



# Supplementary Benefits Act 1976

## 1976 CHAPTER 71

### PART I

#### SUPPLEMENTARY BENEFITS

##### *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

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- (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—
- (a) for requiring claims for supplementary benefit to be made in such manner as may be specified in the regulations ;
- (b) for requiring—

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- (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—

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- (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.