

# Social Security Fraud Act 2001

## CHAPTER 11

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**SOCIAL SECURITY FRAUD ACT 2001 (c. 11)**

**Ss. 1-3**

An Act to make provision, for the purposes of the law relating to social security, about the obtaining and disclosure of information; and to make provision for restricting the payment of social security benefits and war pensions in the case of persons convicted of offences relating to such benefits or pensions and about the institution of proceedings for such offences; and for connected purposes.

[11th May 2001]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Obtaining and sharing information*

*S. 1(5) & 2(2) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

**1. & 2.** . . . . . amend 1992 (c. 5), see annex, page 1.4241

Code of practice about  
use of information  
powers

**3.—(1)** The Secretary of State shall issue a code of practice relating to the exercise of—

- (a) the powers that are exercisable by an authorised officer under section 109B of the Administration Act in relation to the persons mentioned in subsection (2A) of that section; and
- (b) the powers conferred on an authorised officer by sections 109BA and 110AA of that Act.

(2) The Secretary of State may from time to time—

- (a) revise the whole or any part of the code for the time being in force under this section; and
- (b) issue a revised code.

(3) Before issuing or revising the code of practice under this section, the Secretary of State shall—

- (a) prepare and publish a draft of the code, or of the revised code; and
- (b) consider any representations made to him about the draft;  
and the Secretary of State may incorporate in the code he issues any modifications made by him to his proposals after their publication.

(4) The Secretary of State shall lay before each House of Parliament the code of practice, and every revised code, issued by him under this section.

(5) The code of practice issued under this section and any revisions of the code shall come into force at the time at which the code or, as the case may be, the revised code is issued by the Secretary of State.

(6) An authorised officer exercising any power in relation to which provision must be made by the code of practice under this section shall have regard, in doing so, to the provisions (so far as they are applicable) of the code for the time being in force under this section.

(7) A failure on the part of any person to comply with any provision of the code of practice for the time being in force under this section shall not of itself render him liable to any civil or criminal proceedings.

(8) The code of practice for the time being in force under this section shall be admissible in evidence in any civil or criminal proceedings.

(9) In this section “authorised officer” has the same meaning as in Part 6 of the Administration Act.

4.—(1) It shall be the duty of the Secretary of State to ensure that such arrangements (if any) are in force as he thinks appropriate for requiring or authorising, in such cases as he thinks fit, the making of such payments as he considers appropriate in respect of compliance with relevant obligations by any of the following—

Arrangements for payments in respect of information

- (a) a credit reference agency (within the meaning given by section 145(8) of the Consumer Credit Act 1974 (c. 39)) or any servant or agent of such an agency;
- (b) a person providing a telecommunications service (within the meaning of the Regulation of Investigatory Powers Act 2000 (c. 23)) or any servant or agent of such a person;
- (c) a water undertaker or a water and sewerage authority constituted under section 62 of the Local Government etc. (Scotland) Act 1994 (c. 39) or any servant or agent of such an undertaker or authority,
- (d) any person who (within the meaning the Gas Act 1986 (c. 44)) supplies gas conveyed through pipes, or any servant or agent of such a person;
- (e) any person who (within the meaning of the Electricity Act 1989 (c. 29)) supplies electricity conveyed by distribution systems, or any servant or agent of such a person;
- (f) any person added to the list of persons falling within subsection (2A) of section 109B of the Administration Act by an order under subsection (6) of that section, or any person’s servant or agent who falls within that subsection by virtue of such an order.

(2) In subsection (1) “relevant obligation”—

- (a) in relation to a person falling within paragraph (a), (b) or (f) of that subsection, means—
  - (i) an obligation to provide information in pursuance of a requirement imposed on that person under section 109B of the Administration Act by virtue only of his falling within subsection (2A) of that section; or
  - (ii) any obligation to comply, for the purpose of enabling an authorised officer to obtain information which might otherwise be obtained by the imposition of such a requirement, with any requirements imposed on that person under section 109BA or 110AA of that Act; and
- (b) in relation to a person falling within any of paragraphs (c) to (e) of that subsection, means any obligation to provide information in pursuance of a requirement imposed by such an exercise of the powers conferred by section 109B of that Act as is mentioned in subsection (2D) of that section.

(3) For the purpose of complying with his duty under this section, the Secretary of State may make arrangements for payments to be made out of money provided by Parliament.

(4) It shall be the duty of an authority administering housing benefit or council tax benefit to comply with such general or specific directions as to the making of payments as may be given by the Secretary of State in accordance with any arrangements for the time being in force for the purposes of subsection (1).

5. .... amends 1992 (c. 5), see Annex 1, page 1.4241.

Exchange of information with overseas authorities

[...<sup>1</sup>]

*S. 6 has been repealed by Sch. 14 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

6. In each of sections 122D(3) and 122E(4) of the Administration Act (power of the Secretary of State and Northern Ireland Department to require the supply of information by authorities administering housing or council tax benefit, and persons acting on their behalf), for “prescribed” there shall be substituted “specified in directions given by the Secretary of State or, as the case may be, the Northern Ireland Department”

Exchange of information by authorities administering benefit

<sup>1</sup> S. 6 repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 14.

