



Social Security Fraud Act 2001

2001 CHAPTER 11

Loss of benefit provisions

[^{F1} 6A Meaning of “disqualifying benefit” and “sanctionable benefit” for purposes of sections 6B and 7

(1) In this section and sections 6B and 7—

“ disqualifying benefit ” means (subject to any regulations under section 10(1))—

- (za) [^{F2}any benefit under Part 1 of the Welfare Reform Act 2012 (universal credit) or under any provision having effect in Northern Ireland corresponding to that Part;]
- (zb) [^{F3}state pension or a lump sum under Part 1 of the Pensions Act 2014 or under any provision in Northern Ireland which corresponds to that Part;]
 - (a) any benefit under the Jobseekers Act 1995 or the Jobseekers (Northern Ireland) Order 1995;
 - (b) any benefit under the State Pension Credit Act 2002 or the State Pension Credit Act (Northern Ireland) 2002;
 - (c) any benefit under Part 1 of the Welfare Reform Act 2007 or Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);
- (ca) [^{F4}any benefit under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or under any provision in Northern Ireland which corresponds to that Part;]
- (cb) [^{F5}bereavement support payment under section 30 of the Pensions Act 2014 or under any provision in Northern Ireland which corresponds to that section;]
- (d) any benefit under the Social Security Contributions and Benefit Act 1992 or the Social Security Contributions and Benefits (Northern Ireland) Act 1992 other than—
 - (i) maternity allowance;
 - (ii) statutory sick pay and statutory maternity pay;
- (e) any war pension

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(f) [^{F6}child tax credit;

(g) working tax credit]

“ sanctionable benefit ” means (subject to subsection (2) and to any regulations under section 10(1)) any disqualifying benefit other than—

(a) joint-claim jobseeker's allowance;

(aa) [^{F7}state pension or a lump sum under Part 1 of the Pensions Act 2014;]

(b) any retirement pension;

(c) graduated retirement benefit;

(ca) [^{F8}personal independence payment;]

(d) disability living allowance

(e) attendance allowance;

(f) child benefit;

(fa) [^{F9}child tax credit;

(fb) working tax credit;]

(g) guardian's allowance;

(h) a payment out of the social fund in accordance with Part 8 of the Social Security Contributions and Benefits Act 1992;

(i) a payment under Part 10 of that Act (Christmas bonuses).

(2) In their application to Northern Ireland sections 6B and 7 shall have effect as if references to a sanctionable benefit were references only to a war pension.

Textual Amendments

- F1** Ss. 6A-6C inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\), ss. 24\(1\), 61\(3\)](#); S.I. 2010/45, art. 2(1)(2)
- F2** Words in s. 6A(1) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 2 para. 57](#); S.I. 2013/358, art. 6(4)(d)(ii)
- F3** Words in s. 6A(1) inserted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by [Pensions Act 2014 \(c. 19\), s. 56\(4\), Sch. 12 para. 40\(a\)](#)
- F4** Words in s. 6A(1) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 9 para. 46\(a\)](#); S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F5** Words in s. 6A(1) inserted (6.4.2017) by [Pensions Act 2014 \(c. 19\), s. 56\(1\), Sch. 16 para. 44](#); S.I. 2017/297, art. 3(2) (with arts. 45)
- F6** Words in s. 6A(1) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\), ss. 117\(2\), 150\(3\)](#); S.I. 2013/358, art. 6(4)(a)
- F7** Words in s. 6A(1) inserted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by [Pensions Act 2014 \(c. 19\), s. 56\(4\), Sch. 12 para. 40\(b\)](#)
- F8** Words in s. 6A(1) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 9 para. 46\(b\)](#); S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F9** Words in s. 6A(1) inserted (6.4.2013) by [Welfare Reform Act 2012 \(c. 5\), ss. 117\(3\), 150\(3\)](#); S.I. 2013/358, art. 6(5)

6B Loss of benefit in case of conviction, penalty or caution for benefit offence

(1) Subsection (4) applies where a person (“the offender”)—

(a) is convicted of one or more benefit offences in any proceedings,

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- (b) after being given a notice under subsection (2) of the appropriate penalty provision by an appropriate authority, agrees in the manner specified by the appropriate authority to pay a penalty under the appropriate penalty provision to the appropriate authority ^{F10} ..., in a case where [^{F11} the offence to which the notice relates] is a benefit offence, or
 - (c) is cautioned in respect of one or more benefit offences.
- (2) In subsection (1)(b)—
- (a) “ the appropriate penalty provision ” means section 115A of the Administration Act (penalty as alternative to prosecution) or section 109A of the Social Security Administration (Northern Ireland) 1992 (the corresponding provision for Northern Ireland);
 - (b) “ appropriate authority ” means—
 - (i) in relation to section 115A of the Administration Act, the Secretary of State ^{F12} ..., and
 - (ii) in relation to section 109A of the Social Security Administration (Northern Ireland) Act 1992, the Department (within the meaning of that Act) or the Northern Ireland Housing Executive.
- (3) Subsection (4) does not apply by virtue of subsection (1)(a) if, because the proceedings in which the offender was convicted constitute the [^{F13}current] set of proceedings for the purposes of section 7, the restriction in subsection (2) of that section applies in the offender's case.
- (4) If this subsection applies and the offender is a person with respect to whom the conditions for an entitlement to a sanctionable benefit are or become satisfied at any time within the disqualification period, then, even though those conditions are satisfied, the following restrictions shall apply in relation to the payment of that benefit in the offender's case.
- (5) Subject to subsections [^{F14}(5A)][^{F15}and (8)], the sanctionable benefit shall not be payable in the offender's case for any period comprised in the disqualification period.
- [The Secretary of State may by regulations provide that, where the sanctionable benefit ^{F16}(5A) is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—
- (a) the amount payable were reduced in such manner as may be prescribed;
 - (b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
 - (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
 - (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Secretary of State.]
- ^{F17}(6)
- ^{F17}(7)
- (a) the rate of the allowance were such reduced rate as may be prescribed;
 - (b) the allowance were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;

