



Supplementary Benefits Act 1976

1976 CHAPTER 71

PART I

SUPPLEMENTARY BENEFITS

Right to and amount of supplementary benefits

1 Right to supplementary benefits

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

2 Determination of right to and amount of supplementary benefits

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

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

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

3 Supplementary benefit to meet exceptional needs

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

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

4 Overriding discretion in cases of urgent need

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

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

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

5 Power to require registration for employment

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

6 Exclusion from supplementary benefit of persons in fulltime employment

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

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

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

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

7 Exclusion from supplementary benefit of persons completing secondary education

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

8 Persons affected by trade disputes

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

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

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

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

10 Modification of right to supplementary allowance in special cases

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

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

11 Supplementary benefit in kind

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

Supplementary provisions

12 Prevention of duplication of payments

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

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

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

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

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

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

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

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

13 Payment of supplementary benefits

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

14 Administration of supplementary benefits

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

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

15 Appeals

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

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

16 Supplementary benefits to be inalienable

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