**SOCIAL SECURITY FRAUD ACT 2001 (c. 11)**

**Ss. 6A-6B**

*Loss of benefit provisions*

Meaning of “disqualifying benefit” and “sanctionable benefit” for purposes of sections 6B and 7

**[<sup>1</sup>6A.—(1)** In this section and sections 6B and 7—  
“disqualifying benefit” means (subject to any regulations under section 10(1))—

**[<sup>2</sup>(za)** any benefit under Part 1 of the Welfare Reform Act 2012 (universal credit) or under any provision having effect in Northern Ireland corresponding to that Part;]

- (a) any benefit under the Jobseekers Act 1995 or the Jobseekers (Northern Ireland) Order 1995;
- (b) any benefit under the State Pension Credit Act 2002 or the State Pension Credit Act (Northern Ireland) 2002;
- (c) any benefit under Part 1 of the Welfare Reform Act 2007 or Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);

**[<sup>3</sup>(ca)** any benefit under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or under any provision in Northern Ireland which corresponds to that Part;]

- (d) any benefit under the Social Security Contributions and Benefit Act 1992 or the Social Security Contributions and Benefits (Northern Ireland) Act 1992 other than—
  - (i) maternity allowance;
  - (ii) statutory sick pay and statutory maternity pay;

(e) any war pension;

**[<sup>4</sup>(f)** child tax credit;

(g) working tax credit;]

“sanctionable benefit” means (subject to subsection (2) and to any regulations under section 10(1)) any disqualifying benefit other than—

- (a) joint-claim jobseeker’s allowance;
- (b) any retirement pension;
- (c) graduated retirement benefit;

**[<sup>3</sup>(ca)** personal independence payment;]

(d) disability living allowance;

(e) attendance allowance;

(f) child benefit;

**[<sup>4</sup>(fa)** child tax credit;

(fb) working tax credit;]

(g) guardian’s allowance;

(h) a payment out of the social fund in accordance with Part 8 of the Social Security Contributions and Benefits Act 1992;

(i) a payment under Part 10 of that Act (Christmas bonuses).

(2) In their application to Northern Ireland sections 6B and 7 shall have effect as if references to a sanctionable benefit were references only to a war pension.

Loss of benefit in case of conviction, penalty or caution for benefit offences

**6B.—(1)** Subsection (4) applies where a person (“the offender”)—

- (a) is convicted of one or more benefit offences in any proceedings,

<sup>1</sup> Ss. 6A-6C inserted ((12.1.10) for the purpose only of conferring power to make regulations, (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24), s. 24(1).

<sup>2</sup> Subsec. (1)(za) added to defn. of “disqualifying benefit” (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 57.

<sup>3</sup> Paras. (ca) added to defns. of “disqualifying benefit” & “sanctionable benefit” (8.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 9, para. 46(a) & (b).

<sup>4</sup> Para. (f) & (g) added to defn. of “disqualifying benefit” (1.4.13) & paras. (fa) & (fb) added to defn. of “sanctionable benefit” (6.4.13) by the Welfare Reform Act 2012 (c. 5), s. 117(2) & (3).

- (b) after being given a notice under subsection (2) of the appropriate penalty provision by an appropriate authority, agrees in the manner specified by the appropriate authority to pay a penalty under the appropriate penalty provision to the appropriate authority by reference to an overpayment, in a case where the offence mentioned in subsection (1)(b) of the appropriate penalty provision is a benefit offence, or
- (c) is cautioned in respect of one or more benefit offences.

(2) In subsection (1)(b)–

- (a) “the appropriate penalty provision” means section 115A of the Administration Act (penalty as alternative to prosecution) or section 109A of the Social Security Administration (Northern Ireland) 1992 (the corresponding provision for Northern Ireland);
- (b) “appropriate authority” means–
  - (i) in relation to section 115A of the Administration Act, the Secretary of State [...]<sup>1</sup> and

*Words in s. 6B(2)(b)(i) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I 2013/358 for details of when to apply.*

- (i) in relation to section 115A of the Administration Act, the Secretary of State or an authority which administers housing benefit or council tax benefit, and
    - (ii) in relation to section 109A of the Social Security Administration (Northern Ireland) Act 1992, the Department (within the meaning of that Act) or the Northern Ireland Housing Executive.

(3) Subsection (4) does not apply by virtue of subsection (1)(a) if, because the proceedings in which the offender was convicted constitute the [2current] set of proceedings for the purposes of section 7, the restriction in subsection (2) of that section applies in the offender’s case.

(4) If this subsection applies and the offender is a person with respect to whom the conditions for an entitlement to a sanctionable benefit are or become satisfied at any time within the disqualification period, then, even though those conditions are satisfied, the following restrictions shall apply in relation to the payment of that benefit in the offender’s case.

(5) Subject to subsections [3(5A)] to (10), the sanctionable benefit shall not be payable in the offender’s case for any period comprised in the disqualification period.

[4(5A)] The Secretary of State may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification 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 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.]

[...<sup>5</sup>]

<sup>1</sup> Words in s. 6B(2)(b)(i) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14.

<sup>2</sup> Words in s. 6B(3) substituted (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 119(2).

<sup>3</sup> Words in s. 6B(5) substituted (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 58(2).

<sup>4</sup> S. 6B(5A) inserted (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 58(3).

<sup>5</sup> S. 6B(6)-(7) & (9)-(10) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14.

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### S. 6B

*S. 6B(6)-(7) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

(6) Where the sanctionable benefit is income support, the benefit shall be payable in the offender's case for any period comprised in the disqualification period as if the applicable amount used for the determination under section 124(4) of the Social Security Contributions and Benefits Act 1992 of the amount of the offender's entitlement for that period were reduced in such manner as may be prescribed.

(7) The Secretary of State may by regulations provide that, where the sanctionable benefit is jobseeker's allowance, any income-based jobseeker's allowance shall be payable, during the whole or a part of any period comprised in the disqualification period, 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 the offender 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.