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- (c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.
- (8) The Secretary of State may by regulations provide that, where the sanctionable benefit is state pension credit, the benefit shall be payable in the offender's case for any period comprised in the disqualification period as if the rate of the benefit were reduced in such manner as may be prescribed.
- ^{F18}(9)
- ^{F18}(10)
- (11) For the purposes of this section the disqualification period, in relation to any disqualifying event, means [^{F19}the relevant period] beginning with such date, falling after the date of the disqualifying event, as may be determined by or in accordance with regulations made by the Secretary of State.
- [For the purposes of subsection (11) the relevant period is—
- ^{F20}(11A) (a) in a case falling within subsection (1)(a) where the benefit offence, or one of them, is a relevant offence, the period of three years,
- (b) in a case falling within subsection (1)(a) (but not within paragraph (a) above)), the period of 13 weeks, or
- (c) in a case falling within subsection (1)(b) or (c), the period of four weeks.]
- (12) This section has effect subject to section 6C.
- (13) In this section and section 6C—
- “ benefit offence ” means—
- (a) any post-commencement offence in connection with a claim for a disqualifying benefit;
- (b) any post-commencement offence in connection with the receipt or payment of any amount by way of such a benefit;
- (c) any post-commencement offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence;
- (d) any post-commencement offence consisting in an attempt or conspiracy to commit a benefit offence;
- “ disqualifying event ” means the conviction falling within subsection (1)(a), the agreement falling within subsection (1)(b) or the caution falling within subsection (1)(c);
- “ post-commencement offence ” means any criminal offence committed after the commencement of this section.
- [^{F21}(14) In this section and section 7 “ relevant offence ” means—
- (a) in England and Wales, the common law offence of conspiracy to defraud, or
- (b) a prescribed offence which, in the offender's case, is committed in such circumstances as may be prescribed, and which, on conviction—
- (i) is found by the court to relate to an overpayment (as defined in section 115A(8) of the Administration Act) of at least £50,000,
- (ii) is punished by a custodial sentence of at least one year (including a suspended sentence as defined in [^{F22}section 286(6) of the Sentencing Code]), or

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(iii) is found by the court to have been committed over a period of at least two years.]

[^{F23}(15) The Secretary of State may by order amend subsection (11A)(a), (b) or (c), or (14)(b)(i), (ii) or (iii) to substitute a different period or amount for that for the time being specified there.]

Textual Amendments

- F1** Ss. 6A-6C inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 24(1)**, 61(3); S.I. 2010/45, art. 2(1)(2)
- F10** Words in s. 6B(1)(b) repealed (8.5.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(8)(a)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F11** Words in s. 6B(1)(b) substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 113(8)(a)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F12** Words in s. 6B(2)(b)(i) 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 arts. 910Sch. 5)
- F13** Word in s. 6B(3) substituted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(2)**, 150(3); S.I. 2013/358, art. 6(4)(c)
- F14** Word in s. 6B(5) substituted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 58(2)**; S.I. 2013/358, art. 6(4)(d)(ii)
- F15** Words in s. 6B(5) substituted (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 3 para. 16**; S.I. 2013/358, art. 8(b)
- F16** S. 6B(5A) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 58(3)**; S.I. 2013/358, art. 6(1)(2)(a)
- F17** S. 6B(6)(7) 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 arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5)
- F18** S. 6B(9)(10) 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 arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5)
- F19** Words in s. 6B(11) substituted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 118(3)**, 150(3); S.I. 2013/358, art. 6(4)(b)
- F20** S. 6B(11A) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 118(4)**, 150(3); S.I. 2013/358, art. 6(4)(b)
- F21** S. 6B(14) inserted (25.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 118(5)**, 150(3); S.I. 2013/358, arts. 2(1), 6(4)(b), Sch. 1 para. 19
- F22** Words in s. 6B(14)(b)(ii) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 177** (with Sch. 27); S.I. 2020/1236, reg. 2
- F23** S. 6B(15) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 118(6)**, 150(3); S.I. 2013/358, art. 6(4)(b)

Modifications etc. (not altering text)

- C1** S. 6B(5A)(a) excluded (E.W.S.) (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), **35(3)(b)**

6C Section 6B: supplementary provisions

- (1) Where—
- (a) the conviction of any person of any offence is taken into account for the purposes of the application of section 6B in relation to that person, and
 - (b) that conviction is subsequently quashed,

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all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 6B that could not have been imposed if the conviction had not taken place.

(2) Where, after the agreement of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of section 6B in relation to that person—

- (a) P’s agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision, or
- (b) it is decided on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998 that [F²⁴any overpayment made] to which the agreement relates is not recoverable or due,

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 6B that could not have been imposed if P had not agreed to pay the penalty.

(3) Where, after the agreement (“the old agreement”) of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of section 6B in relation to P, the amount of [F²⁵any overpayment made] to which the penalty relates is revised on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998—

- (a) section 6B shall cease to apply by virtue of the old agreement, and
- (b) subsection (4) shall apply.

(4) Where this subsection applies—

- (a) if there is a new disqualifying event consisting of—
 - (i) P’s agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment, or
 - (ii) P being cautioned in relation to the offence to which the old agreement relates,

the disqualification period relating to the new disqualifying event shall be reduced by the number of days in so much of the disqualification period relating to the old agreement as had expired when section 6B ceased to apply by virtue of the old agreement, and

- (b) in any other case, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 6B that could not have been imposed if P had not agreed to pay the penalty.

