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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 82**

The Milk and Healthy Snack  
Scheme (Scotland) Regulations 2021

PART 6

Application of enactments and offences

**Application of section 112 of the 1992 Act**

**21.**—(1) Section 112 (false representations for obtaining benefit etc.) of the 1992 Act<sup>(1)</sup> has effect, for the purposes of the administration of the Scheme, subject to the modifications in paragraph (2).

(2) The modifications mentioned in paragraph (1) are that section 112(1) of the 1992 Act is to be read as if—

- (a) in subsection (1)—
  - (i) “benefit or other” were deleted,
  - (ii) “the relevant social security legislation” were substituted by “a scheme made under section 13 of the Social Security Act 1988”, and
  - (iii) “that legislation” were a reference to “such a scheme”, and
- (b) subsections (1A) to (1F) were omitted.

**Application of section 113 of the 1992 Act**

**22.**—(1) Section 113 (breach of regulations) of the 1992 Act<sup>(2)</sup> has effect, for the purposes of the administration of the Scheme, as if paragraph (2) had been made under it, and subject to the modifications in paragraph (3).

(2) A person who fails to comply with regulation 12 (change of circumstances affecting eligibility for the Scheme) is guilty of an offence under these Regulations.

(3) The modifications mentioned in paragraph (1) are that section 113 of the 1992 Act is to be read as if—

- (a) after subsection (1A)(a) there is inserted—
  - “(aa) section 13 of the Social Security Act 1988 or subordinate legislation made, or having effect as if made, under it,”, and
- (b) in subsection (3) paragraph (b) were omitted.

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(1) 1992 c.5. Section 112 was relevantly amended by paragraph 4(2) of schedule 1 of the Social Security Administration (Fraud) Act 1997 (c.47), paragraph 6 of schedule 6 of the Child Support, Pensions and Social Security Act 2000 (c.19) (“the 2002 Act”) and section 16(3) of the Social Security Fraud Act 2001 (c.11).

(2) Section 113 was relevantly amended by paragraph 7(2) of schedule 6 of the 2000 Act and paragraph 1 of schedule 2 of the National Insurance Contributions and Statutory Payments Act 2004 (c.3).

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**Status:** *This is the original version (as it was originally made).*

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