(8) The Secretary of State may by regulations provide that, where the sanctionable benefit is state pension credit, the benefit shall be payable in the offender's case for any period comprised in the disqualification period as if the rate of the benefit were reduced in such manner as may be prescribed.

*S. 6B(9)-(10) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

(9) The Secretary of State may by regulations provide that, where the sanctionable benefit is employment and support allowance, any income-related allowance shall be payable, during the whole or a part of any period comprised in the disqualification period, 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 the offender 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.

(10) The Secretary of State may by regulations provide that, where the sanctionable benefit is housing benefit or council tax benefit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

- (a) the rate of the benefit were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if the circumstances are such as may be prescribed.

(11) For the purposes of this section the disqualification period, in relation to any disqualifying event, means [the relevant period] beginning with such date, falling after the date of the disqualifying event, as may be determined by or in accordance with regulations made by the Secretary of State.

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<sup>1</sup> Words in s. 6B(11) substituted (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 118(3)

[<sup>1</sup>(11A) For the purposes of subsection (11) the relevant period is–

- (a) In a case falling within subsection (1)(a) where the benefit offence, or one of them, is a relevant offence, the period of three years.
- (b) in a case falling within subsection (1)(a) (but not within paragraph (a) above)), the period of 13 weeks, or
- (c) in a case falling within subsection (1)(b) or (c), the period of four weeks.]

(12) This section has effect subject to section 6C.

(13) In this section and section 6C–

“benefit offence” means–

- (a) any post-commencement offence in connection with a claim for a disqualifying benefit;
- (b) any post-commencement offence in connection with the receipt or payment of any amount by way of such a benefit;
- (c) any post-commencement offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence;
- (d) any post-commencement offence consisting in an attempt or conspiracy to commit a benefit offence;

“disqualifying event” means the conviction falling within subsection (1)(a), the agreement falling within subsection (1)(b) or the caution falling within subsection (1)(c);

“post-commencement offence” means any criminal offence committed after the commencement of this section.

[<sup>2</sup>(14) In this section and section 7 “relevant offence” means–

- (a) in England and Wales, the common law offence of conspiracy to defraud, or
- (b) a prescribed offence which, in the offender’s case, is committed in such circumstances as may be prescribed, and which, on conviction–
  - (i) is found by the court to relate to an overpayment (as defined in section 115A(8) of the Administration Act) of at least £50,000.
  - (ii) is punished by a custodial sentence of at least one year (including a suspended sentence as defined in section 189(7)(b) of the Criminal Justice Act 2003), or
  - (iii) is found by the court to have been committed over a period of at least two years.]

[<sup>3</sup>(15) The Secretary of State may by order amend subsection (11A)(a), (b) or (c), or (14)(b)(i), (ii) or (iii) to substitute a different period or amount for that for the time being specified there.]

**6C.—(1) Where–**

- (a) the conviction of any person of any offence is taken into account for the purposes of the application of section 6B in relation to that person, and
- (b) that conviction is subsequently quashed,

Section 6B:  
supplementary  
provisions

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 6B that could not have been imposed if the conviction had not taken place.

(2) Where, after the agreement of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of section 6B in relation to that person–

<sup>1</sup> Subsec. (11A), (14) & (15) inserted (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 118(4), (5) & (6).

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### S. 6C

- (a) P'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 the overpayment 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 section 6B that could not have been imposed if P had not agreed to pay the penalty.

(3) Where, after the agreement ("the old agreement") of any person ("P") to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of section 6B in relation to P, the amount of the overpayment 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) section 6B shall cease to apply by virtue of the old agreement, and
- (b) subsection (4) shall apply.

(4) Where this subsection applies—

- (a) if there is a new disqualifying event consisting of—
  - (i) P's agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment, or
  - (ii) P being cautioned in relation to the offence to which the old agreement relates,

the disqualification period relating to the new disqualifying event shall be reduced by the number of days in so much of the disqualification period relating to the old agreement as had expired when section 6B ceased to apply by virtue of the old agreement, 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 section 6B that could not have been imposed if P had not agreed to pay the penalty.

(5) For the purposes of section 6B—

- (a) the date of a person's conviction in any proceedings of a benefit offence shall be taken to be the date on which the person was found guilty of that offence in those proceedings (whenever the person was sentenced) or in the case mentioned in paragraph (b)(ii) the date of the order for absolute discharge; and
- (b) references to a conviction include references to—
  - (i) a conviction in relation to which the court makes an order for absolute or conditional discharge or a court in Scotland makes a probation order,
  - (ii) an order for absolute discharge made by a court of summary jurisdiction in Scotland under section 246(3) of the Criminal Procedure (Scotland) Act 1995 without proceeding to a conviction, and
  - (iii) a conviction in Northern Ireland.

(6) In this section "the appropriate penalty provision" has the meaning given by section 6B(2)(a).]

7.—(1) If—

- [<sup>1</sup>(a) a person ("the offender") is convicted of one or more benefit offences in a set of proceedings ("the current set of proceedings"),

Loss of benefit for  
[<sup>1</sup>repeated benefit  
fraud]

<sup>1</sup> Words in heading to s. 7 substituted (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 119(4) & (5).

