

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Welfare Reform Act 2012, Cross Heading: Social Security Fraud Act 2001 (c. 11) is up to date with all changes known to be in force on or before 20 April 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) View outstanding changes

SCHEDULES

SCHEDULE 2

UNIVERSAL CREDIT: AMENDMENTS

Social Security Fraud Act 2001 (c. 11)

56 The Social Security Fraud Act 2001 is amended as follows.

Commencement Information

- I1** Sch. 2 para. 56 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 6(3)
I2 Sch. 2 para. 56 in force at 1.4.2013 for specified purposes by S.I. 2013/358, art. 6(4)(d)(ii)

57 In section 6A (definitions), in subsection (1), in the definition of “disqualifying benefit”, at the beginning there is inserted—

“(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;”.

Commencement Information

- I3** Sch. 2 para. 57 in force at 1.4.2013 by S.I. 2013/358, art. 6(4)(d)(ii)

58 (1) Section 6B (loss of benefit in case of conviction, penalty or caution for benefit offence) is amended as follows.

(2) In subsection (5), for “(6)” there is substituted “(5A)”.

(3) After subsection (5) there is inserted—

“(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.”

(4) In subsection (7), after paragraph (c) there is inserted—

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“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State.”

Commencement Information

- I4** Sch. 2 para. 58(1) in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 6(1)(2)(a)
- I5** Sch. 2 para. 58(1) in force at 1.4.2013 for specified purposes by S.I. 2013/358, art. 6(4)(d)(ii)
- I6** Sch. 2 para. 58(2) in force at 1.4.2013 by S.I. 2013/358, art. 6(4)(d)(ii)
- I7** Sch. 2 para. 58(3) in force at 25.2.2013 by S.I. 2013/358, art. 6(1)(2)(a)

59 (1) Section 7 (loss of benefit for second or subsequent conviction of benefit offence) is amended as follows.

(2) In subsection (2), for “(3)” there is substituted “ (2A) ”.

(3) After subsection (2) there is inserted—

“(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.”

(4) In subsection (4), after paragraph (c) there is inserted—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State.”

Commencement Information

- I8** Sch. 2 para. 59(1) in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 6(1)(2)(b)
- I9** Sch. 2 para. 59(1) in force at 1.4.2013 for specified purposes by S.I. 2013/358, art. 6(4)(d)(ii)
- I10** Sch. 2 para. 59(2) in force at 1.4.2013 by S.I. 2013/358, art. 6(4)(d)(ii)
- I11** Sch. 2 para. 59(3) in force at 25.2.2013 by S.I. 2013/358, art. 6(1)(2)(b)

PROSPECTIVE

60 (1) Section 8 (effect of offence on joint-claim jobseeker's allowance) is amended as follows.

(2) In subsection (3)—

- (a) for “but” at the end of paragraph (a) there is substituted “ and ”;
- (b) after paragraph (a) there is inserted—

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“(aa) shall be payable in the couple's case as if any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State; but”.

(3) In subsection (4), after paragraph (c) there is inserted—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State.”

(4) In the opening words to subsections (7) and (8) the words “by virtue of any regulations” are repealed.

61 (1) Section 9 (effect of offence on benefits for members of offender's family) is amended as follows.

(2) In subsection (1), before paragraph (a) there is inserted—

“(za) universal credit;”.

(3) In subsection (2), for “or” at the end of paragraph (b) there is substituted “ and ”.

(4) After subsection (2) there is inserted—

“(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.”

(5) In subsection (4), after paragraph (c) there is inserted—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Secretary of State.”

Commencement Information

I12 Sch. 2 para. 61(1) in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 6(1)(2)(c)

I13 Sch. 2 para. 61(2)-(4) in force at 25.2.2013 by S.I. 2013/358, art. 6(1)(2)(c)

62 In section 10(3) (power to supplement and mitigate loss of benefit provisions) after paragraph (bc) there is inserted—

“(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;”.

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Commencement Information

I14 Sch. 2 para. 62 in force at 1.4.2013 by S.I. 2013/358, art. 6(4)(d)(ii)

- 63 (1) In section 11 (loss of benefit regulations), subsection (3) is amended as follows.
- (2) In paragraph (c)—
- (a) for “6B(7)” there is substituted “ 6B(5A), (7) ”;
 - (b) for “7(4)” there is substituted “ 7(2A), (4) ”;
 - (c) for “9(4)” there is substituted “ 9(2A), (4) ”.
- (3) In paragraph (d) at the end there is inserted “or (aa)”.

Commencement Information

I15 Sch. 2 para. 63(1) in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 6(1)(2)(d)

I16 Sch. 2 para. 63(2) in force at 25.2.2013 by S.I. 2013/358, art. 6(1)(2)(d)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2013/1511 by [S.I. 2017/57 art. 51314Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2657 by [S.I. 2016/596 art. 4-6Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2657 by [S.I. 2017/57 art. 1315Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2846 by [S.I. 2016/596 art. 347Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2018/138 art. 3](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2019/10 reg. 3\(1\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2019/167 art. 5\(2\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983, art. 5A(1), 6(1) by [S.I. 2017/483 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/1583 by [S.I. 2017/664 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/209 by [S.I. 2016/596 art. 348Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/209 by [S.I. 2017/57 art. 1016Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2016/596 art. 59Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2016/963 art. 37813Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2017/584 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2017/664 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2016/596 art. 3-510Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2016/963 art. 46-1214Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/57 art. 3-9111217Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/584 art. 346-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/664 art. 3-57-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2016/596 art. 3411Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2016/963 art. 3-1215Sch.](#)

- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/57 art. 3-7912Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/584 art. 346-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/664 art. 3-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2018/138 art. 6](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/10 reg. 3\(2\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/167 art. 5\(3\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/37 art. 5](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33, art. 6(11) by [S.I. 2017/483 art. 3](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2018/138 art. 6](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/10 reg. 3\(3\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/167 art. 5\(4\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/37 art. 5](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634, art. 7(2) by [S.I. 2017/376 reg. 4](#)
- specified provision(s) amendment to earlier commencing S.I. 2016/596 by [S.I. 2016/963 art. 17](#)
- specified provision(s) amendment to earlier commencing S.I. 2019/37 by [S.I. 2019/935 art. 2](#)
- specified provision(s) modification of earlier commencing S.I. 2014/1583 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2014/2321 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/101 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/1537 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/634 by [S.I. 2018/532 art. 5](#)