



Social Security Fraud Act 2001

2001 CHAPTER 11

Obtaining and sharing information

3 Code of practice about use of information powers

- (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.

Changes to legislation: Social Security Fraud Act 2001, Section 3 is up to date with all changes known to be in force on or before 19 September 2023. 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. (See end of Document for details) [View outstanding changes](#)

- (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.

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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\(5\)](#)