



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART VI

#### ENFORCEMENT

##### *Inspection and offences*

#### **[<sup>F1</sup>111A Dishonest representation for obtaining benefit etc**

(1) If a person dishonestly—

- (a) makes a false statement or representation; [<sup>F2</sup>or]
- (b) produces or furnishes, or causes or allows to be produced or furnished, any document or information which is false in a material particular;

<sup>F3</sup>(c) .....

<sup>F3</sup>(d) .....

with the view to obtaining any benefit or other payment or advantage under the [<sup>F4</sup>relevant] social security legislation (whether for himself or for some other person), he shall be guilty of an offence.

[ A person shall be guilty of an offence if—

- <sup>F5</sup>(1A) (a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and
- (d) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1B) A person shall be guilty of an offence if—

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- (a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and
- (d) he dishonestly causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1C) This subsection applies where—

- (a) there has been a change of circumstances affecting any entitlement of a person ('the claimant') to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the benefit, payment or advantage is one in respect of which there is another person ('the recipient') who for the time being has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) the change is not a change that is excluded by regulations from the changes that are required to be notified.

(1D) In a case where subsection (1C) above applies, the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1E) In a case where that subsection applies, a person other than the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) he dishonestly causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1F) In any case where subsection (1C) above applies but the right of the recipient is confined to a right, by reason of his being a person to whom the claimant is required to make payments in respect of a dwelling, to receive payments of housing benefit—

- (a) a person shall not be guilty of an offence under subsection (1D) or (1E) above unless the change is one relating to one or both of the following—
  - (i) the claimant's occupation of that dwelling;
  - (ii) the claimant's liability to make payments in respect of that dwelling;
 but

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(b) subsections (1D)(a) and (1E)(a) above shall each have effect as if after “knows” there were inserted “or could reasonably be expected to know”.

(1G) For the purposes of subsections (1A) to (1E) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.]

<sup>F6</sup>(2) .....

(3) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding seven years, or to a fine, or to both.

(4) In the application of this section to Scotland in [<sup>F7</sup>subsections (1) to (1E)] for “dishonestly” substitute “knowingly”.]

#### Textual Amendments

- F1** S. 111A inserted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), ss. 13, 25(1); S.I. 1997/1577, art. 2, Sch.
- F2** Word in s. 111A(1)(a) inserted (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by Social Security Fraud Act 2001 (c. 11), ss. 16(1)(a), 20(1); S.I. 2001/3251, art. 2(1)
- F3** S. 111A(1)(c)(d) repealed (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by Social Security Fraud Act 2001 (c. 11), ss. 16(1)(a), 20(1), Sch.; S.I. 2001/3251, art. 2(1)
- F4** Word in s. 111A(1) inserted (2.4.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86, Sch. 6 para. 5; S.I. 2001/1252, art. 2(1)(a)
- F5** S. 111A(1A)-(1G) inserted (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by Social Security Fraud Act 2001 (c. 11), ss. 16(1)(b)(2), 20(1); S.I. 2001/3251, art. 2(1)
- F6** S. 111A(2) repealed (2.4.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86, Sch. 9 Pt. VI; S.I. 2001/1252, art. 2(1)(e)
- F7** Word in s. 111A(4) substituted (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by Social Security Fraud Act 2001 (c. 11), ss. 16(1)(c), 20(1); S.I. 2001/3251, art. 2(1)

**Changes to legislation:**

Social Security Administration Act 1992, Section 111A is up to date with all changes known to be in force on or before 20 April 2023. 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by S.I. 2018/1125 reg. 8 (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by S.I. 2019/1302 art. 2 (This amendment not applied to legislation.gov.uk S.I. 2019/1302 revoked (17.12.2020) by The Social Security (Iceland, Liechtenstein and Norway) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1569), arts. 1(2), 2)
- Act modified by S.I. 2019/1303 art. 2 (This amendment not applied to legislation.gov.uk. S.I. 2019/1303 revoked (17.12.2020) by The Social Security (Switzerland) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1570), arts. 1(2), 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2G(1)(d) inserted by 2012 c. 5 s. 59(5)
- s. 5(1A)-(1C) inserted by 2009 c. 24 s. 22(2)(b) (This amendment not applied to legislation.gov.uk. S. 22 repealed (1.4.2013) by 2012 c. 5, s. 101(2); S.I. 2013/358, art. 4(2))
- s. 78A inserted by 2009 c. 24 s. 16(2) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 121B(1)(aa) inserted by 2007 asp 3 Sch. 5 para. 19(a) (S. 121B repealed by Finance Act 2008 (c. 9), Sch. 43 para. 14)
- s. 121B(4) words inserted by 2007 asp 3 Sch. 5 para. 19(b) (S. 121B repealed by Finance Act 2008 (c. 9), Sch. 43 para. 14)
- s. 122F(5) inserted by 2012 c. 5 Sch. 4 para. 12(4)
- s. 122G inserted by 2009 c. 24 s. 18 (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 122H inserted by 2009 c. 24 s. 20(3) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 134(2)-(2B) substituted for s. 134(2) by 2007 c. 5 s. 37
- s. 148AB inserted by 2008 c. 30 Sch. 4 para. 14 (This amendment not applied to legislation.gov.uk. Sch. 4 paras. 13-22 repealed (1.10.2014) without ever being in force by 2014 c. 19, Sch. 12 para. 96(c); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- s. 148AB(1)(2) words substituted by 2011 c. 19 Sch. 3 para. 8(2)
- s. 148AB(9) inserted by 2011 c. 19 Sch. 3 para. 8(3)
- s. 151(10)(b)(i)(ii) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 160C inserted by 2012 c. 5 Sch. 2 para. 24
- s. 190(1)(ac) inserted by 2009 c. 24 s. 21 (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- Sch. 4 Pt. 3 para. 5 word substituted by S.I. 2010/978 art. 2



