

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Social security: General

Section 117: Benefit offences: disqualifying and sanctionable benefits

597. *Section 117* amends section 6A (meaning of “disqualifying benefit” and “sanctionable benefit”) of the SSFA 2001 for the purposes of sections 6B (loss of benefit in case of conviction, penalty or caution for benefit offence) and 7 (loss of benefit for second or subsequent conviction of benefit offence) of that Act.
598. *Subsection (2)* adds child tax credit and working tax credit to the benefits listed as a disqualifying benefit under section 6A. Benefit offences involving disqualifying benefits trigger a loss of benefit payment sanction. This sanction is applied against any benefits that are sanctionable. Sanctionable benefits are those which can be withdrawn or reduced.
599. Under section 6A, disqualifying benefits are sanctionable unless specified otherwise. *Subsection (3)* adds child tax credit and working tax credit to the list of benefits in section 6A(1) that are specified as non-sanctionable. As a result of the amendments to the TCA 2002 made by *section 120*, working tax credit will be sanctioned under that Act in appropriate cases.