



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 4

#### HEALTH IN PREGNANCY GRANT

*England, Wales and Scotland*

#### **131 Entitlement: Great Britain**

After Part 8 of the Social Security Contributions and Benefits Act 1992 (c. 4) insert—

#### **“PART 8A**

#### HEALTH IN PREGNANCY GRANT

#### **140A Entitlement**

- (1) A woman who satisfies prescribed conditions in relation to a pregnancy of hers is entitled to payment of a lump sum (to be known as “health in pregnancy grant”).
- (2) A condition prescribed under subsection (1) may, in particular, require a woman to have reached a specified stage of her pregnancy.
- (3) A woman is not entitled to health in pregnancy grant unless—
  - (a) she has received advice on matters relating to maternal health from a health professional;
  - (b) she is in Great Britain at the time she makes a claim for the grant in accordance with the Administration Act.
- (4) Circumstances may be prescribed in which a woman is to be treated for the purposes of subsection (3)(b) as being, or as not being, in Great Britain.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4. (See end of Document for details)*

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- (5) In this section—
- “health professional” has such meaning as may be prescribed,
  - “prescribed” means prescribed by regulations, and
  - “woman” means a female of any age.
- (6) The power to make regulations under this section is exercisable by the Treasury.

#### 140B Amount

- (1) Health in pregnancy grant is to be of an amount prescribed by regulations made by the Treasury.
- (2) Different amounts may be prescribed in relation to different cases.”

#### Commencement Information

- I1** [S. 131](#) partly in force; [s. 131](#) in force for specified purposes at Royal Assent, see [s. 170](#)
- I2** [S. 131](#) in force at 1.1.2009 in so far as not already in force by [S.I. 2008/3137](#), [art. 2](#)

#### 132 Administration: Great Britain

- (1) In section 5 of the Social Security Administration Act 1992 (c. 5) (claims and payments regulations), in subsection (2), after paragraph (f), insert—
- “(fa) health in pregnancy grant;”.
- (2) The power to make regulations under that section in relation to health in pregnancy grant is exercisable by the Commissioners for Her Majesty's Revenue and Customs.
- (3) After section 12 of that Act insert—

*“Health in pregnancy grant*

#### 12A Necessity of application for health in pregnancy grant

- (1) No person is entitled to health in pregnancy grant unless she claims it in the manner, and within the time, prescribed in relation to health in pregnancy grant by regulations under section 5.
- (2) No person is entitled to health in pregnancy grant unless subsection (3) or (4) is satisfied in relation to her.
- (3) This subsection is satisfied in relation to a person if her claim for health in pregnancy grant is accompanied by—
- (a) a statement of her national insurance number and information or evidence establishing that that number has been allocated to her; or
  - (b) information or evidence enabling the national insurance number that has been allocated to her to be ascertained.
- (4) This subsection is satisfied in relation to a person if she makes an application for a national insurance number to be allocated to her which is accompanied by information or evidence enabling a national insurance number to be allocated to her.

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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4. (See end of Document for details)

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- (5) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision disapplying subsection (2) in the case of prescribed descriptions of persons making a claim.”
- (4) In section 71 of that Act (benefits in relation to which overpayments may be recovered), in subsection (11), after paragraph (e), insert—
- “(ea) health in pregnancy grant; and”.
- (5) In the application of that section in relation to health in pregnancy grant, references to the Secretary of State are to be read as references to the Commissioners for Her Majesty's Revenue and Customs.
- (6) In section 121E of that Act (supply of information by Her Majesty's Revenue and Customs), in subsection (1), after “contributions,” insert “health in pregnancy grant,”.
- (7) In section 121F of that Act (supply of information to Her Majesty's Revenue and Customs), in subsection (2), after “contributions,” insert “health in pregnancy grant,”.
- (8) Chapter 2 of Part 1 of the Social Security Act 1998 (c. 14) (decisions and appeals) is to have effect as if health in pregnancy grant were a relevant benefit for the purposes of that Chapter; and the functions of the Secretary of State under that Act are, in relation to that grant, exercisable by the Commissioners for Her Majesty's Revenue and Customs.

