



Social Security Fraud Act 2001

2001 CHAPTER 11

Loss of benefit provisions

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—

- (a) 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
- (b) [^{F1}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.

[^{F2}(1A) In this section—

- (a) “ an offence-related restriction ” means the restriction in subsection (5) of section 6B or the restriction in subsection (2) of section 7, and
- (b) 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) [^{F3}Except in prescribed circumstances]The allowance shall not be payable in the couple's case for so much of any period comprised in [^{F4}the relevant period] as is a period for which—

- (a) in the case of each of the members of the couple, [^{F5}an offence-related restriction] would apply if the entitlement were an entitlement of that member to a sanctionable benefit; or
- (b) [^{F6}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—

[^{F7}(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]

[^{F8}(ii)

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- (3) For any part of any period comprised in [^{F9}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 [^{F10}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 [^{F11}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.

^{F12}(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.

- ^{F13}(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 [^{F14}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 [^{F15} 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

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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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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))
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)

- C1** S. 8 restricted (1.4.2002) by [S.I. 2001/4022](#), [reg. 20](#)
- C2** S. 8(2)(3) excluded (1.4.2002) by [S.I. 2001/4022](#), [regs. 12\(2\)](#), 13(2)

Commencement Information

- I1** 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\(1\)\(a\)\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 8 repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 8(3)(a) word substituted by [2012 c. 5 Sch. 2 para. 60\(2\)\(a\)](#)
- s. 8(7) words repealed by [2012 c. 5 Sch. 2 para. 60\(4\)](#)
- s. 8(8) words repealed by [2012 c. 5 Sch. 2 para. 60\(4\)](#)
- s. 8(8)(a) words repealed by [2012 c. 5 Sch. 14 Pt. 12](#)

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\(5\)](#)