

Draft Regulations laid before Parliament under section 190(1) of the Social Security Administration Act 1992 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 000

SOCIAL SECURITY

The Social Security (Civil Penalties) Regulations 2012

Made - - - - 2012
Coming into force - - 1st October 2012

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 115C(2), 115D(1) and (2), 189(1) and 191 of the Social Security Administration Act 1992⁽¹⁾.

In accordance with section 190(1) of that Act ⁽²⁾, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament

This instrument contains only regulations made by virtue of section 116(1) of the Welfare Reform Act 2012⁽³⁾ and is made before the end of the period of 6 months beginning with the coming into force of that section⁽⁴⁾.

In so far as these Regulations relate to housing benefit and council tax benefit, in accordance with section 176(1) of the Social Security Administration Act 1992⁽⁵⁾, consultation has taken place with organisations appearing to the Secretary of State to be representative of the authorities concerned.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Civil Penalties) Regulations 2012 and come into force on 1st October 2012.

(2) In these Regulations, “the Act” means the Social Security Administration Act 1992.

(1) 1992 c.5. Sections 115C and 115D are inserted by section 116(1) of the Welfare Reform Act 2012 (c.5). Section 189(1) is amended by paragraph 109(a) of Schedule 7 to the Social Security Act 1998 (c.14). Section 191 is cited for the definition of “prescribe”.

(2) Section 116(2) of the Welfare Reform Act 2012 inserts paragraph (zzb) into section 190(1) of the Social Security Administration Act 1992 so as to prescribe the relevant Parliamentary control for regulations made under section 115C(2) and 115D(1) and (2) of that Act.

(3) 2012 c.5.

(4) See section 173(5) of the Social Security Administration Act 1992.

(5) Section 176(1) is amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c.14), paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c.52) and section 69(6) of the Child Support, Pensions and Social Security Act 2000 (c. 19).

Prescribed amount of penalty: section 115C of the Act

2. The prescribed amount of the penalty for the purpose of section 115C(2) of the Act (incorrect statements etc.) is £50.

Prescribed amount of penalty: section 115D(1) of the Act

3. The prescribed amount of the penalty for the purpose of section 115D(1) of the Act (failure to provide information) is £50.

Prescribed amount of penalty: section 115D(2) of the Act

4. The prescribed amount of the penalty for the purpose of section 115D(2) of the Act (failure to notify appropriate authority of a relevant change of circumstances) is £50.

Signed by authority of the Secretary of State for Work and Pensions.

Date

Name
Parliamentary Under Secretary of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the amount of a penalty which may be imposed by an appropriate authority by virtue of section 115C or 115D of the Social Security Administration Act 1992 (c.5) (“the Act”). The Secretary of State or an authority administering housing benefit or council tax benefit are both appropriate authorities for the purpose of these sections by virtue of section 115C(6) of the Act. That subsection also defines a “relevant social security benefit” for the purpose of these sections.

Regulation 2 prescribes the penalty for negligently making an incorrect statement or representation or negligently giving incorrect information or evidence in connection with a claim for or award of a relevant social security benefit without taking reasonable steps to correct it.

Regulation 3 prescribes the penalty for failing, without reasonable excuse, to provide information or evidence about a claim for or award of a relevant social security benefit in accordance with requirements imposed by an appropriate authority.

Regulation 4 prescribes the penalty for failing, without reasonable excuse, to notify the appropriate authority of a relevant change of circumstances relating to an award of a relevant social security benefit.

In each such case, for the penalty to be imposed, the relevant action, or as the case may be, the relevant failure to take action, would have to result in an overpayment of such a benefit.

The prescribed penalty in each case is £50. Sections 115C and 115D of the Act will come into force fully on 1st October 2012 which is the same day as these Regulations come into force.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.