(5) For the purposes of section 6B—

- (a) the date of a person’s conviction in any proceedings of a benefit offence shall be taken to be the date on which the person was found guilty of that offence in those proceedings (whenever the person was sentenced) or in the case mentioned in paragraph (b)(ii) the date of the order for absolute discharge; and
- (b) references to a conviction include references to—
 - (i) a conviction in relation to which the court makes an order for absolute or conditional discharge^{F²⁶} ...,
 - (ii) an order for absolute discharge made by a court of summary jurisdiction in Scotland under section 246(3) of the Criminal

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Procedure (Scotland) Act 1995 without proceeding to a conviction,
and
(iii) a conviction in Northern Ireland.

(6) In this section “ the appropriate penalty provision ” has the meaning given by section 6B(2)(a).]

Textual Amendments

- F1** Ss. 6A-6C inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), [ss. 24\(1\)](#), 61(3); S.I. 2010/45, art. 2(1)(2)
- F24** Words in s. 6C(2)(b) substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 113\(8\)\(b\)](#), 150(3); S.I. 2012/863, art. 2(3)(a)
- F25** Words in s. 6C(3) substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 113\(8\)\(b\)](#), 150(3); S.I. 2012/863, art. 2(3)(a)
- F26** Words in s. 6C(5)(b)(i) repealed (S.) (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 2 para. 45\(2\)](#); S.S.I. 2010/413, art. 2, Sch. (with art. 3(1)) and repealed (E.W.N.I.) (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, [Sch. para. 13\(2\)](#)

7 Loss of benefit for ^{F27}repeated benefit fraud]

(1) If—

- ^{F28}(a) a person (“the offender”) is convicted of one or more benefit offences in a set of proceedings (“the current set of proceedings”),
- (b) within the period of five years ending on the date on which the benefit offence was, or any of them were, committed, one or more disqualifying events occurred in relation to the offender (the event, or the most recent of them, being referred to in this section as “the earlier disqualifying event”),
- (c) the current set of proceedings has not been taken into account for the purposes of any previous application of this section or section 8 or 9 in relation to the offender or any person who was then a member of his family,
- (d) the earlier disqualifying event has not been taken into account as an earlier disqualifying event for the purposes of any previous application of this section or either of those sections in relation to the offender or any person who was then a member of his family, and
- (e) the offender is a person with respect to whom the conditions for an entitlement to a sanctionable benefit are or become satisfied at any time within the disqualification period.]

then, even though those conditions are satisfied, the following restrictions shall apply in relation to the payment of that benefit in the offender’s case.

^{F29}(1A) The following restrictions do not apply if the benefit offence referred to in subsection (1)(a), or any of them, is a relevant offence.]

(2) Subject to subsections ^{F30}(2A)]^{F31}and (4A)], the sanctionable benefit shall not be payable in the offender’s case for any period comprised in the disqualification period.

^{F32}(2A) The Secretary of State may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

- (a) the amount payable were reduced in such manner as may be prescribed;

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- (b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
- (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
- (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Secretary of State.]

^{F33}(3)

^{F33}(4)

[^{F34}(4A) The Secretary of State may by regulations provide that, where the sanctionable benefit is state pension credit, the benefit shall be payable in the offender's case for any period comprised in the disqualification period as if the rate of the benefit were reduced in such manner as may be prescribed.]

^{F33}(4B)

^{F33}(5)

- (6) For the purposes of this section the disqualification period, [^{F35}in an offender's case, means the relevant period beginning with a prescribed date falling after the date of the conviction in the current set of proceedings].

[^{F36}(6A) For the purposes of subsection (6) the relevant period is—

- (a) in a case where, within the period of five years ending on the date on which the earlier disqualifying event occurred, a previous disqualifying event occurred in relation to the offender, the period of three years;
- (b) in any other case, 26 weeks.]

(7) Where—

- (a) the conviction of any person of any offence is taken into account for the purposes of the application of this section in relation to that person, and
- (b) that conviction is subsequently quashed,

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under this section that could not have been imposed if the conviction had not taken place.

[^{F37}(7A) Subsection (7B) applies where, after the agreement of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of this section in relation to that person—

- (a) P's agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision,
- (b) it is decided on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) that any overpayment to which the agreement relates is not recoverable or due, or
- (c) the amount of any overpayment to which the penalty relates is revised on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998 and there is no new agreement by P to pay a penalty under the appropriate penalty provision in relation to the revised overpayment.

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(7B) In those circumstances, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under this section that could not have been imposed if P had not agreed to pay the penalty.]

(8) In this section—

[^{F38} “ appropriate penalty provision ” has the meaning given in section 6B(2)(a);”]

“benefit offence” means—

- (a) any post-commencement offence in connection with a claim for a disqualifying benefit;
- (b) any post-commencement offence in connection with the receipt or payment of any amount by way of such a benefit;
- (c) any post-commencement offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence;
- (d) any post-commencement offence consisting in an attempt or conspiracy to commit a benefit offence;

[^{F38} “ disqualifying event ” has the meaning given in section 6B(13).]

[^{F39} “ post-commencement offence ” means an offence committed on or after 1 April 2002 (the day on which this section came into force).]

^{F40}
...

^{F40}
...

[^{F41}(8A) Where a person is convicted of more than one benefit offence in the same set of proceedings, there is to be only one disqualifying event in respect of that set of proceedings for the purposes of this section and—

- (a) subsection (1)(b) is satisfied if any of the convictions take place in the five year periods mentioned there;
- (b) the event is taken into account for the purposes of subsection (1)(d) if any of the convictions have been taken into account as mentioned there;
- (c) in the case of the earlier disqualifying event mentioned in subsection (6A) (a), the reference there to the date on which the earlier disqualifying event occurred is a reference to the date on which any of the convictions take place;
- (d) in the case of the previous disqualifying event mentioned in subsection (6A) (a), that provision is satisfied if any of the convictions take place in the five year period mentioned there.]