- (b) within the period of five years ending on the date on which the benefit offence was, or any of them were, committed, one or more disqualifying events occurred in relation to the offender (the event, or the most recent of them, being referred to in this section as “the earlier disqualifying event”),
- (c) the current set of proceedings has not been taken into account for the purposes of any previous application of this section or section 8 or 9 in relation to the offender or any person who was then a member of his family,
- (d) the earlier disqualifying event has not been taken into account as an earlier disqualifying event for the purposes of any previous application of this section or either of those sections in relation to the offender or any person who was then a member of his family, and
- (e) the offender is a person with respect to whom the conditions for an entitlement to a sanctionable benefit are or become satisfied at any time within the disqualification period.]

then, even though those conditions are satisfied, the following restrictions shall apply in relation to the payment of that benefit in the offender’s case.

[<sup>1</sup>(1A)The following restrictions do not apply if the benefit offence referred to in subsection (1)(a), or any of them, is a relevant offence.]

(2) Subject to subsections [<sup>2</sup>(2A)] to (5), the sanctionable benefit shall not be payable in the offender’s case for any period comprised in the disqualification period.

[<sup>3</sup>(2A)The Secretary of State may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable during the whole or a part of any period comprised in the disqualification 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 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.]

[...<sup>4</sup>]

*S. 7(3),(4), (4B) & (5) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

(3) Where the sanctionable benefit is income support, the benefit shall be payable in the offender’s case for any period comprised in the disqualification period as if the applicable amount used for the determination under section 124(4) of the Social Security Contributions and Benefits Act 1992 (c. 4) of the amount of the offender’s entitlement for that period were reduced in such manner as may be prescribed.

(4) The Secretary of State may by regulations provide that, where the sanctionable benefit is jobseeker’s allowance, any income-based jobseeker’s allowance shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied–

<sup>1</sup> S. 7(1A) inserted (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 118(7).

<sup>2</sup> Subsecs. (1)(a)-(e) substituted (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 119(4) & (5).

<sup>3</sup> Words in s. 7(2) substituted (1.4.13) & subsec. (2A) inserted (25.2.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 59(2) & (3).

<sup>4</sup> S. 7(3) & (4) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14.

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- (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 the offender 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.

[<sup>1</sup>(4A) The Secretary of State may by regulations provide that, where the sanctionable benefit is state pension credit, the benefit shall be payable in the offender's case for any period comprised in the disqualification period as if the rate of the benefit were reduced in such manner as may be prescribed.]

[...<sup>2</sup>]

*S. 7(3),(4), (4B) & (5) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

[<sup>2</sup>(4B) The Secretary of State may by regulations provide that, where the sanctionable benefit is employment and support allowance, any income-related allowance shall be payable, during the whole or a part of any period comprised in the disqualification period, 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 the offender 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) The Secretary of State may by regulations provide that, where the sanctionable benefit is housing benefit or council tax benefit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or both of the following applied—

- (a) the rate of the benefit were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if the circumstances are such as may be prescribed.

(6) For the purposes of this section the disqualification period, [<sup>3</sup>in an offender's case, means the relevant period beginning with a prescribed date falling after the date of the conviction in the current set of proceedings.]

[<sup>3</sup>(6A) For the purposes of subsection (6) the relevant period is—

- (a) in a case where, within the period of five years ending on the date on which the earlier disqualifying event occurred, a previous disqualifying event occurred in relation to the offender, the period of three years;
- (b) in any other case, 26 weeks.]

<sup>1</sup> Subsection (4A) inserted in s. 7 (2.7.02) for the purposes of exercising powers to make regs. or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 45(2).

<sup>2</sup> S. 7(4B) & (5) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14.

<sup>3</sup> Words in s. 7(6) substituted & subsec. (6A) inserted (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 119(6)-(7).

(7) Where—

- (a) the conviction of any person of any offence is taken into account for the purposes of the application of this section in relation to that person, 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 if the conviction had not taken place.

[<sup>1</sup>(7A) Subsection (7B) applies where, after the agreement of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of this section in relation to that person—

- (a) P’s agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision.
- (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 (S.I. 1998/1506 (N.I. 10)) that any overpayment to which the agreement relates is not recoverable or due, or
- (c) the amount of any overpayment 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 and there is no new agreement by P to pay a penalty under the appropriate penalty provision in relation to the revised overpayment.

(7B) In those circumstances, 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 if P had not agreed to pay the penalty.]

(8) In this section—

[<sup>1</sup>“appropriate penalty provision” has the meaning given in section 6B(2)(a);]  
 “benefit offence” means—

- (a) any post-commencement offence in connection with a claim for a disqualifying benefit;
- (b) any post-commencement offence in connection with the receipt or payment of any amount by way of such a benefit;
- (c) any post-commencement offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence;
- (d) any post-commencement offence consisting in an attempt or conspiracy to commit a benefit offence;

[<sup>1</sup>“disqualifying event” has the meaning given in section 6B(13);]

[<sup>2</sup>“post-commencement offence” means an offence committed on or after 1 April 2002 (the day on which this section comes into force).]

[<sup>2</sup>..]

[<sup>3</sup>(8A) Where a person is convicted of more than one benefit offence in the same set of proceedings, there is to be only one disqualifying event in respect of that set of proceedings for the purposes of this section and—

- (a) subsection (1)(b) is satisfied if any of the convictions take place in the five year periods mentioned there;

<sup>1</sup> Ss. (7A)-(7B) inserted & defns. added to subsec. (8) (1.4.13) by the Welfare Reform Act 2012 (c. 5), s. 119(8)-(9).

