



Social Security Act 1986

1986 CHAPTER 50

PART VI

COMMON PROVISIONS

Administration

51 ^{F1}

Textual Amendments

F1 The following sections and schedules are repealed (1.7.1992) by the *Social Security (Consequential Provisions) Act 1992 (c. 6)* on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); ss. 56(2)(b)(3)(b)(4)–(4B), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); ss. 62–69, 70(1), 73, 74, 79(3)(4); words in s. 80(1); ss. 81, 83(2)(3)(b)–(e); words in s. 83(5); words in s. 84(1); ss. 84(3), 85(1)(a)–(c)(f)(3)(c)(d)(4); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); Sch. 3 except para. 17; Sch.4; Sch. 5 paras 2–20 and Pt. II paras (b) (c); Sch. 6; Sch. 7; Sch. 8 paras 1–3, 5–7; Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68(2), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103(a)(b), 104–107, 108(a)

[^{F2}51A Community charge benefits:administration.

- (1) Regulations may provide as follows as regards any community charge benefit—
- (a) for requiring a claim for a benefit to be made by such person, in such manner and within such time as may be prescribed;
 - (b) for treating a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
 - (c) for permitting a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Cross Heading: Administration. (See end of Document for details)

- (d) for permitting an award on a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable, or any right to a reduction or a consequential reduction becomes available, under the award;
- (e) for a review of any award if those requirements are found not to have been satisfied;
- (f) for the disallowance on any ground of a person's claim for a benefit to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
- (g) for enabling one person to act for another in relation to a claim for a benefit and for enabling such a claim to be made and proceeded with in the name of a person who has died;
- (h) for requiring any information or evidence needed for the determination of a claim or of any question arising in connection with a claim to be furnished by such person as may be prescribed in accordance with the regulations;
- (i) for the time when and manner in which any benefit (or part) which takes the form of a payment is to be paid, and for the information and evidence to be furnished in connection with the payment;
- (j) for the time when the right to make a reduction or consequential reduction may be exercised;
- (k) for notice to be given of any change of circumstances affecting the continuance of entitlement to a benefit;
- [for the day on which entitlement to a benefit is to begin or end];
- ^{F3}(kk) (l) for calculating the amount of a benefit according to a prescribed scale or otherwise adjusting it so as to avoid fractional amounts or facilitate computation;
- (m) for suspending (in whole or in part) any payment or right to make a reduction or consequential reduction, where it appears to the authority which allowed a benefit that a question arises whether the conditions for entitlement to the benefit are or were fulfilled or whether the award ought to be revised or whether an appeal ought to be brought against the award;
- (n) for withholding in prescribed circumstances any payment or right to make a reduction or consequential reduction, and for subsequently making in prescribed circumstances any withheld payment or restoring in prescribed circumstances any right to make a reduction or consequential reduction;
- (o) in the case of any benefit (or part) which takes the form of a payment, for payment or distribution to or among persons claiming to be entitled on the death of any person, and for dispensing with strict proof of their title;
- ^{F4}(oo) [in the case of benefit (or part) which takes the form of a payment, for the circumstances and manner in which payment may be made to one person on behalf or another for any purpose, which may be to discharge, in whole or in part, an obligation of the person entitled to the benefit or any other person;]
- (p) for making a payment on account of a benefit, or conferring a right to make a reduction or consequential reduction on account, where no claim has been made and it is impracticable for one to be made immediately;
- (q) for making a payment on account of a benefit, or conferring a right to make a reduction or consequential reduction on account, where a claim has been made but it is impracticable for the claim or an appeal, reference, review or application relating to it to be determined immediately;

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Cross Heading: Administration. (See end of Document for details)

- (r) for making a payment on account of a benefit, or conferring a right to make a reduction or consequential reduction on account, where an award has been made but it is impracticable to institute the benefit immediately;
 - (s) generally as to administration.
- (2) Regulations under this section may include provision that prescribed provisions shall apply instead of prescribed provisions of the 1987 Act or the 1988 Act, or that prescribed provisions of the 1987 Act or the 1988 Act shall not apply or shall apply subject to prescribed amendments or adaptations.
- (3) References in subsection (2) above to the 1987 Act or the 1988 Act include references to regulations made under the Act concerned.

Textual Amendments

- F2** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8
- F3** S. 51A(kk) inserted (21.7.1989) by Social Security Act 1989 (c. 24), Sch. 8 para. 9(6)(a)
- F4** S. 51A(oo) inserted (21.7.1989) by Social Security Act 1989 (c. 24), Sch. 8 para. 9(6)(b)

Modifications etc. (not altering text)

- C1** Pt. VI (ss. 51-65) power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5, 7(2), Sch. 3 Pt. II para. 22(3)(4)(b), (with savings in Sch. 3).

51B Administration of benefits: general.

