



# Social Security (Miscellaneous Provisions) Act 1977

## 1977 CHAPTER 5

### *Miscellaneous provisions relating to benefit*

#### **13 Mobility allowances for certain persons eligible for invalid carriages**

- (1) Regulations may provide for the issue, variation and cancellation of certificates in respect of prescribed categories of persons to whom this section applies; and a person in respect of whom such a certificate is issued shall, during any period while the certificate is in force, be deemed for the purposes of section 37A of the principal Act (which relates to mobility allowance) to be suffering from such disablement as is mentioned in subsection (1) of that section and to satisfy the requirements of paragraph (a) of subsection (2) of that section.
- (2) Regulations may provide that the said section 37A shall have effect, in relation to prescribed categories of persons in respect of whom such certificates as aforesaid are in force, as if in subsection (5) (which among other things provides that a person over pensionable age shall not be entitled to a mobility allowance) the words " or over pensionable age " were omitted.
- (3) This section applies to any person whom the Secretary of States considers—
  - (a) was on 1st January 1976 in possession of an invalid carriage or other vehicle provided in pursuance of section 33 of the Health Services and Public Health Act 1968 (which relates to vehicles for persons suffering from physical defect or disability) or receiving payments in pursuance of subsection (3) of that section ; or
  - (b) had at that date, or at a later date specified by the Secretary of State, made an application which the Secretary of State approved for such a carriage or vehicle or for such payments; or
  - (c) was, both at some time during a prescribed period before that date and at some time during a prescribed period after that date, in possession of such a carriage or vehicle or receiving such payments ; or

- (d) would have been, by virtue of any of the preceding paragraphs, a person to whom this section applies but for some error or delay for which in the opinion of the Secretary of State the person is not responsible and which is brought to the attention of the Secretary of State within the period of one year beginning with the date of the passing of this Act.

#### **14 Amendments of Supplementary Benefits Act 1976**

- (1) The Secretary of State may by regulations make such modifications of the Supplementary Benefits Act 1976 as he considers are appropriate with a view to securing that, for the purposes of that Act or of such provisions of it as are prescribed—
- (a) the resources of a person under pensionable age who is attending a course of full-time education are treated as including any prescribed contribution notwithstanding that the contribution is not actually made; and
  - (b) any such contribution and any grant or award made to such a person by a Minister of the Crown or a prescribed authority in connection with the course is not disregarded;
- but nothing in this subsection or in any regulations made in pursuance of this subsection shall be construed as prejudicing any power conferred on the Supplementary Benefits Commission otherwise than by virtue of this subsection.
- (2) Regulations may specify the courses which are courses of full-time education for the purposes of the preceding subsection and the circumstances in which a person is or is not to be treated for those purposes as attending such a course.
- (3) Subject to subsection (10) below, regulations under the preceding provisions of this section may be so made as to take effect from the commencement of the Supplementary Benefits Act 1976.
- (4) In section 2(2) of that Act, after paragraph (b) (under which entitlement to any supplementary benefit is to be determined in accordance with regulations made by the Secretary of State with the consent of the Treasury) there shall be inserted the words " and regulations so made may, without prejudice to the generality of paragraph (b) of this subsection, contain provision as to the day on which entitlement to any supplementary benefit is to begin or end or the amount of any supplementary benefit is to change ".
- (5) For section 21 of that Act (which relates to false statements) there shall be substituted the following section—
- If any person, for the purpose of obtaining supplementary benefit or any other payment under this Act for himself or another person or for any other purpose connected with this Act,—
- (a) makes any statement or representation which he knows to be false ; or
  - (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,
- he shall be liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months or to both.”
- (6) In sections 22, 23(3) and 25(1) of that Act (which provide for a fine not exceeding £100) for " £100 " there shall be substituted " £400 ",

and in section 24(1) of that Act (which provides for a fine not exceeding £20) for " £20 " there shall be substituted " £100 ".