**Commencement Information**

- I3** S. 132 partly in force; s. 132 in force for specified purposes at Royal Assent, see s. 170
- I4** S. 132 in force at 1.1.2009 in so far as not already in force by S.I. 2008/3137, art. 2

**133 Penalty: Great Britain**

- (1) After section 113B of the Social Security Administration Act 1992 (c. 5) insert—

**“113C Health in pregnancy grant: civil penalty for fraud, etc.**

Schedule 3A (health in pregnancy grant: civil penalty for fraud, etc.) has effect.”

- (2) Before Schedule 4 to that Act, insert—

“SCHEDULE 3A

HEALTH IN PREGNANCY GRANT: CIVIL PENALTY FOR FRAUD, ETC.

*Penalty*

- 1 (1) This paragraph applies where a person fraudulently or negligently—
- (a) makes an incorrect statement or declaration in or in connection with a claim for health in pregnancy grant, or
- (b) gives incorrect information or evidence in response to a requirement imposed on the person by virtue of section 5.
- (2) The Commissioners for Her Majesty's Revenue and Customs may make a determination imposing a penalty on the person.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4. (See end of Document for details)*

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- (3) The amount of a penalty imposed under this paragraph—
  - (a) is to be determined by the Commissioners, but
  - (b) may not exceed the amount of the grant.
- (4) A penalty imposed under this paragraph becomes payable at the end of the period of 30 days beginning with the date on which the notice is given.
- (5) The Commissioners must give notice of a determination imposing a penalty under this paragraph to the person on whom it is imposed.
- (6) The notice must—
  - (a) state the date on which the notice is given,
  - (b) state the date on or before which payment is due in accordance with sub-paragraph (4), and
  - (c) give details of the right to appeal under paragraph 2.

#### *Appeal*

- 2 (1) A person on whom a penalty is imposed under paragraph 1 may appeal to an appeal tribunal against the determination imposing it.
- (2) On an appeal under sub-paragraph (1), an appeal tribunal may—
  - (a) set the determination aside,
  - (b) confirm the determination,
  - (c) reduce the amount of the penalty, or
  - (d) increase the amount of it (but not so as to exceed the amount of the grant).
- (3) An appeal lies to a Commissioner from a decision of an appeal tribunal under sub-paragraph (2).
- (4) On an appeal under sub-paragraph (3), a Commissioner has a similar jurisdiction to that conferred on an appeal tribunal by sub-paragraph (2).
- (5) In sub-paragraphs (1) to (4), “appeal tribunal” and “Commissioner” have the same meaning as in Chapter 2 of Part 1 of the Social Security Act 1998 (decisions, etc.).
- (6) The Commissioners for Her Majesty's Revenue and Customs may by regulations apply provision contained in that Act in relation to an appeal under this paragraph (with such modifications as are prescribed).

#### *Mitigation*

- 3 The Commissioners for Her Majesty's Revenue and Customs may mitigate or entirely remit a penalty under this Schedule.

#### *Time limit*

- 4 (1) The Commissioners for Her Majesty's Revenue and Customs may make a determination imposing a penalty under paragraph 1 at any time before the end of the period of two years beginning with the relevant day.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4. (See end of Document for details)*

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- (2) In sub-paragraph (1), the “relevant day” is the day on which the statement or declaration, or information or evidence, referred to in paragraph 1(1) is made or given.

#### *Recovery*

- 5 A penalty payable under this Schedule is to be treated for the purposes of Part 6 of the Taxes Management Act 1970 (collection and recovery) as if it were tax charged in an assessment and due and payable.”

#### **Commencement Information**

- I5** S. 133 partly in force; s. 133 in force for specified purposes at Royal Assent, see s. 170  
**I6** S. 133 in force at 1.1.2009 in so far as not already in force by S.I. 2008/3137, art. 2