<sup>2</sup> Defn. of “post-commencement offence” inserted & defns. of “disqualifying benefit” & “sanctionable benefit” omitted (for the purpose only of conferring power to make regulations (12.1.10) & for all other purposes (1.4.10)) by the Welfare Reform Act 2009 (c. 24), s. 24(2) & Sch. 4, para. 2(2)(a)-(b) & Sch. 7, part 3.

<sup>3</sup> S. 7(8A) inserted 1.4.13 by the Welfare Reform Act 2012 (c. 5), s. 119(10).

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- (b) the event is taken into account for the purposes of subsection (1)(d) if any of the convictions have been taken into account as mentioned there;
- (c) in the case of the earlier disqualifying event mentioned in subsection (6A)(a), the reference there to the date on which the earlier disqualifying event occurred is a reference to the date on which any of the convictions take place;
- (d) in the case of the previous disqualifying event mentioned in subsection (6A)(a), that provision is satisfied if any of the convictions take place in the five year period mentioned there.]

(9) For the purposes of this section—

- (a) the date of a person's conviction in any proceedings of a benefit offence shall be taken to be the date on which he was found guilty of that offence in those proceedings (whenever he was sentenced) [<sup>1</sup>or in the case mentioned in paragraph (b)(ii) the date of the order for absolute discharge]; and

[<sup>1</sup>(b) references to a conviction include references to—

- (i) a conviction in relation to which the court makes an order for absolute or conditional discharge or a court in Scotland makes a probation order,
- (ii) an order for absolute discharge made by a court of summary jurisdiction in Scotland under section 246(3) of the Criminal Procedure (Scotland) Act 1995 without proceeding to a conviction, and
- (iii) a conviction in Northern Ireland.]

[<sup>2</sup>(bb) state pension credit;]

[<sup>3</sup>(bc) employment and support allowance;]

(10) In this section references to any previous application of this section or section [...<sup>4</sup>] 9—

*Words in s. 7(10) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

(10) In this section references to any previous application of this section or section [8 or] 9—

- (a) include references to any previous application of a provision having an effect in Northern Ireland corresponding to provision made by this section, or either of those sections; but
- (b) do not include references to any previous application of this section, or of either of those sections, the effect of which was to impose a restriction for a period comprised in the same disqualification period.

[<sup>1</sup>(10A) The Secretary of State may by order amend subsection (6A) to substitute different periods for those for the time being specified there.]

[<sup>1</sup>(10B) An order under subsection (10A) may provide for different periods to apply according to the type of earlier disqualifying event or events occurring in any case.]

(11) [...<sup>1</sup>]

<sup>1</sup> Words in s. 7(9)(a) s. 7(11) omitted, s. 7(9)(b) substituted ((12.1.10) for the purpose only of conferring power to make regulations & (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24). s. 24(2) & Sch. 4, paras. 2(3)-(4).

<sup>2</sup> Para. (bb) inserted in s. 7(9) (2.7.02) for the purposes of exercising power to make regs. or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 46(2).

<sup>3</sup> Para. (bc) inserted in s. 7(9) (27.10.08) by the Welfare Reform Act 2007 (c. 5), Sch. 3, s. 23(4).

<sup>4</sup> Words in s. 7(10) repealed (1.4.13) by the Welfare Reform Act, s. 14.

8.—(1) Subsections (2) and (3) shall have effect, subject to the other provisions of this section, where—

Effect of offence on joint-claim jobseeker's allowance

- (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) [<sup>1</sup>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.

[<sup>1</sup>(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) [<sup>2</sup>Except in prescribed circumstances] the allowance shall not be payable in the couple's case for so much of any period comprised in [<sup>1</sup>the relevant period] as is a period for which—

- (a) in the case of each of the members of [<sup>1</sup>an offence-related restriction] would apply if the entitlement were an entitlement of that member to a sanctionable benefit; or
- (b) [<sup>1</sup>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—
  - [<sup>2</sup>(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]
  - (ii) [...<sup>3</sup>]

(3) For any part of any period comprised in [<sup>1</sup>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 [<sup>1</sup>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 [<sup>1</sup>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;

<sup>1</sup> Words in s. 8(1)(b) & (2) substituted ((12.1.10) for the purpose only of conferring power to make regulations & (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24), s. 24(2) & Sch. 4, paras. 3(1)-(6).

<sup>2</sup> Words inserted in s. 8(2) & 8(2)(b)(i) substituted (14.10.12) by the Welfare Reform Act 2012 (c. 5), Sch. 7, para. 12(2) & (3).

<sup>3</sup> S. 8(2)(b)(ii) repealed (on or after 22.3.10) by the Welfare Reform Act 2009 (c. 24), Sch. 7, part 3. (see art. 2(3) & (4) of S.I. 2010/293 for when to apply in certain situations).

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- (c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.

(5) [...<sup>1</sup>]

(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.

[<sup>2</sup>(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 the overpayment 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 the overpayment 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).]

*S. 9(1)(a)-(b); (c)-(d) & s. 9(3) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I 2013/358 for details of when to apply.*

Effect of offence on benefits for members of offender’s family

**9.—(1) This section applies to—**

**[<sup>3</sup>(za) universal credit;]**

<sup>1</sup> Para. (5) repealed (14.10.12) by the Welfare Reform Act 2012 (c. 5), Sch. 7, para. 12(2) & (3).

<sup>2</sup> Words substituted in ss. 8(7)-(9) inserted (12.1.10) for all other purposes only of conferring power to make regulations & (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24), s. 24(2) & Sch. 4, paras. 3(7) & 4(2).

<sup>3</sup> S. 9(1)(za) inserted (25.2.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 61(2).

