



# Social Security Administration (Fraud) Act 1997

## 1997 CHAPTER 47

*Investigations relating to housing benefit and council tax benefit*

### 11 Information from landlords and agents

After section 126 of the Social Security Administration Act 1992 insert—

*“Landlords and agents*

#### **126A Power to require information from landlords and agents**

- (1) Regulations shall provide that where a claim for housing benefit in respect of a dwelling is made to an authority and the circumstances are such as are prescribed—
- (a) the authority; or
  - (b) a person authorised to exercise any function of the authority relating to housing benefit,
- may require any appropriate person to supply information of a prescribed description to the authority or other person.
- (2) Subject to subsection (4) below, for the purposes of subsection (1) above a person is an appropriate person in relation to a dwelling if he is—
- (a) a person to whom anyone is, or claims to be, liable to make relevant payments;
  - (b) a person to whom, or at whose direction, a person within paragraph (a) above has agreed to make payments in consequence of being entitled to receive relevant payments; or
  - (c) a person acting on behalf of a person within paragraph (a) or (b) above in connection with any aspect of the management of the dwelling.

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*Status: This is the original version (as it was originally enacted).*

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- (3) In subsection (2) above “relevant payments”, in relation to a dwelling, means payments in respect of the dwelling which are of a description in relation to which housing benefit may be paid.
- (4) Regulations may provide that any prescribed person, or any person of a prescribed description, is not an appropriate person for the purposes of subsection (1) above.
- (5) The descriptions of information which may be prescribed for the purposes of subsection (1) above include, in particular, any description of information relating to, or to any interest in or other connection with, dwellings and other property situated anywhere in the United Kingdom.
- (6) Information shall be supplied under subsection (1) above in such manner and form, and at such time and in accordance with such other requirements, as may be prescribed.
- (7) Information supplied to an authority or other person under subsection (1) above may be used by the authority or other person only in the exercise of any function relating to housing benefit or council tax benefit.
- (8) The provisions of sections 122D and 122E above apply in relation to any information supplied under subsection (1) above which is not benefit administration information (within the meaning of those provisions) as if it were.”

## 12 Inspectors appointed by authorities

After section 110 of the Social Security Administration Act 1992 insert—

### “110A Appointment of inspectors by authorities

- (1) An authority administering housing benefit or council tax benefit may appoint persons to be inspectors.
- (2) The Secretary of State may notify an authority as to—
  - (a) the number of persons who may be appointed as inspectors by the authority; and
  - (b) the manner in which appointments shall be made.
- (3) The authority may only appoint as inspectors persons employed by—
  - (a) the authority;
  - (b) another authority, or a joint committee, exercising any function relating to housing benefit or council tax benefit on behalf of the authority; or
  - (c) a person authorised to exercise any function of the authority, or that other authority, relating to housing benefit or council tax benefit.
- (4) A person within subsection (3)(c) above may only be appointed as an inspector with the consent of the Secretary of State.
- (5) Appointment as an inspector shall be for a period not exceeding one year; but such an appointment—
  - (a) may be renewed any number of times; and

- (b) may be terminated at any time by the appointing authority or, in the case of a person within subsection (3)(c) above, by either that authority or the Secretary of State.
- (6) Every person appointed as an inspector shall be given a certificate of his appointment.

### **110B Powers of inspectors appointed under section 110A**

- (1) An inspector may—
- (a) on showing his certificate of appointment as an inspector (if required to do so), enter any premises liable to inspection under this section at any reasonable time together with such other persons as he considers it necessary to take with him;
  - (b) make inquiries about, and examine documents relating to, any person believed by him to be a benefit claimant or a benefit recipient; and
  - (c) interview any person found by him in any premises liable to inspection under this section or believed by him to hold or have access to information or documents relating to any person believed by him to be a benefit claimant or a benefit recipient.
- (2) Any person liable to supply information or produce documents under this section shall—
- (a) supply to an inspector all such information; and
  - (b) produce for his inspection, or supply him with a copy of, all such documents,
- as he may reasonably require for the purpose of ascertaining whether housing benefit or council tax benefit is or was payable to or in respect of any person.
- (3) Information, documents and copies supplied or produced under subsection (2) above shall be in such form as the inspector may reasonably require.
- (4) No one shall be required under subsection (2) above to answer any questions or to give evidence tending to incriminate himself or, in the case of a person who is married, his or her spouse.
- (5) Premises are liable to inspection under this section if an inspector has reasonable grounds for believing that—
- (a) any persons are employed there;
  - (b) a trade or business is being carried on from there; or
  - (c) any records relating to a trade or business are kept there;
- but a private dwelling-house is not liable to inspection under this section unless an inspector has reasonable grounds for believing that a trade or business is being carried on from the dwelling-house and that the trade or business is not also being carried on from premises other than a dwelling-house.
- (6) For the purposes of this section—
- (a) a benefit claimant is a person who has claimed housing benefit or council tax benefit; and
  - (b) a benefit recipient is a person to whom housing benefit or council tax benefit has been paid.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Persons are liable to supply information or produce documents under this section if they—
- (a) occupy any premises liable to inspection under this section or are found by an inspector in any such premises;
  - (b) are believed by an inspector to be benefit claimants or benefit recipients;
  - (c) are believed by an inspector to hold or have access to information or documents relating to a person within paragraph (b) above; or
  - (d) are employees or agents of a person within any of paragraphs (a) to (c) above.
- (8) An authority administering housing benefit or council tax benefit may make arrangements for any power under this section which may be exercised in relation to any premises to be exercised—
- (a) by any inspector appointed by, or an officer of, the authority if the premises are liable to be inspected by that inspector or officer or are under the control of the authority; or
  - (b) by any inspector appointed by, or an officer of, a government department or another local or other authority if the premises are liable to be inspected by that inspector or officer or are under the control of that department or authority.
- (9) In this section—
- “inspector” means (except in subsection (8) above) an inspector appointed under section 110A above; and
  - “document” means anything in which information of any description is recorded.”