#### *Northern Ireland*

### **134 Entitlement: Northern Ireland**

After Part 8 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) insert—

#### **“PART 8A**

#### HEALTH IN PREGNANCY GRANT

#### **136A Entitlement**

- (1) A woman who satisfies prescribed conditions in relation to a pregnancy of hers is entitled to payment of a lump sum (to be known as “health in pregnancy grant”).
- (2) A condition prescribed under subsection (1) may, in particular, require a woman to have reached a specified stage of her pregnancy.
- (3) A woman is not entitled to health in pregnancy grant unless—
- (a) she has received advice on matters relating to maternal health from a health professional;
  - (b) she is in Northern Ireland at the time she makes a claim for the grant in accordance with the Administration Act.
- (4) Circumstances may be prescribed in which a woman is to be treated for the purposes of subsection (3)(b) as being, or as not being, in Northern Ireland.
- (5) In this section—
- “health professional” has such meaning as may be prescribed,
  - “prescribed” means prescribed by regulations, and
  - “woman” means a female of any age.
- (6) The power to make regulations under this section is exercisable by the Treasury.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4. (See end of Document for details)*

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### 136B Amount

- (1) Health in pregnancy grant is to be of an amount prescribed by regulations made by the Treasury.
- (2) Different amounts may be prescribed in relation to different cases.”

#### Commencement Information

- I7** S. 134 partly in force; s. 134 in force for specified purposes at Royal Assent, see s. 170
- I8** S. 134 in force at 1.1.2009 in so far as not already in force by S.I. 2008/3137, art. 2

### 135 Administration: Northern Ireland

- (1) In section 5 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (claims and payments regulations), in subsection (2), after paragraph (f), insert—
  - “(fa) health in pregnancy grant;”.
- (2) The power to make regulations under that section in relation to health in pregnancy grant is exercisable by the Commissioners for Her Majesty's Revenue and Customs.
- (3) After section 10 of that Act insert—

*“Health in pregnancy grant*

#### 10A Necessity of application for health in pregnancy grant

- (1) No person is entitled to health in pregnancy grant unless she claims it in the manner, and within the time, prescribed in relation to health in pregnancy grant by regulations under section 5.
  - (2) No person is entitled to health in pregnancy grant unless subsection (3) or (4) is satisfied in relation to her.
  - (3) This subsection is satisfied in relation to a person if her claim for health in pregnancy grant is accompanied by—
    - (a) a statement of her national insurance number and information or evidence establishing that that number has been allocated to her; or
    - (b) information or evidence enabling the national insurance number that has been allocated to her to be ascertained.
  - (4) This subsection is satisfied in relation to a person if she makes an application for a national insurance number to be allocated to her which is accompanied by information or evidence enabling a national insurance number to be allocated to her.
  - (5) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision disapplying subsection (2) in the case of prescribed descriptions of persons making a claim.”
- (4) In section 69 of that Act (benefits in relation to which overpayments may be recovered), in subsection (11), after paragraph (e), insert—

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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4. (See end of Document for details)

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“(ea) health in pregnancy grant; and”.

- (5) In the application of that section in relation to health in pregnancy grant, references to the Northern Ireland Department are to be read as references to the Commissioners for Her Majesty's Revenue and Customs.
- (6) In section 115D of that Act (supply of information by Her Majesty's Revenue and Customs), in subsection (1), after “contributions,” insert “health in pregnancy grant,”.
- (7) In section 115E of that Act (supply of information to Her Majesty's Revenue and Customs), in subsection (2), after “contributions,” insert “health in pregnancy grant,”.
- (8) Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) (decisions and appeals) is to have effect as if health in pregnancy grant were a relevant benefit for the purposes of that Chapter; and the functions of the Northern Ireland Department under that Order are, in relation to that grant, exercisable by the Commissioners for Her Majesty's Revenue and Customs.
- (9) In subsections (5) and (8), “the Northern Ireland Department” means the Department for Social Development in Northern Ireland.

#### Commencement Information

- I9** S. 135 partly in force; s. 135 in force for specified purposes at Royal Assent, see s. 170
- I10** S. 135 in force at 1.1.2009 in so far as not already in force by S.I. 2008/3137, art. 2

### 136 Penalty: Northern Ireland

- (1) After section 107B of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) insert—

**“107C Health in pregnancy grant: civil penalty for fraud, etc.**

Schedule 3A (health in pregnancy grant: civil penalty for fraud, etc.) has effect.”

- (2) Before Schedule 4 to that Act, insert—

“SCHEDULE 3A

HEALTH IN PREGNANCY GRANT: CIVIL PENALTY FOR FRAUD, ETC.

