



Social Security Administration (Fraud) Act 1997

1997 CHAPTER 47

Administration of housing benefit and council tax benefit

5 Overseeing of administration by Secretary of State.

[^{F1}After section 139 of the ^{M1}Social Security Administration Act 1992 insert—

“ Reports

Persons to report on administration.

- (1) The Secretary of State may authorise persons to consider and report to him on the administration by authorities of housing benefit and council tax benefit and, in particular, their performance in the prevention and detection of fraud relating to those benefits.
- (2) A person may be authorised under subsection (1) above on such terms and for such period as the Secretary of State thinks fit and may be authorised to act generally or in relation to a specified authority or authorities.
- (3) In sections 139B and 139C below—
 - “benefit” means housing benefit or council tax benefit; and
 - “authority” means an authority which is administering either of those benefits.

Powers of investigation.

- (1) A person authorised under section 139A(1) above—
 - (a) has a right of access at all reasonable times to any document relating to the administration of benefit;

Changes to legislation: There are currently no known outstanding effects for the Social Security Administration (Fraud) Act 1997, Section 5. (See end of Document for details)

- (b) is entitled to require from any person holding or accountable for any such document such information and explanation as he thinks necessary; and
 - (c) is entitled, if he thinks it necessary, to require any such person to produce any such document or to attend before him in person to give such information or explanation.
- (2) A person authorised under section 139A(1) above is entitled to require any officer or member of an authority or any person involved in the administration of benefit for an authority—
- (a) to give him such information and explanation relating to the administration of benefit as he thinks necessary; and
 - (b) if he thinks it necessary, to require any such person to attend before him in person to give the information or explanation.
- (3) A person who without reasonable excuse fails to comply with a requirement under subsection (1) or (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) A person authorised under section 139A(1) above may—
- (a) require any document or information which is to be given to him under subsection (1) or (2) above to be given in any form reasonably specified by him; and
 - (b) take copies of any document produced to him.
- (5) In this section “document” means anything in which information of any description is recorded.

Reports.

- (1) A report about an authority by a person authorised under section 139A(1) above may include recommendations about improvements which could be made by that authority in its administration of benefit and, in particular, in the prevention and detection of fraud relating to benefit.
- (2) When the Secretary of State receives a report about an authority from a person authorised under section 139A(1) above, he shall send a copy to the authority.”]

Textual Amendments

- F1** S. 5 repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); [S.I. 2013/358](#), art. 8(c), [Sch. 4](#) (with [art. 9](#), [Sch. 5](#))
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Marginal Citations

- M1** 1992 c. 5.

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