

**2002 No. 486**

**SOCIAL SECURITY**

**The Social Security (Loss of Benefit) Amendment  
Regulations 2002**

<i>Made - - - -</i>	<i>5th March 2002</i>
<i>Laid before Parliament</i>	<i>8th March 2002</i>
<i>Coming into force</i>	<i>1st April 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 7(6) and 11(1) of the Social Security Fraud Act 2001(a) and of all other powers enabling him in that behalf, by this Instrument, which is made before the end of the period of six months beginning with the coming into force of sections 7 to 13 of the Social Security Fraud Act 2001(b), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Loss of Benefit) Amendment Regulations 2002 and shall come into force on 1st April 2002.

**Amendment of the Social Security (Loss of Benefit) Regulations 2001**

2. In regulation 2 of the Social Security (Loss of Benefit) Regulations 2001(c) (disqualification period)—

- (a) at the beginning of paragraph (1)(a), there shall be inserted the words “subject to sub-paragraph (c),”;
- (b) in paragraph (1)(b)(iii), for the words “income support, jobseeker’s allowance, housing benefit or council tax benefit” there shall be substituted the words “income support or jobseeker’s allowance”;
- (c) after paragraph (1)(b), there shall be added the following sub-paragraph—

“(c) where the only sanctionable benefits which the offender or, as the case may be, the offender’s family member, is in receipt of are housing benefit or council tax benefit or both of them, the day which is 28 days after the first day after the determination day on which the Secretary of State is notified by the relevant authority that the offender or an offender’s family member is in receipt of either or both of those benefits or, as the case may be, has been awarded either or both of those benefits

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(a) 2001 c.11. Section 11(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) Section 12(3)(a) of that Act added sections 7 to 11 of that Act to the list of “the relevant enactments” in respect of which regulations must normally be referred to the Social Security Advisory Committee. *See* however section 173(5)(a) of the Social Security Administration Act 1992.

(c) S.I. 2001/4022.

and in this sub-paragraph, “relevant authority” means the relevant authority administering the offender’s or the offender’s family member’s housing benefit or council tax benefit.”;

- (d) in paragraph (2), for the word “sub-paragraph” there shall be substituted the word “paragraph”.

Signed by authority of the Secretary of State for Work and Pensions.

5th March 2002

*Malcolm Wicks*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in connection with the coming into force of sections 7 to 13 of the Social Security Fraud Act 2001 (c.11) (“the Act”) which relate to restrictions in payment of certain benefits where a person has been convicted of one or more benefit offences in each of two separate proceedings and one offence is committed within three years of the conviction for another such offence.

The Regulations are made before the end of the period of six months beginning with the coming into force of the relevant provisions of the Act and are therefore exempt from the requirement in section 172(1) of the Social Security Administration Act 1992 (c.5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

Regulation 2 amends the Social Security (Loss of Benefit) Regulations 2001 (S.I. 2001/4022) so as to make special arrangements as regards the disqualification period for housing benefit and council tax benefit and corrects a drafting error in those Regulations.

These Regulations do not impose a charge on business.

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