



Social Security Administration Act 1992

1992 CHAPTER 5

PART VI

ENFORCEMENT

Inspection and offences

[^{F1}109B Power to require information

- (1) An authorised officer who has reasonable grounds for suspecting that a person—
- (a) is a person falling within subsection (2) [^{F2}or (2A)] below, and
 - (b) has or may have possession of or access to any information about any matter that is relevant for any one or more of the purposes mentioned in section 109A(2) above,

may, by written notice, require that person to provide all such information described in the notice as is information of which he has possession, or to which he has access, and which it is reasonable for the authorised officer to require for a purpose so mentioned.

- (2) The persons who fall within this subsection are—
- (a) any person who is or has been an employer or employee within the meaning of any provision made by or under the Contributions and Benefits Act;
 - (b) any person who is or has been a self-employed earner within the meaning of any such provision;
 - (c) any person who by virtue of any provision made by or under that Act falls, or has fallen, to be treated for the purposes of any such provision as a person within paragraph (a) or (b) above;
 - (d) any person who is carrying on, or has carried on, any business involving the supply of goods for sale to the ultimate consumers by individuals not carrying on retail businesses from retail premises;
 - (e) any person who is carrying on, or has carried on, any business involving the supply of goods or services by the use of work done or services performed by persons other than employees of his;

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- (f) any person who is carrying on, or has carried on, an agency or other business for the introduction or supply, to persons requiring them, of persons available to do work or to perform services;
- (g) any local authority acting in their capacity as an authority responsible for the granting of any licence;
- (h) any person who is or has been a trustee or manager of a personal or occupational pension scheme;
- (i) any person who is or has been liable to make a compensation payment or a payment to the Secretary of State under section 6 of the Social Security (Recovery of Benefits) Act 1997 (payments in respect of recoverable benefits);
- [^{F3}(ia) a person of a prescribed description;] and
- (j) the servants and agents of any such person as is specified in any of paragraphs (a) to [^{F4}(ia)] above.

[^{F5}(2A) The persons who fall within this subsection are—

- (a) any bank;
- [the Director of National Savings;]
- [^{F6}(aa) (b) any person carrying on a business the whole or a significant part of which consists in the provision of credit (whether secured or unsecured) to members of the public;
- [^{F7}(c) any insurer;]
- (d) any credit reference agency (within the meaning given by section 145(8) of the Consumer Credit Act 1974 (c. 39));
- (e) any body the principal activity of which is to facilitate the exchange of information for the purpose of preventing or detecting fraud;
- (f) any person carrying on a business the whole or a significant part of which consists in the provision to members of the public of a service for transferring money from place to place;
- (g) any water undertaker or sewerage undertaker, [^{F8}Scottish Water or any local authority which is to collect charges by virtue of an order under section 37 of the [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#)];
- [^{F9}(h) any person who—
 - (i) is the holder of a licence under section 7 of the [Gas Act 1986 \(c. 44\)](#) to convey gas through pipes, or
 - (ii) is the holder of a licence under section 7A(1) of that Act to supply gas through pipes;]
- [^{F10}(i) any person who (within the meaning of the [Electricity Act 1989 \(c. 29\)](#)) distributes or supplies electricity;]
- [^{F11}(j)
- (k) any person conducting any educational establishment or institution;
- (l) any body the principal activity of which is to provide services in connection with admissions to educational establishments or institutions;
- (m) the Student Loans Company;
- (n) any servant or agent of any person mentioned in any of the preceding paragraphs.

(2B) Subject to the following provisions of this section, the powers conferred by this section on an authorised officer to require information from any person by virtue of his falling

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within subsection (2A) above shall be exercisable for the purpose only of obtaining information relating to a particular person identified (by name or description) by the officer.

(2C) An authorised officer shall not, in exercise of those powers, require any information from any person by virtue of his falling within subsection (2A) above unless it appears to that officer that there are reasonable grounds for believing that the identified person to whom it relates is—

- (a) a person who has committed, is committing or intends to commit a benefit offence; or
- (b) a person who (within the meaning of Part 7 of the Contributions and Benefits Act) is a member of the family of a person falling within paragraph (a) above.

(2D) Nothing in subsection (2B) or (2C) above shall prevent an authorised officer who is an official of a Government department and whose authorisation states that his authorisation applies for the purposes of this subsection from exercising the powers conferred by this section for obtaining from—

- (a) a water undertaker or ^{F12}Scottish Water,]
- (b) any person who (within the meaning the Gas Act 1986) supplies gas conveyed through pipes,
- (c) any person who (within the meaning of the Electricity Act 1989) supplies electricity conveyed by distribution systems, or
- (d) any servant or agent of a person mentioned in any of the preceding paragraphs, any information which relates exclusively to whether and in what quantities water, gas or electricity are being or have been supplied to residential premises specified or described in the notice by which the information is required.

(2E) The powers conferred by this section shall not be exercisable ^{F13}so as to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.]]

^{F14}(2F)

(3) The obligation of a person to provide information in accordance with a notice under this section shall be discharged only by the provision of that information, at such reasonable time and in such form as may be specified in the notice, to the authorised officer who—

- (a) is identified by or in accordance with the terms of the notice; or
- (b) has been identified, since the giving of the notice, by a further written notice given by the authorised officer who imposed the original requirement or another authorised officer.

(4) The power of an authorised officer under this section to require the provision of information shall include a power to require the production and delivery up and (if necessary) creation of, or of copies of or extracts from, any such documents containing the information as may be specified or described in the notice imposing the requirement.