- (7) In paragraph 3(1)(b) of Schedule 1 to that Act (which refers to persons who are cohabiting as man and wife) for the words " are cohabiting as man " there shall be substituted the words " who are not married to each other are living together as husband ".
- (8) Paragraph 4(1) of Schedule 1 to that Act (adjustment for exceptional circumstances) shall have effect and, subject to subsection (10) below, be deemed always to have had effect, as if at the end there were added the words " and for this purpose the circumstances of a case may be treated as exceptional if it falls within a class of case the circumstances of which are exceptional. "
- (9) In sub-paragraph (3)(b) of paragraph 22 of Schedule 1 to that Act (which among other things requires the reduction of a person's weekly earnings provided for in sub-paragraph (1)(c) of that paragraph to be applied, in a case falling within sub-paragraph (3) of that paragraph, to less than the full amount of his net weekly earnings) for the words " sub-paragraph (1)(c) " there shall be substituted the words " sub-paragraph (1)(b) or (c) ".
- (10) Neither subsection (3) nor subsection (8) above shall affect any decision substituted or to be substituted for a decision quashed by an order of a court made before 4th March 1977.

## **15 Retrospective amendment of Supplementary Benefit Act 1966**

So far as subsections (1) to (3), (8) and (10) of section 14 of this Act apply with respect to periods before the passing of this Act they apply also with respect to periods before the commencement of the Supplementary Benefits Act 1976, but as if for the references to that Act and Schedule 1 to that Act there were substituted references to the Supplementary Benefit Act 1966 and Schedule 2 to that Act.

## **16 Recoupment of certain benefits from remuneration paid under protective awards**

- (1) In section 112(2) of the Employment Protection Act 1975 (which relates to the recoupment of unemployment and supplementary benefit out of payments to which that section applies and which are the subject of proceedings before an industrial tribunal) after the words " industrial tribunal " there shall be inserted the words " and payments of remuneration in pursuance of a protective award made by an industrial tribunal under section 101 above ".
- (2) In the said section 112 there shall be made the following amendments (which are consequential on the preceding subsection) namely—
  - (a) in subsection (2)(a) after the word " award " there shall be inserted the words " or the amount of the remuneration "; and
  - (b) in subsection (3)(a) after the words " all payments to which this section applies " there shall be inserted the words " or all payments of such remuneration as aforesaid ".
- (3) In subsection (3) of the said section 112 (which specifies matters about which regulations may be made under subsection (2) of that section) after paragraph (b) there shall be inserted the following paragraphs—

- “(bb) impose, on an employer to whom a monetary or protective award relates, a duty to furnish particulars connected with the award and to suspend payments in pursuance of the award during any period prescribed by the regulations;
- (bbb) provide for an employer who pays a sum to the Secretary of State in pursuance of this section to be relieved from any liability to pay the sum to another person.”

## 17 Other amendments relating to benefit

- (1) In section 18(2) of the principal Act (under which a person who has exhausted his right to unemployment benefit requalifies for it when he has again been employed for 13 weeks in each of which he worked for 21 hours or more) for the words " 21 hours " there shall be substituted the words " 16 hours ".
- (2) In section 80 of the principal Act (under which certain claims for benefit may be treated as claims in the alternative for other benefit) after the word " alternative " in both places there shall be inserted the words " or as a claim also ".
- (3) It is hereby declared that in relation to any time before 6th April 1975 (which is the date on which the principal Act came into force) any reference to an employed earner or employed earner's employment in Chapters IV and V of Part II of that Act (which relate to benefit for industrial injuries and diseases), and in any other provisions of that Act so far as they relate to those Chapters, is to be construed as a reference respectively to an insured person or insurable employment within the meaning of the provisions relating to industrial injuries and diseases which were in force at that time.
- (4) Where, after any benefit or increase of benefit under the principal Act (hereafter in this subsection referred to as a " relevant benefit or increase ") has been paid to a person for a period in respect of a child, child benefit for that period in respect of the child becomes payable at a rate which is such that, had the relevant benefit or increase been awarded after the child benefit became payable, the rate of the relevant benefit or increase would have been reduced, then, except so far as regulations provide otherwise, so much of the relevant benefit or increase as is equal to the difference between the amount of it which was paid for that period and the amount of it which would have been paid for that period if it had been paid at the reduced rate shall be treated as paid on account of child benefit for that period in respect of the child.
- (5) Regulations under subsection (3) of section 119 of the principal Act as applied by section 8 of the Child Benefit Act 1975 may include provision as to the date from which child benefit is to be payable to a person in respect of a child in a case where, before the benefit was awarded to that person, child benefit in respect of the child was awarded to another person.
- (6) For the purpose of calculating the rate of an invalidity pension under section 15 of the Pensions Act for a woman to whom that section applies by virtue of subsection (1) (c)(ii) of that section (which relates to a woman entitled to a widow's pension with a reduction under section 26(2) of the principal Act), subsections (3) and (4) of the said section 15 (which relate to that rate) shall have effect with such modifications as are prescribed.