(9) For the purposes of this section—

- (a) the date of a person’s conviction in any proceedings of a benefit offence shall be taken to be the date on which he was found guilty of that offence in those proceedings (whenever he was sentenced) [^{F42}or in the case mentioned in paragraph (b)(ii) the date of the order for absolute discharge]; and

[^{F43}(b) references to a conviction include references to—

- (i) a conviction in relation to which the court makes an order for absolute or conditional discharge ^{F44} ...,
- (ii) an order for absolute discharge made by a court of summary jurisdiction in Scotland under section 246(3) of the Criminal Procedure (Scotland) Act 1995 without proceeding to a conviction, and

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(iii) a conviction in Northern Ireland.

(10) In this section references to any previous application of this section or section ^{F45}... 9—

- (a) include references to any previous application of a provision having an effect in Northern Ireland corresponding to provision made by this section, or either of those sections; but
- (b) do not include references to any previous application of this section, or of either of those sections, the effect of which was to impose a restriction for a period comprised in the same disqualification period.

[^{F46}(10A) The Secretary of State may by order amend subsection (6A) to substitute different periods for those for the time being specified there.

(10B) An order under subsection (10A) may provide for different periods to apply according to the type of earlier disqualifying event or events occurring in any case]

^{F47}(11)]

Textual Amendments

- F27** Words in s. 7 heading substituted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(4)**, 150(3); S.I. 2013/358, art. 6(4)(c)
- F28** S. 7(1)(a)-(e) substituted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(5)**, 150(3); S.I. 2013/358, art. 6(4)(c)
- F29** S. 7(1A) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 118(7)**, 150(3); S.I. 2013/358, art. 6(4)(b)
- F30** Word in s. 7(2) substituted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 59(2)**; S.I. 2013/358, art. 6(4)(d)(ii)
- F31** Words in s. 7(2) substituted (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 3 para. 17**; S.I. 2013/358, art. 8(b)
- F32** S. 7(2A) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 59(3)**; S.I. 2013/358, art. 6(1)(2)(b)
- F33** S. 7(3)(4)(4B)(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 arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5)
- F34** S. 7(4A) inserted (2.7.2002 for the purpose of making regulations, 6.10.2003 in so far as not already in force) by 2002 c. 16, s. 14, **Sch. 2 Pt. 3 para. 45(2)**; S.I. 2002/1691, art. 2; S.I. 2003/1766, art. 2(a)
- F35** Words in s. 7(6) substituted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(6)**, 150(3); S.I. 2013/358, art. 6(4)(c)
- F36** S. 7(6A) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(7)**, 150(3); S.I. 2013/358, art. 6(4)(c)
- F37** S. 7(7A)(7B) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(8)**, 150(3); S.I. 2013/358, art. 6(4)(c)
- F38** Words in s. 7(8) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(9)**, 150(3); S.I. 2013/358, art. 6(4)(c)
- F39** Words in s. 7(8) inserted (12.1.2010 for specified purposes) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 4 para. 2(2)(a)**; S.I. 2010/45, art. 2(1)
- F40** Words in s. 7(8) repealed (12.1.2010 for specified purposes) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), Sch. 4 para. 2(2)(b), **7 Pt. 4**; S.I. 2010/45, art. 2(1)
- F41** S. 7(8A) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(10)**, 150(3); S.I. 2013/358, art. 6(4)(c)

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- F42** Words in s. 7(9)(a) inserted (12.1.2010 for specified purposes) by [Welfare Reform Act 2009 \(c. 24\)](#) , s. 61(3) , [Sch. 4 para. 2\(3\)\(a\)](#) ; S.I. 2010/45 , art. 2(1)
- F43** S. 7(9)(b) substituted (12.1.2010 for specified purposes) by [Welfare Reform Act 2009 \(c. 24\)](#) , s. 61(3) , [Sch. 4 para. 2\(3\)\(b\)](#) ; S.I. 2010/45 , art. 2(1)
- F44** Words in s. 7(9)(b) repealed (S.) (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#) , s. 206(1) , [Sch. 2 para. 45\(3\)](#) ; S.S.I. 2010/413 , art. 2 , [Sch. \(with art. 3\(1\)\)](#) and repealed (E.W.N.I.) (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#) , art. 1 , [Sch. para. 13\(3\)](#) (with art. 4(4))
- F45** Words in s. 7(10) 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 \(with arts. 910Sch. 5\)](#)
- F46** S. 7(10A)(10B) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#) , [ss. 119\(11\)](#) , 150(3) ; S.I. 2013/358 , art. 6(4)(c)
- F47** S. 7(11) repealed (12.1.2010 for specified purposes) by [Welfare Reform Act 2009 \(c. 24\)](#) , s. 61(3) , [Sch. 4 para. 2\(4\)](#) , [7 Pt. 4](#) ; S.I. 2010/45 , art. 2(1)

Modifications etc. (not altering text)

- C2** S. 7 restricted (1.4.2002) by [S.I. 2001/4022](#) , [reg. 20](#)
- C3** S. 7(2) excluded (1.4.2002) by [S.I. 2001/4022](#) , [regs. 6\(2\)](#) , 7(2)
- C4** [S. 7\(2A\)\(a\)](#) excluded (E.W.S.) (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#) , [regs. 1\(2\)](#) , [35\(3\)\(b\)](#)
- C5** S. 7(9) applied (1.4.2002) by [S.I. 2001/4022](#) , [reg. 2\(2\)](#)

Commencement Information

- I1** S. 7 wholly in force at 1.4.2002; s. 7 not in force at Royal Assent see s. 20; s. 7 in force for specified purposes at 17.11.2001 and wholly in force at 1.4.2002 by [S.I. 2001/3689](#) , [art. 2\(1\)\(a\)\(b\)](#)

8 Effect of offence on joint-claim jobseeker's allowance

- (1) Subsections (2) and (3) shall have effect, subject to the other provisions of this section, where—
- the conditions for the entitlement of any joint-claim couple to a joint-claim jobseeker's allowance are or become satisfied at any time; and
 - ^{F48}an offence-related restriction] would apply in the case of at least one of the members of the couple if the entitlement were an entitlement of that member to a sanctionable benefit.

