



Social Security and Housing Benefits Act 1982

1982 CHAPTER 24

PART I

STATUTORY SICK PAY

Inspections and offences

19 Inspections

- (1) Every appointment of an inspector under section 144 of the principal Act shall be an appointment for the purposes of this Part as well as for the purposes of the principal Act, the Family Income Supplements Act 1970, and the Supplementary Benefits Act 1976.
- (2) Accordingly, the principal Act shall have effect as if—
 - (a) in sections 144(2) to (5) and 145 references to that Act included references to this Part; and
 - (b) in section 145—
 - (i) in subsection (1)(b) the reference to benefit included a reference to statutory sick pay ;
 - (ii) in subsection (2) (b) the reference to any person who is or has been employing another included a reference to any person who is or has been an employer (within the meaning of this Part); and
 - (iii) in subsection (2)(e) the reference to any person who is or has been liable to pay contributions included a reference to any person who is or has been an employee (within the meaning of this Part).
- (3) The following provisions of sections 144 and 145 (which among other things relate to injuries and diseases and to contributions and premiums) shall not apply for the purposes of this Part—

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- (a) in section 144, subsection (2)(b)(ii) and (d) and so much of subsection (2)(c) as relates to contributions and premiums ;
- (b) in section 145, subsection (1)(a).

20 Offences and penalties

Regulations may provide for contravention of, or failure to comply with, any provision contained in regulations made under section 8(2), 9(3)(a), 17(4) or 18 of this Act to be an offence under this Part and for the recovery, on summary conviction of any such offence, of penalties not exceeding—

- (a) for any one offence, £200 ; or
- (b) for an offence of continuing any such contravention or failure after conviction, £20 for each day on which it is so continued.

21 General provisions as to prosecutions

- (1) Proceedings in England and Wales for an offence under this Part shall not be instituted except—
 - (a) by or with the consent of the Secretary of State; or
 - (b) by an inspector or other officer authorised for that purpose by special or general directions of the Secretary of State.
- (2) An inspector or other officer so authorised may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court any proceedings for such an offence.
- (3) Notwithstanding any enactment prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Part may in England and Wales be commenced at any time within whichever of the following periods expires the later—
 - (a) 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;
 - (b) the period of 12 months after the commission of the offence.
- (4) In Scotland, proceedings for an offence under this Part may be commenced at any time within whichever of the following periods expires the later—
 - (a) the period of three months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a report to the Lord Advocate with a view to consideration of the question of prosecution, comes to the knowledge of the Secretary of State;
 - (b) the period of 12 months after the commission of the offence.

Section 331(3) of the Criminal Procedure (Scotland) Act 1975 (time limits) shall apply for the purposes of this subsection as it applies for the purposes of that section.

- (5) For the purposes of subsections (3) and (4) above, a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which the evidence in question came to his knowledge is conclusive evidence of the date on which it did so.
- (6) In proceedings for an offence under this Part, the wife or husband of the accused—
 - (a) is competent to give evidence, whether for or against the accused;

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- (b) is not compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.
- (7) Where an offence under this Part which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this subsection applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

- (8) For the purposes of section 1 of the Criminal Evidence Act 1965 (admissibility of statements contained in certain business records) as it applies in relation to proceedings for any offence under this Part "business" shall include the activities of the Secretary of State.