



Social Security Administration Act 1992

1992 CHAPTER 5

PART V

INCOME SUPPORT AND THE DUTY TO MAINTAIN

105 Failure to maintain—general

(1) If—

- (a) any person persistently refuses or neglects to maintain himself or any person whom he is liable to maintain; and
- (b) in consequence of his refusal or neglect [^{F1}universal credit,] income support [^{F2}, an income-based jobseeker's allowance or an income-related employment and support allowance] is paid to or in respect of him or such a person,

he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine of an amount not exceeding level 4 on the standard scale or to both.

(2) For the purposes of subsection (1) above a person shall not be taken to refuse or neglect to maintain himself or any other person by reason only of anything done or omitted in furtherance of a trade dispute.

[^{F3}(3) Subject to subsection (4), for the purposes of this Part, a person shall be liable to maintain another person if that other person is—

- (a) his or her spouse or civil partner, or
- (b) a person whom he or she would be liable to maintain if sections 78(6)(c) and (9) had effect for the purposes of this Part.]

[^{F4}(4) For the purposes of this section, in its application to an income-based jobseeker's allowance [^{F5}or an income-related employment and support allowance], [^{F6}subsection (3)(b) shall not apply].]

Changes to legislation: Social Security Administration Act 1992, Section 105 is up to date with all changes known to be in force on or before 22 June 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

Textual Amendments

- F1** Words in s. 105(1)(b) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 10**; S.I. 2013/983, art. 3(1)(b)(ii)
- F2** Words in s. 105(1)(b) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(10)(a)**; S.I. 2008/787, art. 2(4)(f)
- F3** S. 105(3) substituted (14.7.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 45(1), 62(3)**; S.I. 2008/1476, art. 2(2)(b)
- F4** S.105(4) inserted (11.6.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 53(4)**; S.I. 1996/1509, art. 2, **Sch.**
- F5** Words in s. 105(4) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(10)(b)**; S.I. 2008/787, art. 2(4)(f)
- F6** Words in s. 105(4) substituted (14.7.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 45(2), 62(3)**; S.I. 2008/1476, art. 2(2)(b)

Changes to legislation:

Social Security Administration Act 1992, Section 105 is up to date with all changes known to be in force on or before 22 June 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.

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Changes and effects yet to be applied to :

- s. 105(1) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 105(1)(b) words repealed by [2009 c. 24 Sch. 7 Pt. 1](#)
- s. 105(1)(b) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 105(3)(b) and word repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 105(4) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)

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. 165(1)(b)(viii) and word inserted by [2023 c. 20 Sch. para. 19\(2\)\(b\)](#)

- 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](#)