^{F49}(1A) In this section—

- “ an offence-related restriction ” means the restriction in subsection (5) of section 6B or the restriction in subsection (2) of section 7, and
 - in relation to an offence-related restriction, any reference to the relevant period is a reference to a period which is the disqualification period for the purposes of section 6B or section 7, as the case requires.]
- (2) ^{F50}Except in prescribed circumstances]The allowance shall not be payable in the couple's case for so much of any period comprised in ^{F51}the relevant period] as is a period for which—
- in the case of each of the members of the couple, ^{F52}an offence-related restriction] would apply if the entitlement were an entitlement of that member to a sanctionable benefit; or
 - ^{F53}an offence-related restriction] would so apply in the case of one of the members of the couple and the other member of the couple—

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- [^{F54}(i) is a person whose failure sanctionable under section 19, 19A or 19B of the Jobseekers Act 1995 has given rise to a reduction under that section; or]
- ^{F55}(ii)
- (3) For any part of any period comprised in [^{F56}the relevant period] for which subsection (2) does not apply, the allowance—
- (a) shall be payable in the couple's case as if the amount of the allowance were reduced to an amount calculated using the method prescribed for the purposes of this subsection; but
 - (b) shall be payable only to the member of the couple who is not the person by reference to whose [^{F57}conduct section 6B or 7] would apply.
- (4) The Secretary of State may by regulations provide in relation to cases to which subsection (2) would otherwise apply that joint-claim jobseeker's allowance shall be payable in a couple's case, during the whole or a part of so much of any period comprised in [^{F58}the relevant period] as falls within paragraph (a) or (b) of that subsection, as if one or more of the following applied—
- (a) the rate of the allowance were such reduced rate as may be prescribed;
 - (b) the allowance were payable only if there is compliance by each of the members of the couple with such obligations with respect to the provision of information as may be imposed by the regulations;
 - (c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.
- ^{F59}(5)
- (6) Where—
- (a) the conviction of any member of a couple for any offence is taken into account for the purposes of the application of this section in relation to that couple, and
 - (b) that conviction is subsequently quashed,
- all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under this section that could not have been imposed had the conviction not taken place.
- [^{F60}(7) Where, after the agreement of any member of a couple ("M") to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section—
- (a) M's agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision, or
 - (b) it is decided on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998 that [^{F61}any overpayment made] to which the agreement relates is not recoverable or due,
- all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under this section that could not have been imposed had M not agreed to pay the penalty.
- (8) Where, after the agreement (" the old agreement ") of any member of a couple ("M") to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, the amount of [^{F62} any overpayment made] to which the penalty relates is revised on

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an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998—

- (a) if there is a new disqualifying event for the purposes of section 6B consisting of M's agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment or M being cautioned in relation to the offence to which the old agreement relates, the new disqualification period for the purposes of section 6B falls to be determined in accordance with section 6C(4)(a), and
- (b) in any other case, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under this section that could not have been imposed had M not agreed to pay the penalty.

(9) In this section “ the appropriate penalty provision ” has the meaning given by section 6B(2)(a).]

Textual Amendments

- F48** Words in s. 8(1)(b) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(2\)](#); S.I. 2010/45, art. 2(1)(2)
- F49** S. 8(1A) inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(3\)](#); S.I. 2010/45, art. 2(1)(2)
- F50** Words in s. 8(2) inserted (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 7 para. 12\(2\)\(a\)](#); S.I. 2012/2530, art. 2(2)(f)
- F51** Words in s. 8(2) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(4\)\(a\)](#); S.I. 2010/45, art. 2(1)(2)
- F52** Words in s. 8(2)(a) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(4\)\(b\)](#); S.I. 2010/45, art. 2(1)(2)
- F53** Words in s. 8(2)(b) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(4\)\(c\)](#); S.I. 2010/45, art. 2(1)(2)
- F54** S. 8(2)(b)(i) substituted (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 7 para. 12\(2\)\(b\)](#); S.I. 2012/2530, art. 2(2)(f)
- F55** S. 8(2)(b)(ii) repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); S.I. 2010/293, art. 2(3)(b) (with art. 2(4))
- F56** Words in s. 8(3) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(5\)\(a\)](#); S.I. 2010/45, art. 2(1)(2)
- F57** Words in s. 8(3)(b) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(5\)\(b\)](#); S.I. 2010/45, art. 2(1)(2)
- F58** Words in s. 8(4) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(6\)](#); S.I. 2010/45, art. 2(1)(2)
- F59** S. 8(5) repealed (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 7 para. 12\(5\)](#); S.I. 2012/2530, art. 2(2)(f)
- F60** S. 8(7)-(9) inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 3\(7\)](#); S.I. 2010/45, art. 2(1)(2)
- F61** Words in s. 8(7)(b) substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 113\(8\)\(b\)](#), 150(3); S.I. 2012/863, art. 2(3)(a)
- F62** Words in s. 8(8) substituted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 113\(8\)\(b\)](#), 150(3); S.I. 2012/863, art. 2(3)(a)

Modifications etc. (not altering text)

- C6** S. 8 restricted (1.4.2002) by S.I. 2001/4022, [reg. 20](#)
- C7** S. 8(2)(3) excluded (1.4.2002) by S.I. 2001/4022, [regs. 12\(2\)](#), 13(2)

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Commencement Information

I2 S. 8 wholly in force at 1.4.2002; s. 8 not in force at Royal Assent see s. 20; s. 8 in force for specified purposes at 17.11.2001 and wholly in force at 1.4.2002 by [S.I. 2001/3689](#), [art. 2\(1\)\(a\)\(b\)](#)

