words " the Supplementary Benefits Act 1976 " ; and
- (b) in paragraph 8(3)(b), for the words "Schedule 4 to the Ministry of Social Security Act 1966 " there shall be substituted the words " Schedule 5 to the Supplementary Benefits Act 1976 ".

#### *Maintenance Orders Act 1950*

7 In section 3(1) of the Maintenance Orders Act 1950, the word " or " where secondly occurring shall be omitted and after the words " Children Act 1948 " there shall be inserted the words " or section 19 of the Supplementary Benefits Act 1976 ".

8 In section 4 of that Act—

- (a) at the end of subsection (1) there shall be inserted the following—
  - “(c) for an order under section 18 of the Supplementary Benefits Act 1976 (which provides for the recovery of expenditure on supplementary benefits from persons liable for maintenance).”; and
- (b) in subsection (2) the word " or " where first occurring shall be omitted and after the word " forty-three " there shall be inserted the words " or the said section 18 ".

9 In section 8(1) of that Act, after the words "Children Act 1948 or section 81 of the Social Work (Scotland) Act 1968 " there shall be inserted the words " or section 19(8) of the Supplementary Benefits Act 1976 ".

10 In section 9 of that Act—

- (a) at the end of subsection (1) there shall be inserted the following—
  - “(c) for an order under section 18 of the Supplementary Benefits Act 1976 (which provides for the recovery of expenditure on supplementary benefits from persons liable for maintenance).”; and
- (b) in subsection (2) after the words "forty-three or the said section 80 " there shall be inserted the words " or the said section 18 ".

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- 11 In section 11(1) of that Act, the word " or " where first occurring shall be omitted and after " 1950 " there shall be inserted the words " or section 25 of the Supplementary Benefits &c. Act (Northern Ireland) 1966 ".
- 12 In section 12 of that Act—
- (a) at the end of subsection (1) there shall be inserted the following—
    - “(c) for an order under section 24 of the Supplementary Benefits &c. Act (Northern Ireland) 1966 (which provides for the recovery of the cost of supplementary benefit from persons liable for maintenance).”;
  - (b) at the end of subsection (2), for the words " or of any order made under the said section 20 or the said section 11 " there shall be substituted the words " or of any order made under any of the said sections 11, 20 and 24 ".
- 13 In section 16(2) of that Act—
- (a) at the end of paragraph (a) there shall be inserted the following—
    - “(vi) section 18 of the Supplementary Benefits Act 1976 or section 4 of the Affiliation Proceedings Act 1957 on an application made under section 19(2) of the Act of 1976;”;
  - (b) at the end of paragraph (b) there shall be inserted the following—
    - “(viii) an order made on an application under section 19(8)(b) of the Supplementary Benefits Act 1976 ;”;
  - (c) at the end of paragraph (c) there shall be inserted the following—
    - “(vi) section 24 or 25 of the Supplementary Benefits &c. Act (Northern Ireland) 1966.”.

#### *Ecclesiastical Jurisdiction Measure 1963*

- 14 In section 55(7) of the Ecclesiastical Jurisdiction Measure 1963, as amended by section 1 of the Ecclesiastical Jurisdiction (Amendment) Measure 1974, in the definition of "affiliation order" the word "or" shall be omitted and at the end there shall be inserted the words " or section 19 of the Supplementary Benefits Act 1976 ".

#### *Legal Aid (Scotland) Act 1967*

- 15 In section 4(5) of the Legal Aid (Scotland) Act 1967—
- (a) for the words "paragraphs 19, 20, 24 and 25 of Schedule 2 to the Ministry of Social Security Act 1966 " there shall be substituted the words " paragraphs 17, 18, and 23 to 25 of Schedule 1 to the Supplementary Benefits Act 1976 "; and
  - (b) for the words " the said paragraph 19 " there shall be substituted the words " the said paragraph 17 ".

#### *Income and Corporation Taxes Act 1970*

- 16 In section 219(2) of the Income and Corporation Taxes Act 1970, for the words "the Ministry of Social Security Act 1966 " there shall be substituted the words " the Supplementary Benefits Act 1976 ".