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART VI

#### ENFORCEMENT

##### *Inspection and offences*

#### **112 False representations for obtaining benefit etc**

- (1) If a person for the purpose of obtaining any benefit or other payment under the [F<sup>1</sup>relevant][F<sup>2</sup>social security legislation] whether for himself or some other person, or for any other purpose connected with that legislation—
- (a) makes a statement or representation which he knows to be false; or
  - (b) produces or furnishes or knowingly causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,
- he shall be guilty of an offence.

[F<sup>3</sup>(1A) A person shall be guilty of an offence if—

- (a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;
- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and
- (d) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1B) A person is guilty of an offence under this section if—

- (a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;

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- (b) the change is not a change that is excluded by regulations from the changes that are required to be notified;
- (c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and
- (d) he causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1C) In a case where subsection (1C) of section 111A above applies, the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1D) In a case where that subsection applies, a person other than the recipient is guilty of an offence if—

- (a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;
- (b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and
- (c) he causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1E) Subsection (1F) of section 111A above applies in relation to subsections (1C) and (1D) above as it applies in relation to subsections (1D) and (1E) of that section.

(1F) For the purposes of subsections (1A) to (1D) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.]

(2) A person guilty of an offence under [F4this section] shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 3 months, or to both.

F5(3) .....

**Textual Amendments**

- F1** Word in s. 112(1) inserted (2.4.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19) s. 86, Sch. 6 para. 6; S.I. 2001/1252, art. 2(1)(a)
- F2** Words in s. 112(1) substituted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), Sch. 1 para. 4(2); S.I. 1997/1577, art. 2, Sch.
- F3** S. 112(1A)-(1F) substituted for s. 112(1A) (26.9.2001 for specified purposes, 18.10.2001 in so far as not already in force) by Social Security Fraud Act 2001 (c. 11), ss. 16(3), 20(1); S.I. 2001/3251, art. 2(1)
- F4** Words in s. 112(2) substituted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), Sch. 1 para. 4(3); S.I. 1997/1577, art. 2, Sch.

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**F5** S. 112(3) repealed (2.4.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19) s. 86, Sch. 9 Pt. VI; S.I. 2001/1252, art. 2(1)(e)

**Modifications etc. (not altering text)**

- C1** S. 112 applied (with modifications) by The Welfare Food Regulations 1996 (S.I. 1996/1434) regs. 1, 22(1), Sch. 6 (as amended (28.11.2005) by S.I. 2005/3262, regs. 1, 16(d)(i)(e)(ii))
- C2** S. 112 applied (with modifications) (12.8.2019) by The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (S.S.I. 2019/193), regs. 1(2), 17 (as amended by S.S.I. 2019/232, regs. 1, 4)
- C3** S. 112 applied (with modifications) (21.3.2021) by The Milk and Healthy Snack Scheme (Scotland) Regulations 2021 (S.S.I. 2021/82), regs. 1(2), 21

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**Changes and effects yet to be applied to :**

- s. 112(2) words substituted by 2003 c. 44 Sch. 26 para. 44

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by S.I. 2018/1125 reg. 8 (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
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- s. 134(2)-(2B) substituted for s. 134(2) by 2007 c. 5 s. 37
- s. 148AB inserted by 2008 c. 30 Sch. 4 para. 14 (This amendment not applied to legislation.gov.uk. Sch. 4 paras. 13-22 repealed (1.10.2014) without ever being in force by 2014 c. 19, Sch. 12 para. 96(c); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- s. 148AB(1)(2) words substituted by 2011 c. 19 Sch. 3 para. 8(2)
- s. 148AB(9) inserted by 2011 c. 19 Sch. 3 para. 8(3)
- s. 151(10)(b)(i)(ii) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 160C inserted by 2012 c. 5 Sch. 2 para. 24
- s. 190(1)(ac) inserted by 2009 c. 24 s. 21 (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))



— Sch. 4 Pt. 3 para. 5 word substituted by S.I. 2010/978 art. 2