



# Social Security Fraud Act 2001

## 2001 CHAPTER 11

### *Offences*

#### **16 Offence of failing to notify a change of circumstances**

(1) In section 111A of the Administration Act (dishonest representations for obtaining benefit etc.)—

- (a) in subsection (1), paragraphs (c) and (d) (dishonesty in connection with failures to notify the changes of circumstances that are required to be notified by regulations) shall be omitted and the word “ or ” shall be inserted at the end of paragraph (a);
- (b) after that subsection there shall be inserted the subsections set out in subsection (2) below; and
- (c) in subsection (4), for “subsection (1)” there shall be substituted “ subsections (1) to (1E). ”

(2) Those subsections are—

“(1A) A person shall be guilty of an offence if—

- (a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and
- (d) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1B) A person shall be guilty of an offence if—

- (a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;

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- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
  - (c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and
  - (d) he dishonestly causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1C) This subsection applies where—
  - (a) there has been a change of circumstances affecting any entitlement of a person ('the claimant') to any benefit or other payment or advantage under any provision of the relevant social security legislation;
  - (b) the benefit, payment or advantage is one in respect of which there is another person ('the recipient') who for the time being has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) the change is not a change that is excluded by regulations from the changes that are required to be notified.
- (1D) In a case where subsection (1C) above applies, the recipient is guilty of an offence if—
  - (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
  - (b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1E) In a case where that subsection applies, a person other than the recipient is guilty of an offence if—
  - (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
  - (b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) he dishonestly causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1F) In any case where subsection (1C) above applies but the right of the recipient is confined to a right, by reason of his being a person to whom the claimant is required to make payments in respect of a dwelling, to receive payments of housing benefit—
  - (a) a person shall not be guilty of an offence under subsection (1D) or (1E) above unless the change is one relating to one or both of the following—

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- (i) the claimant's occupation of that dwelling;
- (ii) the claimant's liability to make payments in respect of that dwelling;

but

- (b) subsections (1D)(a) and (1E)(a) above shall each have effect as if after "knows" there were inserted "or could reasonably be expected to know".

(1G) For the purposes of subsections (1A) to (1E) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs."

(3) For subsection (1A) of section 112 of that Act (knowing failures to notify change of circumstances) there shall be substituted—

"(1A) A person shall be guilty of an offence if—

- (a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and
- (d) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1B) A person is guilty of an offence under this section if—

- (a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and
- (d) he causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1C) In a case where subsection (1C) of section 111A above applies, the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1D) In a case where that subsection applies, a person other than the recipient is guilty of an offence if—

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- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
  - (b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
  - (c) he causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.
- (1E) Subsection (1F) of section 111A above applies in relation to subsections (1C) and (1D) above as it applies in relation to subsections (1D) and (1E) of that section.
- (1F) For the purposes of subsections (1A) to (1D) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.”

#### Commencement Information

- II** [S. 16](#) wholly in force at 18.10.2001; [s. 16](#) not in force at Royal Assent see [s. 20](#); [s. 16](#) in force for specified purposes at 26.9.2001 and wholly in force at 18.10.2001 by [S.I. 2001/3251](#), [art. 2\(1\)\(a\)\(b\)](#)

## 17 Time limit for proceedings in Scotland

In section 116(7) of the Administration Act (legal proceedings), after paragraph (a) there shall be inserted—

- “(aa) this subsection shall not be taken to impose any restriction on the time when proceedings may be commenced for an offence under section 111A above;”.

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