*Penalty*

- 1 (1) This paragraph applies where a person fraudulently or negligently—
  - (a) makes an incorrect statement or declaration in or in connection with a claim for health in pregnancy grant, or
  - (b) gives incorrect information or evidence in response to a requirement imposed on the person by virtue of section 5.
- (2) The Commissioners for Her Majesty's Revenue and Customs may make a determination imposing a penalty on the person.
- (3) The amount of a penalty imposed under this paragraph—

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4. (See end of Document for details)*

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- (a) is to be determined by the Commissioners, but
  - (b) may not exceed the amount of the grant.
- (4) A penalty imposed under this paragraph becomes payable at the end of the period of 30 days beginning with the date on which the notice is given.
- (5) The Commissioners must give notice of a determination imposing a penalty under this paragraph to the person on whom it is imposed.
- (6) The notice must—
- (a) state the date on which the notice is given,
  - (b) state the date on or before which payment is due in accordance with sub-paragraph (4), and
  - (c) give details of the right to appeal under paragraph 2.

#### *Appeal*

- 2 (1) A person on whom a penalty is imposed under paragraph 1 may appeal to an appeal tribunal against the determination imposing it.
- (2) On an appeal under sub-paragraph (1), an appeal tribunal may—
- (a) set the determination aside,
  - (b) confirm the determination,
  - (c) reduce the amount of the penalty, or
  - (d) increase the amount of it (but not so as to exceed the amount of the grant).
- (3) An appeal lies to a Commissioner from a decision of an appeal tribunal under sub-paragraph (2).
- (4) On an appeal under sub-paragraph (3), a Commissioner has a similar jurisdiction to that conferred on an appeal tribunal by sub-paragraph (2).
- (5) In sub-paragraphs (1) to (4), “appeal tribunal” has the same meaning as in Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998 (decisions, etc.).
- (6) The Commissioners for Her Majesty's Revenue and Customs may by regulations apply provision contained in that Order in relation to an appeal under this paragraph (with such modifications as are prescribed).

#### *Mitigation*

- 3 The Commissioners for Her Majesty's Revenue and Customs may mitigate or entirely remit a penalty under this Schedule.

#### *Time limit*

- 4 (1) The Commissioners for Her Majesty's Revenue and Customs may make a determination imposing a penalty under paragraph 1 at any time before the end of the period of two years beginning with the relevant day.



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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4. (See end of Document for details)*

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- (2) In sub-paragraph (1), the “relevant day” is the day on which the statement or declaration, or information or evidence, referred to in paragraph 1(1) is made or given.

#### *Recovery*

- 5 A penalty payable under this Schedule is to be treated for the purposes of Part 6 of the Taxes Management Act 1970 (collection and recovery) as if it were tax charged in an assessment and due and payable.”

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#### **Commencement Information**

- I11** S. 136 partly in force; s. 136 in force for specified purposes at Royal Assent, see s. 170  
**I12** S. 136 in force at 1.1.2009 in so far as not already in force by S.I. 2008/3137, art. 2

### **137 Northern Ireland: health in pregnancy grant to be excepted matter**

In Schedule 2 to the Northern Ireland Act 1998 (c. 47) (excepted matters), at the beginning of paragraph 10B insert “ Health in pregnancy grant, ”.

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#### **Commencement Information**

- I13** S. 137 in force at 1.1.2009 by S.I. 2008/3137, art. 2

#### *General and supplementary*

### **138 General and supplementary**

- (1) The Commissioners for Her Majesty's Revenue and Customs are responsible for the payment and management of health in pregnancy grant.
- (2) In section 115 of the Immigration and Asylum Act 1999 (c. 33) (exclusion from entitlement to benefits), in subsection (1), after paragraph (h), insert—  
“(ha) health in pregnancy grant,”.
- (3) In subsections (5) and (6) of that section, before “child benefit” insert “ health in pregnancy grant or ”.
- (4) In section 677(1) of the Income Tax (Earnings and Pensions) Act 2003 (c. 1) (benefits wholly exempt from income tax), in Part 1 of Table B, at the appropriate place insert—

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“Health in pregnancy grant	SSCBA 1992	Section 140A
	SSCB(NI)A 1992	Section 136A”.

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#### **Commencement Information**

- I14** S. 138 in force at 1.1.2009 by S.I. 2008/3137, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 4.