9 Effect of offence on benefits for members of offender’s family

(1) This section applies to—

- [^{F63}(za) universal credit;]
- ^{F64}(a)
- ^{F64}(b)
- [^{F65}(bb) state pension credit;]
- ^{F64}(bc)
- ^{F64}(c)
- ^{F64}(d)

(2) The Secretary of State may by regulations make provision in accordance with the following provisions of this section in relation to any case in which—

- (a) the conditions for entitlement to any benefit to which this section applies are or become satisfied in the case of any person (“the offender’s family member”);
- (b) that benefit falls to be paid in that person’s case for the whole or any part of a period comprised in a period (“the relevant period”) which is the disqualification period in relation to restrictions imposed under [^{F66}section 6B or 7] in the case of a member of that person’s family; [^{F67}and]
- (c) that member of that family (“the offender”) is a person by reference to whom—
 - (i) the conditions for the entitlement of the offender’s family member to the benefit in question are satisfied; or
 - (ii) the amount of benefit payable in the case of the offender’s family member would fall (apart from any provision made under this section) to be determined.

[^{F68}(2A) In relation to cases in which the benefit is universal credit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender’s family member, any universal credit shall be payable, during the whole or a part of any period comprised in the relevant period, as if one or more of the following applied—

- (a) the amount payable were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if there is compliance by the offender or the offender’s family member, or both of them, with such obligations with respect to the provision of information as may be imposed by the regulations;
- (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
- (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Secretary of State.]

^{F69}(3)

^{F69}(4)

[^{F70}(4A) In relation to cases in which the benefit is state pension credit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender’s family member, the benefit shall be payable for the whole or any part of any period

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comprised in the relevant period as if the rate of the benefit were reduced in such manner as may be prescribed.]

^{F71}(4B)

^{F72}(5)

(6) Where—

- (a) the conviction of any member of a person's family for any offence is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, and
- (b) that conviction is subsequently quashed,

all such payments and other adjustments shall be made in that person's case as would be necessary if no restriction had been imposed that could not have been imposed had the conviction not taken place.

[^{F73}(7) Where, after the agreement of any member of a person's family ("M") to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section—

- (a) M's agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision, or
- (b) it is decided on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998 that [^{F74}any overpayment made] to which the agreement relates is not recoverable or due,

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed that could not have been imposed had M not agreed to pay the penalty.

(8) Where, after the agreement (" the old agreement ") of any member of a person's family ("M") to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, the amount of [^{F75} any overpayment made] to which the penalty relates is revised on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998—

- (a) if there is a new disqualifying event for the purposes of section 6B consisting of M's agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment or M being cautioned in relation to the offence to which the old agreement relates, the new disqualification period for the purposes of section 6B falls to be determined in accordance with section 6C(4)(a), and
- (b) in any other case, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under this section that could not have been imposed had M not agreed to pay the penalty.

(9) In this section " the appropriate penalty provision " has the meaning given by section 6B(2)(a).]

Textual Amendments

F63 S. 9(1)(za) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 61\(2\)](#); [S.I. 2013/358](#), art. 6(1)(2)(c)

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- F64** S. 9(1)(a)(b)(bc)(c)(d) 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 arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5)
- F65** S. 9(1)(bb) inserted (2.7.2002 for the purpose of making regulations, 6.10.2003 in so far as not already in force) by 2002 c. 16, s. 14, **Sch. 2 Pt. 3 para. 46(2)**; S.I. 2002/1691, **art. 2**; S.I. 2003/1766, art. 2(a)
- F66** Words in s. 9(2)(b) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by Welfare Reform Act 2009 (c. 24), s. 61(3), **Sch. 4 para. 4(2)**; S.I. 2010/45, art. 2(1)(2)
- F67** Word in s. 9(2)(b) substituted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 61(3)**; S.I. 2013/358, art. 6(1)(2)(c)
- F68** S. 9(2A) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 61(4)**; S.I. 2013/358, art. 6(1)(2)(c)
- F69** S. 9(3)(4) 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 arts. 910Sch. 5); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 910Sch. 5)
- F70** S. 9(4A) inserted (2.7.2002 for the purpose of making regulations, 6.10.2003 in so far as not already in force) by 2002 c. 16, s. 14, **Sch. 2 Pt. 3 para. 46(3)**; S.I. 2002/1961, **art. 2**; S.I. 2003/1766, art. 2(a)
- F71** S. 9(4B) 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 arts. 910Sch. 5)
- F72** S. 9(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 arts. 910Sch. 5)
- F73** S. 9(7)-(9) inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by Welfare Reform Act 2009 (c. 24), s. 61(3), **Sch. 4 para. 4(3)**; S.I. 2010/45, art. 2(1)(2)
- F74** Words in s. 9(7)(b) substituted (8.5.2012) by Welfare Reform Act 2012 (c. 5), **ss. 113(8)(b)**, 150(3); S.I. 2012/863, art. 2(3)(a)
- F75** Words in s. 9(8) substituted (8.5.2012) by Welfare Reform Act 2012 (c. 5), **ss. 113(8)(b)**, 150(3); S.I. 2012/863, art. 2(3)(a)

Modifications etc. (not altering text)

- C8** S. 9 excluded (1.4.2002) by S.I. 2001/4022, **regs. 6(2)**, 7(2)
S. 9 restricted (1.4.2002) by S.I. 2001/4022, **reg. 20**

Commencement Information

- I3** S. 9 wholly in force at 1.4.2002; s. 9 not in force at Royal Assent see s. 20; s. 9 in force for specified purposes at 17.11.2001 and wholly in force at 1.4.2002 by S.I. 2001/3689, **art. 2(1)(a)(b)**