- (1) Regulations may provide for a claim for one relevant benefit to be treated, either in the alternative or in addition, as a claim for any other relevant benefit that may be prescribed.
- (2) Regulations may provide for treating a payment made or right conferred by virtue of regulations under section 51(1)(t) above, or of regulations under section 51A(1)(p) to (r) above, as made or conferred on account of any relevant benefit that is subsequently awarded or paid.
- (3) For the purposes of subsections (1) and (2) above relevant benefits are—
 - (a) any benefit to which section 51 above applies, and
 - (b) any community charge benefit.

Textual Amendments

- F2** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8

Modifications etc. (not altering text)

- C2** Pt. VI (ss. 51-65) power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5, 7(2), Sch. 3 Pt. II para. 22(3)(4)(b), (with savings in Sch. 3).

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Cross Heading: Administration. (See end of Document for details)

Textual Amendments

- F2** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F6** S. 51C repealed (1.7.1992) by Social Security (Mortgage Interest Payments) Act 1992 (c. 33), **s. 1(2)**

52 Adjudication.

- F7**(1)
- F7**(2)
- (3) **F8**

Textual Amendments

- F2** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F7** S. 52(1)(2) repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**
- F8** The following sections and schedules are repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); ss. 56(2)(b)(3)(b)(4)–(4B), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); ss. 62–69, 70(1), 73, 74, 79(3)(4); words in s. 80(1); ss. 81, 83(2)(3)(b)–(e); words in s. 83(5); words in s. 84(1); ss. 84(3), 85(1)(a)–(c)(f)(3)(c)(d)(4); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); **Sch. 3** except para. 17; **Sch.4**; **Sch. 5** paras 2–20 and Pt. II paras (b)(c); **Sch. 6**; **Sch. 7**; **Sch. 8** paras 1–3, 5–7; **Sch. 10** paras 10, 34, 40, 48, 54, 62–67, 68(2), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103(a)(b), 104–107, 108(a)

Modifications etc. (not altering text)

- C3** Pt. VI (ss. 51-65) power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5, 7(2), **Sch. 3 Pt. II para. 22(3)(4)(b)**, (with savings in Sch. 3).

53 **F9**

Textual Amendments

- F2** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F9** The following sections and schedules are repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); ss. 56(2)(b)(3)(b)(4)–(4B), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); ss. 62–69, 70(1), 73, 74, 79(3)(4); words in s. 80(1); ss. 81, 83(2)(3)(b)–(e); words in s. 83(5); words in s. 84(1); ss. 84(3), 85(1)(a)–(c)(f)(3)(c)(d)(4); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); **Sch. 3** except para. 17; **Sch.4**; **Sch. 5** paras 2–20 and Pt. II paras (b)

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(c); Sch. 6; Sch. 7; Sch. 8 paras 1–3, 5–7; Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68(2), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103(a)(b), 104–107, 108(a)

54 Breach of regulations.

(1) Regulations under any of the benefit Acts may provide for contravention of, or failure to comply with, any provision contained in regulations made under that Act to be an offence under that Act and for the recovery, on summary conviction of any such offence, of penalties not exceeding—

- (a) for any one offence, level 3 on the standard scale; or
- (b) for an offence of continuing any such contravention or failure after conviction, £40 for each day on which it is so continued.

(2) F10

Textual Amendments

F2 Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8

F5 Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8

F10 The following sections and schedules are repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); ss. 56(2)(b)(3)(b)(4)–(4B), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); ss. 62–69, 70(1), 73, 74, 79(3)(4); words in s. 80(1); ss. 81, 83(2)(3)(b)–(e); words in s. 83(5); words in s. 84(1); ss. 84(3), 85(1)(a)–(c)(f)(3)(c)(d)(4); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); Sch. 3 except para. 17; Sch.4; Sch. 5 paras 2–20 and Pt. II paras (b) (c); Sch. 6; Sch. 7; Sch. 8 paras 1–3, 5–7; Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68(2), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103(a)(b), 104–107, 108(a)

Modifications etc. (not altering text)

C4 Pt. VI (ss. 51–65) power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5, 7(2), Sch. 3 Pt. II para. 22(3)(4)(b), (with savings in Sch. 3).

