

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Approved mental health professionals

Part 4 – Health in Pregnancy Grant

England, Wales and Scotland

Section 131: Entitlement: Great Britain

456. **Section 131** amends the Contributions and Benefits Act. It inserts new Part 8A to provide that a woman who has satisfied prescribed conditions in relation to a pregnancy is entitled to payment of the Health in Pregnancy Grant.
457. New *section 140A* of the Contributions and Benefits Act establishes conditions of entitlement to the grant. It covers such matters as prescribed conditions in relation to a woman's pregnancy, in particular, the specified stage that a woman must have reached in order to become entitled, residence conditions and the requirement that the woman receive maternal health advice from a health professional. It introduces the powers to enable HM Treasury to make regulations under this section.
458. New *section 140B(1)* and *(2)* enable HM Treasury to prescribe in regulations the amount of the grant and to prescribe different amounts in relation to different cases.

Section 132: Administration: Great Britain

459. *Subsections (1) and (2)* enable the Commissioners for HM Revenue and Customs to make regulations about the administration of the Health in Pregnancy Grant. The regulations may, for example, provide for a claim to be made in a manner, and within a time, prescribed by the regulations. The regulations may also require persons prescribed by the regulations to provide information to enable the Commissioners to determine if the conditions for eligibility are met.
460. *Subsection (3)* inserts new section 12A (necessity of application for health in pregnancy grant) into the Social Security Administration Act 1992. The new section provides that entitlement to the grant depends on making a claim in the required manner. It specifies that no person is to have entitlement to the grant without having a National Insurance Number or providing the evidence in order for a National Insurance Number to be allocated. It also enables the Commissioners for HM Revenue and Customs to prescribe exceptions to this requirement.
461. *Subsections (4) and (5)* enable the Commissioners for HM Revenue and Customs to recover overpayments of the grant made as a result, for example, of fraud, mistake or failure to disclose accurate information.
462. *Subsections (6) and (7)* amend sections 121E and 121F of the Social Security Administration Act 1992, to include information obtained by HMRC in connection

*These notes refer to the Health and Social Care Act 2008
(c.14) which received Royal Assent on 21 July 2008*

with its functions relating to the Health in Pregnancy Grant. This will allow DWP and HMRC to share information to help develop and refine policies for pregnant women.

463. *Subsection (8)* applies Chapter 2 of Part 1 of the Social Security Act 1998, which makes provision about decisions and appeals and provides for those functions to be exercised by the Commissioners for HM Revenue and Customs.

Section 133: Penalty: Great Britain

464. **Section 133** amends the Social Security Administration Act 1992. It inserts new Schedule 3A to set out circumstances in which the Commissioners for HM Revenue and Customs may impose civil penalties on a person and sets out the power for the amount of the penalty to be prescribed by the Commissioners for HM Revenue and Customs. It also introduces the right to appeal for those on whom a civil penalty has been imposed and establishes time limits in which a penalty may be imposed and recovered.
465. Paragraph 2(6) of the new Schedule 3A provides the power for the Commissioners for HM Revenue and Customs to apply, by regulations, provision contained in the Social Security Act 1998 in relation to an appeal against a penalty.