^{F15}(5) No one shall be required under this section to provide—

- (a) any information that tends to incriminate either himself or, in the case of a person who is ^{F16}married or is a civil partner, his spouse or civil partner]; or

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- (b) any information in respect of which a claim to legal professional privilege or, in Scotland, confidentiality as between client and professional legal adviser, would be successful in any proceedings;

and for the purposes of this subsection it is immaterial whether the information is in documentary form or not.]

[^{F17}(6) Provision may be made by order—

- (a) adding any person to the list of persons falling within subsection (2A) above;
- (b) removing any person from the list of persons falling within that subsection;
- (c) modifying that subsection for the purpose of taking account of any change to the name of any person for the time being falling within that subsection.

(7) In this section—

[^{F18}“bank” means—

- (a) a person who has permission under [^{F19}Part 4A] of the Financial Services and Markets Act 2000 (c. 8) to accept deposits;
- (b) ^{F20} or
- (c) a person who does not require permission under that Act to accept deposits, in the course of his business in the United Kingdom;]

[^{F21}“communications data” has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);]

“credit” includes a cash loan or any form of financial accommodation, including the cashing of a cheque;

[^{F22}“insurer” means—

- (a) a person who has permission under [^{F19}Part 4A] of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, ^{F23} ...
- (b) ^{F23}]

[^{F24}“postal operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);]

“residential premises”, in relation to a supply of water, gas or electricity, means any premises which—

- (a) at the time of the supply were premises occupied wholly or partly for residential purposes, or
- (b) are premises to which that supply was provided as if they were so occupied; and

[^{F25}“telecommunications operator” has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).]

[^{F26}(7A) The definitions of “bank” and “insurer” in subsection (7) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]]

Textual Amendments

F1 Ss. 109A, 109B, 109C substituted for s. 110 (2.4.2001) by the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86, [Sch. 6 para. 2](#); S.I. 2001/1252, art. 2(1)(a)

F2 Words in s. 109B(1)(a) inserted (30.4.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), [ss. 1\(2\)](#), 20(1); S.I. 2002/1222, art. 2(a)

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- F3** S. 109B(2)(ia) inserted (17.6.2013 for specified purposes, 1.10.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), **ss. 110(a)**, 150(3); S.I. 2013/1250, art. 3
- F4** Word in s. 109B(2)(j) inserted (17.6.2013 for specified purposes, 1.10.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), **ss. 110(b)**, 150(3); S.I. 2013/1250, art. 3
- F5** Ss. 109B(2A)-(2F) inserted (30.4.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 1(2)**, 20(1); S.I. 2002/1222, art. 2(a)
- F6** S. 109B(2A)(aa) inserted (1.4.2002) by The Social Security Administration Act 1992 (Amendment) Order 2002 (S.I. 2002/817), arts. 1, **2(a)**
- F7** S. 109B(2A)(c) substituted (1.4.2002) by The Social Security Administration Act 1992 (Amendment) Order 2002 (S.I. 2002/817), arts. 1, **2(b)**
- F8** Words in s. 109B(2A)(g) substituted (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 16(a)**
- F9** S. 109B(2A)(h) substituted (1.4.2002) by The Social Security Administration Act 1992 (Amendment) Order 2002 (S.I. 2002/817), arts. 1, **2(c)**
- F10** S. 109B(2A)(i) substituted (1.4.2002) by The Social Security Administration Act 1992 (Amendment) Order 2002 (S.I. 2002/817), arts. 1, **2(d)**
- F11** S. 109B(2A)(j) omitted (22.7.2020) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 5(a)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)
- F12** Words in s. 109B(2D)(a) substituted (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 16(b)**
- F13** Words in s. 109B(2E) substituted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 5(b)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)
- F14** S. 109B(2F) omitted (22.7.2020) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 5(c)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)
- F15** S. 109B(5) substituted (30.4.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 1(3)**, 20(1); S.I. 2002/1222, art. 2(a)
- F16** Words in s. 109B(5)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 64**; S.I. 2005/3175, art. 2(1), Sch. 1
- F17** S. 109B(6)(7) inserted (26.2.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 1(4)**, 20(1); S.I. 2002/403, art. 2(a)
- F18** Words in s. 109B(7) substituted (1.4.2002) by The Social Security Administration Act 1992 (Amendment) Order 2002 (S.I. 2002/817), arts. 1, **3(a)(i)**
- F19** Words in s. 109B(7) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 74(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F20** Words in s. 109B(7) omitted (31.12.2020) by virtue of The EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1149), reg. 1(3), **Sch. para. 32(a)** (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in s. 109B(7) inserted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 5(d)(i)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)
- F22** Words in s. 109B(7) inserted (1.4.2002) by The Social Security Administration Act 1992 (Amendment) Order 2002 (S.I. 2002/817), arts. 1, **3(a)(ii)**
- F23** Words in s. 109B(7) omitted (31.12.2020) by virtue of The EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1149), reg. 1(3), **Sch. para. 32(b)** (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in s. 109B(7) inserted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 5(d)(ii)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)
- F25** Words in s. 109B(7) substituted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 5(d)(iii)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)
- F26** S. 109B(7A) inserted (1.4.2002) by The Social Security Administration Act 1992 (Amendment) Order 2002 (S.I. 2002/817), arts. 1, **3(b)**

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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. 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](#)