[...<sup>1</sup>]

*Ss. 9(1)(a)-(b); (c)-(d) & (3) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I 2013/358 for details of when to apply*

- (a) income support;
- (b) jobseeker's allowance;
- [<sup>2</sup>(bb) state pension credit]
  - (c) housing benefit; and
  - (d) council tax benefit.

(2) The Secretary of State may by regulations make provision on 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 [<sup>3</sup>section 6B or 7] in the case of a member of that person’s family; [<sup>4</sup>and]
- (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.

[<sup>4</sup>(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 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]

[...<sup>1</sup>]

(3) In relation to cases in which the benefit is income support, 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 applicable amount used for the determination under section 124(4) of the Social Security Contributions and Benefits Act 1992 (c. 4) of the amount of the offender’s entitlement for that period were reduced in such manner as may be prescribed.

<sup>1</sup> S. 9(1)(a)-(b), (c)-(d) & s. 9(3) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14.

<sup>2</sup> Para. (bb) inserted in s. 9(1) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 46(2).

<sup>3</sup> Words substituted in ss. 9(2)(b) ((12.1.10) for all other purpose only of conferring power to make regulations & (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24), s. 24(2) & Sch. 4, para. 4(2).

<sup>4</sup> S. 9(2A) inserted & words substituted in subsec. (2)(b) (25.2.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 6(3) & (4).

[...<sup>1</sup>]

*S. 9(4) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I 2013/358 for details of when to apply*

(4) In relation to cases in which the benefit is jobseeker's allowance, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender's family member, any income-based jobseeker's allowance 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 rate of the allowance were such reduced rate as may be prescribed;
- (b) the allowance 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 allowance were payable only if the circumstances are otherwise such as may be prescribed.

[<sup>2</sup>(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.]

*S. 9(4B) & (5) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art. 9 of S.I 2013/358 for details of when to apply*

[...<sup>1</sup>]

[<sup>1</sup>(4B) In relation to cases in which the benefit is employment and support allowance, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offenders family member, any income-related allowance 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 rate of the allowance were such reduced rate as may be prescribed;
- (b) the allowance 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 allowance were payable only if circumstances are otherwise such as may be prescribed.]

(5) In relation to cases in which the benefit is housing benefit or council tax benefit, 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, during the whole or a part of any period comprised in the relevant period, as if one or both of the following applied—

- (a) the rate of the benefit were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if the circumstances are such as may be prescribed.

<sup>1</sup> S. 9(4), (4B) & (5) repealed (1.4.13) by the Welfare Reform Act 2012 (c 5), Sch. 14.

<sup>2</sup> Subsection (4A) inserted in s. 9 (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16) Sch. 2, para. 46(3).

(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.

[<sup>1</sup>(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 the overpayment 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 the overpayment 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).]

**10.—**(1) The Secretary of State may by regulations provide for any social security benefit to be treated for the purposes of [<sup>1</sup>sections 6A to 9]—

- (a) as a disqualifying benefit but not a sanctionable benefit; or
- (b) as neither a sanctionable benefit nor a disqualifying benefit.

Power to supplement and mitigate loss of benefit provisions

(2) The Secretary of State may by regulations provide for any restriction in section [<sup>1</sup>6B,] 7, 8 or 9 not to apply in relation to payments of benefit to the extent of any deduction that (if any payment were made) would fall, in pursuance of provision made

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<sup>1</sup> S. 9(7)-(9) inserted & words substituted & inserted in ss. 10(1) & (2) ((12.1.10) for the purpose only of conferring power to make regulations & (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24), s. 24(2) & Sch. 4, para. 4(3), 5(2) & (3).

by or under any enactment, to be made from the payments and paid to a person other than the offender or, as the case may be, a member of his family.

(3) In this section “social security benefit” means—

- (a) any benefit under the Social Security Contributions and Benefits Act 1992 (c. 4) or the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7); or
- (b) any benefit under the Jobseekers Act 1995 (c. 18) or the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15));
- <sup>[1]</sup>(bb) any benefit under the State Pension Credit Act 2002 or under any provision having effect in Northern Ireland corresponding to that Act; or]
- <sup>[2]</sup>(bc) any benefit under Part 1 of the Welfare Reform Act 2007 (employment and support allowance) or under any provision having effect in Northern Ireland corresponding to that Part]
- <sup>[3]</sup>(bd) any benefit under Part 1 of the Welfare Reform Act 2012 (universal credit) or under any provision having effect in Northern Ireland corresponding to that Part;]
- <sup>[4]</sup>(be) any benefit under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or under any provision in Northern Ireland which corresponds to that Part;]
- (c) any war pension.

Loss of benefit <sup>[5]</sup>orders and] regulations

**11.—(1)** In <sup>[6]</sup>sections 6B to 10] “prescribed” means prescribed by or determined in accordance with regulations made by the Secretary of State.

(2) Regulations under any of the provisions of <sup>[6]</sup>sections 6B to 10] shall be made by statutory instrument which (except in the case of regulations to which subsection (3) applies) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument containing (whether alone or with other provisions)—

- (a) a provision by virtue of which anything is to be treated for the purposes of section <sup>[6]</sup>6B or] 7 as a disqualifying benefit but not a sanctionable benefit,
- (b) a provision prescribing the manner in which the applicable amount is to be reduced for the purposes of section <sup>[6]</sup>6B(6)] 7(3) or 9(3),
- (c) a provision the making of which is authorised by section <sup>[6]</sup>7(5A), (7)], (8), (9) or (10),] <sup>[7]</sup>7(2A), (4)], <sup>[8]</sup>, (4A) <sup>[9]</sup>, (4B)]] or (5), 8(4) or <sup>[7]</sup>9(2A), (4)] <sup>[8]</sup>, (4A) <sup>[9]</sup>, (4B)]] or (5), or
- (d) a provision prescribing the manner in which the amount of joint-claim jobseeker’s allowance is to be reduced for the purposes of section 8(3)(a), shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

<sup>1</sup> Para. (bb) inserted in s. 10(3) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16) Sch. 2, para. 47.

