



Social Security Act 1988

1988 CHAPTER 7

Young persons

4 Income support and child benefit

(1) In paragraph (a) of subsection (3) of section 20 of the Social Security Act 1986 (by virtue of which a person in Great Britain is entitled to income support if he is of or over the age of 16) for “16” there shall be substituted “18 or, in prescribed circumstances and for a prescribed period, of or over the age of 16 or he is a person to whom subsection (4A) below applies;”.

(2) The following subsections shall be inserted after subsection (4) of that section—

“(4A) If it appears to the Secretary of State—

- (a) that a person of or over the age of 16 but under the age of 18 is not entitled to income support; and
- (b) that severe hardship will result to that person unless income support is paid to him,

the Secretary of State may direct that this subsection shall apply to him.

(4B) Any such direction may specify a period for which subsection (4A) above is to apply to the person to whom the direction relates.

(4C) The person to whom such a direction relates shall be treated in accordance with it, but if at any time it appears to the Secretary of State that there has been a change of circumstances as a result of which failure to receive income support need no longer result in severe hardship to him, he may revoke the direction.

(4D) The Secretary of State may also revoke the direction if—

- (a) he is satisfied that it was given in ignorance of some material fact or was based on a mistake as to some material fact; and
- (b) he considers that but for his ignorance or mistake he would not have determined that failure to receive income support would result in severe hardship.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4E) Where—
- (a) a direction under subsection (4A) above is revoked; and
 - (b) it is determined by an adjudication officer that, whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact and in consequence of the misrepresentation or failure a payment of income support has been made during the relevant period to the person to whom the direction related,
- an adjudication officer may determine that the Secretary of State shall be entitled to recover the amount of the payment.
- (4F) Section 53(2) and (5) to (9) below apply to income support recoverable under subsection (4E) above as they apply to income support recoverable under section 53(1) below.
- (4G) The other provisions of section 53 below do not apply to income support recoverable under subsection (4E) above.
- (4H) In subsection (4E) above “the relevant period” means—
- (a) if the revocation is under subsection (4C) above, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and
 - (b) if the revocation is under subsection (4D) above, the period during which the direction was in force.
- (4J) Where a direction under subsection (4A) above is revoked, the Secretary of State may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.
- (4K) If he certifies that there has been such misrepresentation or failure to disclose, he may also certify—
- (a) who made the misrepresentation or failed to make the disclosure; and
 - (b) whether or not a payment of income support has been made in consequence of the misrepresentation or failure.
- (4L) If he certifies that a payment has been made, he may certify the period during which income support would not have been paid but for the misrepresentation or failure to disclose.
- (4M) A certificate under this section shall be conclusive for the purposes of this section as to any matter certified.
- (4N) In subsections (3)(a) and (4B) above “period” includes—
- (a) a period of a determinate length;
 - (b) a period defined by reference to the happening of a future event; and
 - (c) a period of a determinate length but subject to earlier determination upon the happening of a future event.”
- (3) The following paragraph shall be inserted after subsection (1)(a) of section 2 of the Child Benefit Act 1975—
- “(aa) he is under the age of eighteen and not receiving full-time education and prescribed conditions are satisfied in relation to him; or”.
- (4) In section 4(1) of that Act, after the word “above” there shall be inserted the words “or by virtue of section 2(1)(aa) above and regulations made under that paragraph”.