

**2010 No. 1160****SOCIAL SECURITY****The Social Security (Loss of Benefit)  
Amendment Regulations 2010**

*Made* - - - - - *30th March 2010*

*Coming into force* - *1st April 2010*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

– sections 6B(6) to (11), 7(3) to (6), 8(3) and (4), 9(2) to (5), 10(1) and (2) and 11(1) and (4) of the Social Security Fraud Act 2001(a),

– paragraphs 3(1), 4(4) and (6) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(b),

– sections 9(1), 10(3) and (6), 12(2), 79(4) and (6) and 84 of, and paragraph 9 of Schedule 2 to, the Social Security Act 1998(c),

– section 130G of the Social Security Contributions and Benefits Act 1992(d), and

– section 57(1) of the Welfare Reform Act 2009(e).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(f).

In respect of the provisions in these Regulations relating to housing benefit and council tax benefit, the Secretary of State has consulted the organisations appearing to him to be representative of the authorities concerned(g).

A draft of this instrument was laid before Parliament in accordance with section 11(3) of the Social Security Fraud Act 2001(h) and approved by a resolution of each House of Parliament.

---

(a) 2001 c. 11. Section 6B was inserted by section 24(1) of the Welfare Reform Act 2009 (c. 24) (“the 2009 Act”). Section 7(4A) was inserted by paragraph 45(2) of Schedule 2 to the State Pension Credit Act 2002 (c. 16). Section 7(4B) was inserted by paragraph 23(2) of Schedule 3 to the Welfare Reform Act 2007 (c. 5). Section 9(4A) was inserted by paragraph 46(3) of Schedule 2 to the State Pension Credit Act 2002. Section 9(4B) was inserted by paragraph 23(5) of Schedule 3 to the Welfare Reform Act 2007. Sections 7 to 11 were amended by Schedule 4 to the 2009 Act. Section 11(1) is cited for the meaning given to the word “prescribed”.

(b) 2000 c. 19. Paragraph 4(1) was amended by section 30(3)(a) of the Welfare Reform Act 2007 and by paragraph 190(2)(a) of Schedule 3 to S.I. 2008/2833.

(c) 1998 c. 14. Section 12(2) was substituted by paragraph 25(3) of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and was amended by paragraph 149(b) of Schedule 3 to S.I. 2008/2833.

(d) 1992 c. 4. Section 130G was inserted by section 31(1) of the Welfare Reform Act 2007.

(e) 2009 c. 24.

(f) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(g) See section 176(1) of the Social Security Administration Act 1992.

(h) Section 11(3) was amended by paragraph 48 of Schedule 2 to the State Pension Credit Act 2002, paragraph 23(7) of Schedule 3 to the Welfare Reform Act 2007 and paragraph 6(3) of Schedule 4 to the Welfare Reform Act 2009.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Loss of Benefit) Amendment Regulations 2010 and shall come into force on 1st April 2010.

[Regulation 2 amends various regulations of S.I. 2001/4022.]

[Regulation 3 amends regulations 3(8B), 6(2) and 7(28) of S.I. 1999/991.]

[Regulation 4 amends regulation 2(3) and Schedule 3 of S.I. 2006/213.]

[Regulation 5 amends regulation 2(3) and Schedule 3 of S.I. 2006/214.]

[Regulation 6 amends regulation 2(4) and Schedule 1 of S.I. 2006/215.]

[Regulation 7 amends regulation 2(4) and Schedule 1 of S.I. 2006/216.]

[Regulation 8 amends regulation 3 of S.I. 2006/1167.]

[Regulation 9 amends regulations 4(7A), 7(2) and 8(9) of S.I. 2001/1002.]

[Regulation 10 amends Schedules 1B and 2 of S.I. 1987/1967.]

[Regulation 11 amends regulation 47(4) and Schedule 1 of S.I. 1996/207.]

[Regulation 12 amends regulation 157(3) and Schedule 4 of S.I. 2008/794.]

[Regulation 13 amends regulation 7A(1) and 8A(2) of S.I. 1975/556.]

[Regulation 14 amends work outside the scope of these volumes.]

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

30th March 2010

*Helen Goodman,*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

**EXPLANATORY NOTE**

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

These Regulations make amendments to the Social Security (Loss of Benefit) Regulations 2001 (“the Loss of Benefit Regulations”) which are necessary as a result of the commencement of section 24 of the Welfare Reform Act 2009. That section amends the Social Security Fraud Act 2001 (“the 2001 Act”) to provide for a new sanction for benefit offences under which there will be restrictions in payment of “sanctionable benefits” (which are most benefits except those relating solely to old age, disability and children). These restrictions will apply when a person has been convicted of one or more benefit offences in any proceedings, has agreed to pay an administrative penalty or has been cautioned for a benefit offence. The sanction may result in the total loss of benefit for four weeks or a reduction in benefit for four weeks. The new sanction will not apply where the offender has been convicted of one or more benefit offences in a set of proceedings where the offence was committed within the period of five years after the date on which the offender was convicted of one or more benefit offences in an earlier set of proceedings. The existing benefit sanction in section 7 of the 2001 Act will apply instead.

These Regulations also make some other amendments to the Loss of Benefit Regulations and make supplemental and consequential amendments to other secondary legislation as a result of the coming into force of section 24 of the Welfare Reform Act 2009.

Regulation 2 amends the Loss of Benefit Regulations. Regulation 2(3) prescribes what is to be the first day of the disqualification period for both the benefit sanction introduced by new section 6B of the 2001 Act and that contained in the existing section 7 of that Act.

Regulation 2(4) amends regulation 5 which sets out when a person is to be treated as a person in hardship. Its effect is to deem jobseeker’s allowance claimants who are also subject to another sanction for failing to attend mandatory appointments as not being persons in hardship.

Regulation 2(2), (5) to (7) and (12) make other consequential amendments as a result of the coming into force of section 24 and the changes made by these regulations.

Regulation 2(8)(a) and (b) correct two errors in regulation 11.

Regulation 2(9) amends regulation 17 to delete a reference to a sanction in housing benefit following eviction for anti-social behaviour which is no longer in force.

Regulation 2(10) corrects regulation 18 by inserting references to employment and support allowance and state pension credit in relation to the application of the sanctions to housing benefit and council tax benefit.

Regulation 2(11) inserts a new regulation 19A so as to provide that statutory adoption pay, statutory paternity pay and health in pregnancy grant are to be treated as neither sanctionable benefits nor disqualifying benefits for the purposes of sections 6A to 9 of the 2001 Act.

Regulation 3 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999, in particular so as to provide that no appeal shall lie to a First-tier Tribunal in respect of a decision to impose the new benefit sanction or the existing benefit sanction where the only ground of appeal is that any of the convictions was erroneous or that the offender did not commit the benefit offence in respect of which the offender has agreed to pay an administrative penalty or has been cautioned.

Regulations 4 to 14 make consequential amendments to the other relevant secondary legislation as a result of the coming into force of section 24.

A full impact assessment has not been produced for this instrument, as it has no impact on the private or voluntary sectors.