55 F11

Textual Amendments

F2 Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8

F5 Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), Sch. 10, para. 8

F11 The following sections and schedules are repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); ss. 56(2)(b)(3)(b)(4)–(4B), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); ss. 62–69, 70(1), 73, 74, 79(3)(4); words in s. 80(1); ss. 81, 83(2)(3)(b)–(e); words in s. 83(5); words in s. 84(1); ss. 84(3), 85(1)(a)–(c)(f)(3)(c)(d)(4); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); Sch. 3 except para. 17; Sch.4; Sch. 5 paras 2–20 and Pt. II paras (b)

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(c); Sch. 6; Sch. 7; Sch. 8 paras 1–3, 5–7; Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68(2), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103(a)(b), 104–107, 108(a)

56 Legal proceedings.

- (1) Any person authorised by the Secretary of State in that behalf may conduct any proceedings under the benefit Acts before a magistrates' court ^{F12}
- (2) Notwithstanding anything in any Act—
- (a) proceedings for an offence under the benefit Acts . . . ^{F13} 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 a period of twelve months from the commission of the offence, whichever period last expires; . . . ^{F13}
- (b) ^{F13}
- (3) For the purposes of subsection (2) above—
- (a) 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 (a) of that subsection came to his knowledge shall be conclusive evidence of that date; . . . ^{F13}
- (b) ^{F13}
- (4) ^{F13}
- (5) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) to [^{F14}(4A)] above—
- (a) proceedings for an offence under the benefit Acts may, notwithstanding anything in [^{F15}section 136 of the Criminal Procedure (Scotland) Act 1995], be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the Lord Advocate 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) a certificate purporting to be signed by or on behalf of the Lord Advocate as to the date on which such evidence as is mentioned above came to his knowledge shall be conclusive evidence thereof;
- (ii) subsection (3) of [^{F16}section 136 of the said Act of 1995] (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

Textual Amendments

- F2** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F12** Words in s. 56(1) repealed (1.1.2010) by Welfare Reform Act 2009 (c. 29), ss. 208(1), 201, 211(2), Sch. 21 para. 68, **Sch. 23 Pt. 5** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)(i)(ii)(v)**
- F13** The following sections and schedules are repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); ss. 56(2)(b)(3)(b)(4)–(4B), 58; words in s. 61(1)(3)–(5);

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s. 61(7)–(9); words in s. 61(10); ss. 62–69, 70(1), 73, 74, 79(3)(4); words in s. 80(1); ss. 81, 83(2)(3)(b)–(e); words in s. 83(5); words in s. 84(1); ss. 84(3), 85(1)(a)–(c)(f)(3)(c)(d)(4); words in s. 85(5); s. 85(7); words in s. 85(8)(9)–(12); Sch. 3 except para. 17; Sch.4; Sch. 5 paras 2–20 and Pt. II paras (b)(c); Sch. 6; Sch. 7; Sch. 8 paras 1–3, 5–7; Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68(2), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103(a)(b), 104–107, 108(a)

F14 Reference substituted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10 para. 9(5)**

F15 Words in s. 56(5)(a) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 64(a)**

F16 Words in s. 56(5)(b)(ii) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 64(b)**

Modifications etc. (not altering text)

C5 Pt. VI (ss. 51-65) power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5, 7(2), **Sch. 3 Pt. II para. 22(3)(4)(b)**, (with savings in Sch. 3).

57 Offences by bodies corporate.

(1) Where an offence under any of the benefit Acts 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.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above 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.

Textual Amendments

F2 Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8

F5 Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8

Modifications etc. (not altering text)

C6 Pt. VI (ss. 51-65) power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5, 7(2), **Sch. 3 Pt. II para. 22(3)(4)(b)**, (with savings in Sch. 3).

58

F17

Textual Amendments

F2 Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8

F5 Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8

F17 The following sections and schedules are repealed (1.7.1992) by the Social Security (Consequential Provisions) Act 1992 (c. 6) on consolidation: Ss. 18–29, 30(1)–(9)(11), 31–36, 37(1), 38, 40–51, 52(3)–(10), 53, 54(2), 55; words in s. 56(2)(a); ss. 56(2)(b)(3)(b)(4)–(4B), 58; words in s. 61(1)(3)–(5); s. 61(7)–(9); words in s. 61(10); ss. 62–69, 70(1), 73, 74, 79(3)(4); words in s. 80(1); ss. 81, 83(2)(3)(b)–(e); words in s. 83(5); words in s. 84(1); ss. 84(3), 85(1)(a)–(c)(f)(3)(c)(d)(4); words in s. 85(5); s.

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Cross Heading: Administration. (See end of Document for details)

85(7); words in s. 85(8)(9)–(12); Sch. 3 except para. 17; Sch.4; Sch. 5 paras 2–20 and Pt. II paras (b) (c); Sch. 6; Sch. 7; Sch. 8 paras 1–3, 5–7; Sch. 10 paras 10, 34, 40, 48, 54, 62–67, 68(2), 69, 70, 72, 74, 77, 83–88, 90–92, 95, 97–100, 103(a)(b), 104–107, 108(a)

F18 **59**

Textual Amendments

- F2** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F18** Ss. 59-61 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F19 **60]]**

Textual Amendments

- F2** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F5** Sections 51A, 51B inserted (29.7.1988) by Local Government Finance Act 1988 (c. 41), **Sch. 10**, para. 8
- F19** Ss. 59-61 repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Social Security Act 1986, Cross
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