



# Welfare Reform Act 2007

## 2007 CHAPTER 5

### PART 3

#### SOCIAL SECURITY ADMINISTRATION: GENERAL

#### *Benefit fraud*

#### **47 Local authority powers to prosecute benefit fraud**

After section 116 of the Administration Act (legal proceedings) insert—

#### **“116A Local authority powers to prosecute benefit fraud**

- (1) This section applies if an authority administering housing benefit or council tax benefit has power to bring proceedings for a benefit offence relating to that benefit.
- (2) The authority may bring proceedings for a benefit offence relating to any other relevant social security benefit unless—
  - (a) the proceedings relate to any benefit or circumstances or any description of benefit or circumstances which the Secretary of State prescribes for the purposes of this paragraph, or
  - (b) the Secretary of State has directed that the authority must not bring the proceedings,and a direction under paragraph (b) may relate to a particular authority or description of authority or to particular proceedings or any description of proceedings.
- (3) If the Secretary of State prescribes conditions for the purposes of this section, an authority must not bring proceedings under this section unless any such condition is satisfied.

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*Status: Point in time view as at 07/04/2008. This version of this provision has been superseded.*

*Changes to legislation: Welfare Reform Act 2007, Section 47 is up to date with all changes known to be in force on or before 17 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. (See end of Document for details)*

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- (4) The Secretary of State may continue proceedings which have been brought by an authority under this section as if the proceedings had been brought in his name or he may discontinue the proceedings if—
- (a) he makes provision under subsection (2)(a), such that the authority would no longer be entitled to bring the proceedings under this section,
  - (b) he gives a direction under subsection (2)(b) in relation to the proceedings, or
  - (c) a condition prescribed under subsection (3) ceases to be satisfied in relation to the proceedings.
- (5) In the exercise of its power under subsection (2), a local authority must have regard to the Code for Crown Prosecutors issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985—
- (a) in determining whether the proceedings should be instituted;
  - (b) in determining what charges should be preferred;
  - (c) in considering what representations to make to a magistrates' court about mode of trial;
  - (d) in determining whether to discontinue proceedings.
- (6) An authority must not bring proceedings for a benefit offence which does not relate to housing benefit or council tax benefit otherwise than in accordance with this section.
- (7) In subsection (2), “relevant social security benefit” has the same meaning as in section 121DA below.
- (8) This section does not apply to Scotland.”

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**Commencement Information**

**I1** S. 47 in force at 19.2.2008 for specified purposes by S.I. 2008/411, **art. 2(4)(b)**

**I2** S. 47 in force at 7.4.2008 in so far as not already in force by S.I. 2008/411, **art. 2(5)**

**Status:**

Point in time view as at 07/04/2008. This version of this provision has been superseded.

**Changes to legislation:**

Welfare Reform Act 2007, Section 47 is up to date with all changes known to be in force on or before 17 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.