10 Power to supplement and mitigate loss of benefit provisions

- (1) The Secretary of State may by regulations provide for any social security benefit to be treated for the purposes of [F76 sections 6A to 9]—
 - (a) as a disqualifying benefit but not a sanctionable benefit; or
 - (b) as neither a sanctionable benefit nor a disqualifying benefit.
- (2) The Secretary of State may by regulations provide for any restriction in section [F77 6B,] 7, 8 or 9 not to apply in relation to payments of benefit to the extent of any deduction that (if any payment were made) would fall, in pursuance of provision made by or under any enactment, to be made from the payments and paid to a person other than the offender or, as the case may be, a member of his family.
- (3) In this section “social security benefit” means—

Changes to legislation: Social Security Fraud Act 2001, Cross Heading: Loss of benefit provisions is up to date with all changes known to be in force on or before 19 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) any benefit under the Social Security Contributions and Benefits Act 1992 (c. 4) or the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7);^{F78}...
- (b) any benefit under the Jobseekers Act 1995 (c. 18) or the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15));
- [^{F79}(bb) any benefit under the State Pension Credit Act 2002 or under any provision having effect in Northern Ireland corresponding to that Act; or]
- [^{F80}(bc) any benefit under Part 1 of the Welfare Reform Act 2007 (employment and support allowance) or under any provision having effect in Northern Ireland corresponding to that Part;]
- [^{F81}(bd) any benefit under Part 1 of the Welfare Reform Act 2012 (universal credit) or under any provision having effect in Northern Ireland corresponding to that Part;]
- [^{F82}(be) any benefit under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or under any provision in Northern Ireland which corresponds to that Part;]
- [^{F83}(bf) state pension or a lump sum under Part 1 of the Pensions Act 2014 or under any provision in Northern Ireland which corresponds to that Part;]
- [^{F84}(bg) bereavement support payment under section 30 of the Pensions Act 2014 or under any provision in Northern Ireland which corresponds to that section;]
- (c) any war pension.

Textual Amendments

- F76** Words in s. 10(1) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 5\(2\)](#); S.I. 2010/45, art. 2(1)(2)
- F77** Word in s. 10(2) inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 4 para. 5\(3\)](#); S.I. 2010/45, art. 2(1)(2)
- F78** Word in s. 10(3) repealed (6.10.2003) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 3](#); S.I. 2003/1766, art. 2(a)
- F79** S. 10(3)(bb) inserted (2.7.2002 for the purpose of making regulations, 6.10.2003 in so far as not already in force) by [2002 c. 16](#), ss. 14, 22, [Sch. 2](#), para.47; S.I. 2002/1691, [art. 2](#); S.I. 2003/1766, art. 2(a)
- F80** S. 10(3)(bc) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 23\(6\)](#); S.I. 2008/787, art. 2(4)(f)
- F81** S. 10(3)(bd) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 62](#); S.I. 2013/358, art. 6(4)(d)(ii)
- F82** S. 10(3)(be) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 47](#); S.I. 2013/358, art. 7(1)(2)(k), [Sch. 3](#); S.I. 2013/1250, art. 2
- F83** S. 10(3)(bf) inserted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 12 para. 41](#)
- F84** S. 10(3)(bg) inserted (6.4.2017) by [Pensions Act 2014 \(c. 19\)](#), s. 56(1), [Sch. 16 para. 45](#); S.I. 2017/297, art. 3(2) (with arts. 45)

Commencement Information

- I4** S. 10 wholly in force at 1.4.2002; s. 10 not in force at Royal Assent see s. 20; s. 10 in force for specified purposes at 17.11.2001 and wholly in force at 1.4.2002 by [S.I. 2001/3689](#), [art. 2\(1\)\(a\)\(b\)](#)

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11 Loss of benefit^{F85} orders and] regulations

- (1) In ^{F86}sections 6B to 10] “prescribed” means prescribed by or determined in accordance with regulations made by the Secretary of State.
- (2) Regulations under any of the provisions of ^{F87}sections 6B to 10] shall be made by statutory instrument which (except in the case of regulations to which subsection (3) applies) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing (whether alone or with other provisions)—
 - (a) a provision by virtue of which anything is to be treated for the purposes of section^{F88}6B or] 7 as a disqualifying benefit but not a sanctionable benefit,
 - (b) a provision prescribing the manner in which the applicable amount is to be reduced for the purposes of section^{F89}6B(6),] 7(3) or 9(3),
 - (c) a provision the making of which is authorised by ^{F90}section 6B(5A) or (8), 7(2A) or (4A) or 9(2A) or (4A)]
 - (d) a provision prescribing the manner in which the amount of joint-claim jobseeker’s allowance is to be reduced for the purposes of section 8(3)(a),
 - ^{F91}(e) regulations under section 6B(14) or an order under section 6B(15), or]
 - ^{F92}(f) an order under section 7(10A),]
 shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Subsections (4) to (6) of section 189 of the Administration Act (supplemental and incidental powers etc.) shall apply in relation to a power to make^{F93}an order or] regulations that is conferred by any of the provisions of ^{F94}sections 6B to 10] as they apply in relation to the powers to make^{F93}an order or] regulations that are conferred by that Act.
- (5) The provision that may be made in exercise of the powers to make regulations that are conferred by ^{F95}sections 6B to 10] shall include different provision for different areas.

