



Welfare Reform Act 2012

2012 CHAPTER 5

PART 5

SOCIAL SECURITY: GENERAL

Loss of benefit

118 Benefit offences: period of sanction

- (1) The Social Security Fraud Act 2001 is amended as follows.
- (2) Section 6B (loss of benefit in case of conviction, penalty or caution for benefit offence) is amended as follows.
- (3) In subsection (11), for “the period of four weeks” there is substituted “the relevant period”.
- (4) After subsection (11) there is inserted—
 - “(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.”
- (5) After subsection (13) there is inserted—
 - “(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—

Status: This is the original version (as it was originally enacted).

- (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.”
- (6) After subsection (14) (inserted by subsection (5) above) there is inserted—
- “(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.”
- (7) In section 7 (loss of benefit for second or subsequent conviction of benefit offence), after subsection (1) there is inserted—
- “(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.”
- (8) In section 11 (loss of benefit regulations)—
- (a) in the heading, after “benefit” there is inserted “orders and”;
 - (b) in subsection (3) at the end there is inserted—
 - “(e) regulations under section 6B(14) or an order under section 6B(15), or”;
 - (c) in subsection (4) after “make”, in both places, there is inserted “an order or”.