<sup>2</sup> Para. (bc) inserted in s. 10(3) (27.10.08) by the Welfare Reform Act 2007 (c. 7) Sch. 3, s. 23(6).

<sup>3</sup> S. 10(3)(bd) inserted (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 62.

<sup>4</sup> S. 10(3)(be) inserted (8.4.13) by the Welfare Reform Act 2012 (c. 9), Sch. 2, para. 47.

<sup>5</sup> Words in heading to s. 11 inserted (1.4.13) by the Welfare Reform Act 2012 (c. 5), S.118(8)(a).

<sup>6</sup> Words inserted in ss. 11(3)(a)-(c) & substituted in s. 11(1), (2), (4) & (5) ((12.1.10) for the purposes only of conferring power to make regulations & (1.4.10) for all other purposes) by the Welfare Reform Act 2009 (c. 24), s. 24(2) & Sch. 4, para. 6.

<sup>7</sup> Words in s. 11(3)(c) substituted (25.2.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 63(2).

<sup>8</sup> Words inserted in s. 11(3)(c) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 48.

<sup>9</sup> Words inserted in s. 11(3)(c) (27.10.08) by the Welfare Reform Act (c. 5) Sch. 3, s. 23(7).

- [<sup>1</sup>(e) regulations under section 6B(14) or an order under section 6B(15), or]
- [<sup>2</sup>(f) an order under section 7(10A),]

(4) Subsections (4) to (6) of section 189 of the Administration Act (supplemental and incidental powers etc.) shall apply in relation to a power to make [<sup>1</sup>an order or] regulations that is conferred by any of the provisions of [<sup>3</sup>sections 6B to 10] as they apply in relation to the powers to make [<sup>1</sup>an orders or] regulations that are conferred by that Act.

(5) The provision that may be made in exercise of the powers to make regulations that are conferred by [<sup>3</sup>sections 6B to 10] shall include different provision for different areas.

**12.—(1)** [...<sup>5</sup>]

Interpretation of sections 7 to 12

(2) ..... amends 1998 (c. 14), see Annex 1, page 1.4241

(3) ..... amends 1992 (c. 5), see Annex 1, page 1.4241

**13.** In this section and [<sup>6</sup>sections 6A to 12]–

“benefit” includes any allowance, payment, credit or loan;

[<sup>6</sup>“cautioned”, in relation to any person and any offence, means cautioned after the person concerned has admitted the offence; and “caution” is to be interpreted accordingly;]

[...<sup>6</sup>]

“family” has the same meaning as in Part 7 of the Social Security Contributions and Benefits Act 1992 (c. 4);

“income-based jobseeker’s allowance”, “joint-claim jobseeker’s allowance” [<sup>7</sup>“income-related allowance” has the same meaning as in Part 1 of the Welfare Reform Act 2007 (employment and support allowance);] and “joint-claim couple” have the same meanings as in the Jobseekers Act 1995 (c. 18);

[...<sup>6</sup>]

“sanctionable benefit” has the meaning given by [<sup>6</sup>section 6A(1)];

[<sup>8</sup>“state pension credit” means state pension credit under the State Pension Credit Act 2002;]

“war pension” has the same meaning as in section 25 of the Social Security Act 1989 (c. 24) (establishment and functions of war pensions committees).

*Penalties as an alternative to prosecution*

*S. 14 has been repealed by Sch. 14 of the Welfare Reform Act 2012 (C. 5), but kept in force for transitional purposes. See art 9 of S.I. 2013/358 for details of when to apply.*

**14. to 17.** ..... amend 1992 (c. 5), see annex 1, page 1.4241

<sup>1</sup> Words in subsec. (3)(e) & (4) inserted (1.4.13) by the Welfare Reform Act 2012 (c. 5), S.118(8)(a)-(c).  
<sup>2</sup> Words in s. 11(3)(c) substituted (25.2.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 63(2).  
<sup>3</sup> Words substituted in s. 11(4) & (5) ((12.1.10) for the purposes only of conferring power to make regulations & (1.4.10) for all other purposes) by the Welfare Reform Act 2009 (c. 24), s. 24(2) & Sch. 4, para. 6.  
<sup>4</sup> Words inserted in s. 11(3)(c) (27.10.08) by the Welfare Reform Act (c. 5) Sch. 3, s. 23(7).  
<sup>5</sup> S. 12(1) repealed in s. 11(3)(c) (27.10.08) by the Welfare Reform Act 2009 (c. 24), Sch. 7, part 3. (See art. 2(3) & (4) of S.I. 2010/293 for when to apply in certain situations).  
<sup>6</sup> In s. 13 & heading to, words substituted, defns. of “disqualification period” & “post-commencement offence” omitted & defn. of “cautioned” inserted ((12.1.10) for the purpose only of conferring power to make regulations and (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24), s. 24(2) & Sch. 4, para. 7(1)-(5).  
<sup>7</sup> Defn. “income-related allowance” inserted in s. 13 (27.10.08) by the Welfare Reform Act (c. 5) Sch. 3, s. 23(8).  
<sup>8</sup> Defn. of “state pension credit” inserted in s. 13 (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 49.