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*Administration of Justice Act 1970*

- 17 In Schedule 8 to the Administration of Justice Act 1970—
- (a) in paragraph 5, the word " or" shall be omitted and for the words " Act 1966) " there shall be substituted the words " Act 1966 or section 19 of the Supplementary Benefits Act 1976) "; and
  - (b) in paragraph 6, the word " or" where first occurring shall be omitted and after the words " Act 1966 " there shall be inserted the words " or section 18 of the Supplementary Benefits Act 1976 ".

*Local Authority Social Services Act 1970*

- 18 In Schedule 1 to the Local Authority Social Services Act 1970, the entry relating to Schedule 4 to the Ministry of Social Security Act 1966 shall be omitted and at the end of the Schedule there shall be inserted the following entry—

|   |   |
|---|---|
| <p>“Supplementary Benefits Act 1976<br/>Schedule 5.”.</p> | <p>Provision and maintenance of reception<br/>centres for persons without a settled<br/>way of living</p> |
|---|---|

*Family Income Supplements Act 1970*

- 19 In section 7(3) of the Family Income Supplements Act 1970, for the words "Schedule 3 to the Ministry of Social Security Act 1966" there shall be substituted the words " Schedule 4 to the Supplementary Benefits Act 1976 ".

*Attachment of Earnings Act 1971*

- 20 In Schedule 1 to the Attachment of Earnings Act 1971—
- (a) in paragraph 6, the word " or" shall be omitted and for the words " Act 1966) " there shall be substituted the words " Act 1966 or section 19 of the Supplementary Benefits Act 1976) "; and
  - (b) in paragraph 7, the word " or " where first occurring shall be omitted and after the words " Act 1966 " there shall be inserted the words " or section 18 of the Supplementary Benefits Act 1976 ".
- 21 In Schedule 4 to that Act (as having effect in accordance with section 1(3) of, and paragraph 44 of Schedule 2 to, the Social Security (Consequential Provisions) Act 1975), in the list of enactments the entry "The [Supplementary Benefit Act 1966 \(c.20\)](#)" shall be omitted and at the end there shall be inserted the entry " The Supplementary Benefits Act 1976 ".

*Tribunals and Inquiries Act 1971*

- 22 In the Tribunals and Inquiries Act 1971—
- (a) in section 7(3), for the words " 20 or 28(a)" there shall be substituted the words " 28(a) or 30B "; and
  - (b) in Part I of Schedule 1, paragraph 20 shall be omitted and after paragraph 30A there shall be inserted—



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|-----------------------------|---|
| “Supplementary benefits &c. | 30B. The appeal tribunals constituted in accordance with Schedule 4 to the Supplementary Benefits Act 1976.”. |
|-----------------------------|---|

*Housing (Financial Provisions) (Scotland) Act 1972*

- 23 In section 22(1) of the Housing (Financial Provisions) (Scotland) Act 1972, for the definition of " supplementary benefit" there shall be substituted—  
“supplementary benefit ' means benefit under Part I of the Supplementary Benefits Act 1976 except that it does not include benefit under section 3 (supplementary benefit to meet exceptional needs) of that Act;”.
- 24 In paragraph 9(2)(g) of Schedule 2 to that Act, for the words " the Ministry of Social Security Act 1966 " there shall be substituted the words " the Supplementary Benefits Act 1976 " .
- 25 In Schedule 3 to that Act—
- (a) in paragraph 17(1), for the words " the Ministry of Social Security Act 1966" there shall be substituted the words " the Supplementary Benefits Act 1976 " ; and
  - (b) in paragraph 18(2), for the words " the Ministry of Social Security Act 1966 as amended by this Act" there shall be substituted the words " the Supplementary Benefits Act 1976 " .

