Social Security Fraud Act 2001

2001 CHAPTER 11

Loss of benefit provisions

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

(1) This section applies to—

[F1(za) universal credit;]

F2(a) . . . . . .

F2(b) . . . . . .

[F3(bb) state pension credit;]

F2(bc) . . . . . .

F2(c) . . . . . .

F2(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 [F4section 6B or 7] in the case of a member of that person's family; [F5and]

(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.

[F6(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

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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.**]**

[F7](3) . . . . . .

[F7](4) . . . . . .

[[F8](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 comprised in the relevant period as if the rate of the benefit were reduced in such manner as may be prescribed.**]**

[F9](4B) . . . . . .

[F10](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.

[[F11](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 **[**[F12]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 **[**[F13] 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

F1 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)

F2 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)

F3 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)

F4 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)

F5 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)

F6 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)

F7 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)

F8 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)

F9 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)

F10 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)

F11 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)

F12 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)

F13 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)

C1 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

I1 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)**

Changes to legislation:
Social Security Fraud Act 2001, Section 9 is up to date with all changes known to be in force on or before 18 May 2024. 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. 9(1)(a) repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 9(3) repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 9(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)