**SOCIAL SECURITY FRAUD ACT 2001 (c. 11)**

**Ss. 18-21**

*Supplemental*

Meaning of “the Administration Act”	<b>18.</b> In this Act “the Administration Act” means the Social Security Administration Act 1992 (c. 5).
Repeals	<b>19.</b> The enactments mentioned in the Schedule to this Bill (which include some spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
Commencement	<b>20.</b> —(1) The preceding provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.  (2) Subject to subsection (3), different days may be appointed under this section for different purposes.  (3) The power under this section to appoint a day for the coming into force of the provisions of sections 1 and 2 shall not authorise the appointment for those purposes of any day before the issue of the code of practice that must be issued under section 3.
Short title and extent	<b>21.</b> —(1) This Act may be cited as the Social Security Fraud Act 2001.  (2) Sections 5(2), [16A, 6B and 6C] 7, 10, 11, 12(3), 13 and 20, and this section, extend to Northern Ireland; and the other provisions of this Act do not so extend.

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<sup>1</sup> Words inserted in s. 21(2) ((12.1.10) for the purpose only of conferring power to make regulations & (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24), s. 24(2)(a), Sch. 4, para. 8.

## SCHEDULE

## REPEALS

Short title and chapter	Extent of repeal
The Social Security Administration Act 1992 (c. 5).	In section 110A(8), the word “and” at the end of paragraph (a).
The Social Security Administration (Fraud) Act 1997(c. 47).	In section 111A(1), paragraphs (c) and (d).
The Social Security Administration (Fraud) Act 1997(c. 47).	Section 14.
The Social Security Act 1998 (c. 14)	In paragraph 3 of Schedule 3, the word “or” at the end of subparagraph (d).

## SOCIAL SECURITY FRAUD ACT 2001

### ANNEX 1

#### LIST OF OMISSIONS

*The following provisions have been omitted from the text for the reasons stated below:-*

s. 1	... ..	amends ss. 109B, 110A, 111 & 121DA of the SS Admin. Act 1992
s. 2	... ..	inserts ss. 109BA & 110AA into the SS Admin. Act 1992
s. 5	... ..	inserts ss. 179A & 155A into the SS Admin. Act 1992
s. 12(1)	... ..	repealed (on or after 22.3.10) by the Welfare Reform Act 2009 (c. 24), Sch. 7, part. 3 (see art. 2(3) & (4) of S.I. 2010/293 for when to apply).
(2)	... ..	amends Sch. 3 to the SS Act 1998
(3)	... ..	amends s. 170 of the SS Admin. Act 1992
s. 14	... ..	amends s. 115A of the SS Admin. Act 1992
s. 15	... ..	inserts s. 115B into the SS Admin. Act 1992
s. 16	... ..	amends ss. 111A & 112 of the SS Admin. Act 1992
s. 17	... ..	amends s. 116(7) of the SS Admin. Act 1992

## SOCIAL SECURITY FRAUD ACT 2001

## ANNEX 2

## COMMENCEMENT DATES

## (a) List of Commencement Orders

<i>S.I. No.</i>	<i>Title of Order</i>	<i>Page no. if reproduced in these volumes</i>
2001/3251 (c. 105)	The Social Security Fraud Act 2001 (Commencement No. 1) Order 2001	1.5925
2001/3689 (c. 119)	The Social Security Fraud Act 2001 (Commencement No. 2) Order 2001	1.5927
2002/117 (c. 2)	The Social Security Fraud Act 2001 (Commencement No. 3) Order 2002	1.5929
2002/403 (c. 10)	The Social Security Fraud Act 2001 (Commencement No. 4) Order 2002	1.5931
2002/1222 (c. 32)	The Social Security Fraud Act 2001 (Commencement No. 5) Order 2002	1.5933
2003/273 (c. 17)	The Social Security Fraud Act 2001 (Commencement No. 6) Order 2003	1.5935

## (b) Dates on which provisions of the SS Fraud Act 2001 came into force

[Note: In the list below only those sections commenced will be included.]

<i>Section (etc) of SS Fraud Act 2001</i>	<i>Date of commencement</i>	<i>Commencing authority</i>
section 1(1)-(3)	30th April 2002	2002/1222
section 1(4)	26th February 2002	2002/403
section 1(5)-(8)	30th April 2002	2002/1222
section 1(9)	26th February 2002	2002/403
section 2	30th April 2002	2002/1222
section 3	28th January 2002	2002/117
section 4	30th April 2002	2002/1222
section 5	14th February 2003	2003/273
section 6	30th April 2002	2002/1222

## SOCIAL SECURITY FRAUD ACT 2001 (c. 11)

### Annex 2

<i>Section (etc) of SS Fraud Act 2001</i>	<i>Date of commencement</i>	<i>Commencing authority</i>
sections 7-11	<sup>1</sup> 17th November 2001	2001/3689
	1st April 2002	2001/3689
section 12	1st April 2002	2001/3689
section 13	<sup>1</sup> 17th November 2001	2001/3689
	1st April 2002	2001/3689
section 14	30th April 2002	2002/1222
section 15	30th April 2002	2002/1222
section 16	26th September 2001	2001/3251
	18th October 2001	2001/3251
section 17	30th April 2002	2002/1222
section 18	30th April 2002	2002/1222
section 19	30th April 2002	2002/1222
section 20	11th May 2001	Royal Assent
section 21	11th May 2001	Royal Assent