*Housing Finance Act 1972*

- 26 In section 26(1) of the Housing Finance Act 1972, for the definition of "supplementary benefit" there shall be substituted—  
“supplementary benefit ' means benefit under Part I of the Supplementary Benefits Act 1976 except that it does not include benefit under section 3 (supplementary benefit to meet exceptional needs) of that Act;”.
- 27 In paragraph 9(2)(g) of Schedule 3 to that Act, for the words " the Ministry of Social Security Act 1966 " there shall be substituted the words " the Supplementary Benefits Act 1976 " .
- 28 In Schedule 4 to that Act—
- (a) in paragraph 16(1), for the words "the Ministry of Social Security Act 1966" there shall be substituted the words " the Supplementary Benefits Act 1976 " ; and
  - (b) in paragraph 17(2), for the words "the Ministry of Social Security Act 1966 as amended by this Act" there shall be substituted the words " the Supplementary Benefits Act 1976 " .

*Affiliation Proceedings (Amendment) Act 1972*

- 29 In section 3(1)(a) of the Affiliation Proceedings (Amendment) Act 1972, for the words "section 24 of the Ministry of Social Security Act 1966 " there shall be substituted the words " section 19 of the Supplementary Benefits Act 1976 " .

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*National Health Service Reorganisation Act 1973*

- 30 In subsection (1) of section 50 of the National Health Service Reorganisation Act 1973, the words from " and accordingly " to the end of the subsection shall be omitted.

*Employment and Training Act 1973*

- 31 In section 12(2)(b) of the Employment and Training Act 1973, for the words " benefit within the meaning of the Ministry of Social Security Act 1966 " there shall be substituted the words " supplementary benefit within the meaning of the Supplementary Benefits Act 1976 ".

*Local Government (Scotland) Act 1973*

- 32 In section 113(1) of the Local Government (Scotland) Act 1973, for the words " section 16(2) of the Ministry of Social Security Act 1966 " there shall be substituted the words " section 12(3) of the Supplementary Benefits Act 1976 ".

*Legal Aid Act 1974*

- 33 In each of the following provisions of the Legal Aid Act 1974, for the words "the Ministry of Social Security Act 1966" there shall be substituted the words " the Supplementary Benefits Act 1976 " —

- (a) section 1(1)(b);
- (b) section 4(2);
- (c) section 11(5).

- 34 In section 11(6) of that Act—
- (a) for the words "paragraphs 19, 20, 24 and 25 of Schedule 2 to the Ministry of Social Security Act 1966 " there shall be substituted the words " paragraphs 17, 18, and 23 to 25 of Schedule 1 to the Supplementary Benefits Act 1976 "; and
  - (b) for the words " the said paragraph 19 " there shall be substituted the words " the said paragraph 17 ".

- 35 In paragraph 3(c) of Part I of Schedule 1 to that Act, for the words " section 23 of the Ministry of Social Security Act 1966 " there shall be substituted the words " section 18 of the Supplementary Benefits Act 1976 ".

*National Insurance Act 1974*

- 36 In section 6(1) of the National Insurance Act 1974, for the words " the Supplementary Benefit Acts 1966 to 1973 " there shall be substituted the words " the Supplementary Benefits Act 1976 ".

*Social Security Act 1975*

- 37 In section 80(2)(b) of the Social Security Act 1975, for the words " the Supplementary Benefit Act 1966 " there shall be substituted the words " the Supplementary Benefits Act 1976 ".

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*Criminal Procedure (Scotland) Act 1975*

- 38 In Schedule 4 to the Criminal Procedure (Scotland) Act 1975, for the reference to section 33(6) of the Ministry of Social Security Act 1966 there shall be substituted a reference to section 26(5) of this Act.

*House of Commons Disqualification Act 1975*

- 39 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975, for the words " Chairman of an Appeal Tribunal constituted under Schedule 3 to the Ministry of Social Security Act 1966 or" there shall be substituted the words " Chairman of an Appeal Tribunal constituted in accordance with Schedule 4 to the Supplementary Benefits Act 1976 or under ".