Textual Amendments

- F85** Words in s. 11 heading inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 118(8)(a)**, 150(3); S.I. 2013/358, art. 6(4)(b)
- F86** Words in s. 11(1) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 4 para. 6(2)**; S.I. 2010/45, art. 2(1)(2)
- F87** Words in s. 11(2) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 4 para. 6(2)**; S.I. 2010/45, art. 2(1)(2)
- F88** Words in s. 11(3)(a) inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 4 para. 6(3)(a)**; S.I. 2010/45, art. 2(1)(2)
- F89** Word in s. 11(3)(b) inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 4 para. 6(3)(b)**; S.I. 2010/45, art. 2(1)(2)
- F90** Words in s. 11(3)(c) substituted (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 3 para. 18**; S.I. 2013/358, art. 8(b)
- F91** S. 11(3)(e) inserted (25.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 118(8)(b)**, 150(3); S.I. 2013/358, arts. 2(1), 6(4)(b), Sch. 1 para. 19
- F92** S. 11(3)(f) inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 119(12)**, 150(3); S.I. 2013/358, art. 6(4)(c)

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- F93** Words in s. 11(4) inserted (1.4.2013) by Welfare Reform Act 2012 (c. 5), ss. 118(8)(c), 150(3); S.I. 2013/358, art. 6(4)(b)
- F94** Words in s. 11(4) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by Welfare Reform Act 2009 (c. 24), s. 61(3), Sch. 4 para. 6(4); S.I. 2010/45, art. 2(1)(2)
- F95** Words in s. 11(5) substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by Welfare Reform Act 2009 (c. 24), s. 61(3), Sch. 4 para. 6(4); S.I. 2010/45, art. 2(1)(2)

Commencement Information

- I5** S. 11 wholly in force at 1.4.2002; s. 11 not in force at Royal Assent see s. 20; s. 11 in force for specified purposes at 17.11.2001 and wholly in force at 1.4.2002 by S.I. 2001/3689, art. 2(1)(a)(b)

12 Consequential amendments

^{F96}(1)

- (2) In paragraph 3 of Schedule 3 to the Social Security Act 1998 (c. 14) (decisions against which an appeal lies), after sub-paragraph (e) there shall be inserted “; or
(f) section 7, 8 or 9 of the Social Security Fraud Act 2001.”

- (3) In section 170 of Administration Act (functions of the Social Security Advisory Committee in relation to the relevant enactments and the relevant Northern Ireland enactments), in subsection (5)—

- (a) in the definition of “relevant enactments”, after paragraph (af) there shall be inserted—
“(ag) sections 7 to 11 of the Social Security Fraud Act 2001;”

and

- (b) in the definition of “relevant Northern Ireland enactments”, after paragraph (af) there shall be inserted—
“(ag) any provisions in Northern Ireland which correspond to sections 7 to 11 of the Social Security Fraud Act 2001; and”.

Extent Information

- E1** S. 12(1)(2) extends to Great Britain and s. 12(3) extends to U.K., see s. 21(2)

Textual Amendments

- F96** S. 12(1) repealed (22.3.2010) by Welfare Reform Act 2009 (c. 24), s. 61(3), Sch. 7 Pt. 3; S.I. 2010/293, art. 2(3)(b) (with art. 2(4))

13 Interpretation of [^{F97}sections 6A to 12]

In this section and [^{F97}sections 6A to 12]—

“benefit” includes any allowance, payment, credit or loan;

[^{F98} “cautioned”, in relation to any person and any offence, means cautioned after the person concerned has admitted the offence; and “caution” is to be interpreted accordingly;]

^{F99}
...

“family” has the same meaning as in Part 7 of the Social Security Contributions and Benefits Act 1992 (c. 4);

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“income-based jobseeker’s allowance”, “joint-claim jobseeker’s allowance” and “joint-claim couple” have the same meanings as in the Jobseekers Act 1995 (c. 18);

[^{F100} “ income-related allowance ” has the same meaning as in Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

^{F99}
...

“sanctionable benefit” has the meaning given by [^{F101}section 6A(1)];

[^{F102} “ state pension credit ” means state pension credit under the State Pension Credit Act 2002;]

“war pension” has the same meaning as in section 25 of the Social Security Act 1989 (c. 24) (establishment and functions of war pensions committees).

Textual Amendments

- F97** Words in s. 13 substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\), s. 61\(3\), Sch. 4 para. 7\(2\)](#); S.I. 2010/45, art. 2(1)(2)
- F98** Words in s. 13 inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\), s. 61\(3\), Sch. 4 para. 7\(3\)](#); S.I. 2010/45, art. 2(1)(2)
- F99** Words in s. 13 repealed (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\), s. 61\(3\), Sch. 4 para. 7\(4\), 7 Pt. 3](#); S.I. 2010/45, art. 2(1)(2)
- F100** Words in s. 13 inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\), Sch. 3 para. 23\(8\)](#); S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F101** Words in s. 13 substituted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\), s. 61\(3\), Sch. 4 para. 7\(5\)](#); S.I. 2010/45, art. 2(1)(2)
- F102** S. 13: definition of “state pension credit” inserted (2.7.2002 for the purpose of making regulations, 6.10.2003 in so far as not already in force) by [2002 c. 16, s. 14, Sch. 2 Pt. 3 para. 49](#); S.I. 2002/1691, art. 2; S.I. 2003/1766, art. 2(a)

Commencement Information

- I6** S. 13 wholly in force at 1.4.2002; s. 13 not in force at Royal Assent see s. 20; s. 13 in force for specified purposes at 17.11.2001 and wholly in force at 1.4.2002 by [S.I. 2001/3689, art. 2\(1\)\(a\)\(b\)](#)

Changes to legislation:

Social Security Fraud Act 2001, Cross Heading: Loss of benefit provisions is up to date with all changes known to be in force on or before 19 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 6B heading words substituted by [2012 c. 5 s. 121\(1\)\(a\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6B(7)(d) inserted by [2012 c. 5 Sch. 2 para. 58\(4\)](#)
- s. 7(4)(d) inserted by [2012 c. 5 Sch. 2 para. 59\(4\)](#)
- s. 8(3)(aa) inserted by [2012 c. 5 Sch. 2 para. 60\(2\)\(b\)](#)
- s. 8(4)(d) inserted by [2012 c. 5 Sch. 2 para. 60\(3\)](#)
- s. 9(4)(d) inserted by [2012 c. 5 Sch. 2 para. 61\(5\)](#)