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) the restriction in subsection (2) of section 7 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.

(2) The allowance shall not be payable in the couple's case for so much of any period comprised in the disqualification period as is a period for which—

(a) in the case of each of the members of the couple, the restriction in subsection (2) of section 7 would apply if the entitlement were an entitlement of that member to a sanctionable benefit; or

(b) that restriction would so apply in the case of one of the members of the couple and the other member of the couple—

(i) is subject to sanctions for the purposes of section 20A of the Jobseekers Act 1995 (c. 18) (denial or reduction of joint-claim jobseeker's allowance); or

(ii) is a person in whose case the restriction in subsection (2) of section 62 of the Child Support, Pensions and Social Security Act 2000 (c. 19) would apply if the entitlement were an entitlement to a relevant benefit (within the meaning of that section).

(3) For any part of any period comprised in the disqualification 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 convictions section 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 the disqualification 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.

(5) Subsection (6) of section 20A of the Jobseekers Act 1995 (c. 18) (calculation of reduced amount) shall apply for the purposes of subsection (3) above as it applies for the purposes of subsection (5) of that section.

(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.