*Employment Protection Act 1975*

- 40 In section 112 of the Employment Protection Act 1975—
- (a) in subsection (3)(c), for the words "under the Supplementary Benefit Act 1966" there shall be substituted the words " in accordance with the Supplementary Benefits Act 1976 " and for the words "section 18(2) and (3) of that Act" there shall be substituted the words " section 15(2) and (3) of that Act ";
  - (b) for subsection (5)(b) there shall be substituted the following—
    - “(b) Sections 18 and 20 of the Supplementary Benefits Act 1976 (recovery of expenditure on supplementary benefits from persons liable for maintenance and recovery in cases of misrepresentation or nondisclosure) shall not apply to the supplementary benefit recouped”;
  - (c) in subsection (8), for the definition of " supplementary benefit " there shall be substituted the following—
    - “ supplementary benefit ' has the same meaning as in the Supplementary Benefits Act 1976”.
- 41 In section 113 of that Act, for the words "the Supplementary Benefit Act 1966" there shall be substituted the words " the Supplementary Benefits Act 1976 ".

SCHEDULE 8

Section 35(3).

REPEALS

**PART I**

IMMEDIATE REPEALS

| Chapter     | Short Title  | Extent of Repeal                    |
|-------------|--|-------------------------------------|
| 1966 c. 20. | Supplementary Benefit Act 1966 (The Ministry of Social Security Act 1966). | The whole Act so far as unrepealed. |

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| Chapter     | Short Title  | Extent of Repeal  |
|-------------|--|---|
| 1969 c. 44. | National Insurance Act 1969.                           | In section 8(2), paragraph (f).   |
| 1970 c. 42. | Local Authority Social Services Act 1970.              | In Schedule 1, the entry relating to Schedule 4 to the Ministry of Social Security Act 1966.                                |
| 1970 c. 55. | Family Income Supplements Act 1970.                    | Section 13(1).  |
| 1971 c. 73. | Social Security Act 1971.                              | The whole Act so far as unrepealed.   |
| 1972 c. 46. | Housing (Financial Provisions) (Scotland) Act 1972.    | In Schedule 9, paragraphs 4 to 6.   |
| 1972 c. 47. | Housing Finance Act 1972.                              | In Schedule 9, paragraphs 4 to 6.   |
| 1972 c. 49. | Affiliation Proceedings (Amendment) Act 1972.          | In section 1, subsection (4) (b). In section 3(3), the words " section 24(8) of the said Act of 1966 ".                     |
| 1972 c. 70. | Local Government Act 1972.                             | In Schedule 23, paragraph 14.   |
| 1973 c. 38. | Social Security Act 1973.                              | In section 99, subsection (18). In Schedule 27, paragraph 67.   |
| 1973 c. 42. | National Insurance and Supplementary Benefit Act 1973. | Sections 6 and 7. In section 9, subsections (3) and (6).<br>Schedule 4 so far as unrepealed.                                |
| 1973 c. 65. | Local Government (Scotland) Act 1973.                  | In Schedule 9, paragraph 64.<br>In Schedule 27, paragraph 162.  |
| 1974 c. 7.  | Local Government Act 1974.                             | In section 14, subsection (4).  |
| 1974 c. 14. | National Insurance Act 1974.                           | In section 8, subsection (5).   |
| 1975 c. 11. | Social Security Benefits Act 1975.                     | Section 11.<br>Schedule 3.  |
| 1975 c. 18. | Social Security (Consequential Provisions) Act 1975.   | In Schedule 2, paragraphs 24 to 31.   |
| 1975 c. 61. | Child Benefit Act 1975.                                | Section 19 and in section 21(5), the words from the beginning of the subsection to the words "under section 16 above; and". |

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

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| Chapter                     | Short Title                                 | Extent of Repeal |
|-----------------------------|---|------------------|
| <a href="#">1976 c. 56.</a> | Supplementary Benefit (Amendment) Act 1976. | The whole Act.   |

**PART II**

DEFERRED REPEALS

| Chapter                     | Short Title                        | Extent of Repeal  |
|-----------------------------|------------------------------------|---|
| <a href="#">1975 c. 60.</a> | Social Security Pensions Act 1975. | In Schedule 4, paragraph 9(a).<br>In Schedule 4, paragraphs 7 and 8 and paragraph 9(b) and (c). |
| <a href="#">1975 c. 61.</a> | Child Benefit Act 1975.            | In Schedule 4, paragraphs 1, 2 and 7.   |
| <a href="#">1975 c. 71.</a> | Employment Protection Act 1975.    | In section 111, subsection (2).   |