



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART VI

#### ENFORCEMENT

##### *Legal proceedings*

#### **116 Legal proceedings**

- (1) Any person authorised by the Secretary of State in that behalf may conduct any proceedings [<sup>F1</sup>under any provision of this Act other than section 114 or under any provision of]<sup>F2</sup>the Jobseekers Act 1995] before a magistrates' court although not a barrister or solicitor.
- (2) Notwithstanding anything in any Act—
  - (a) proceedings for an offence under this Act [<sup>F3</sup><sup>F4</sup>(other than proceedings to which paragraph (b) applies)]<sup>F5</sup>, or for an offence under the Jobseekers Act 1995,] may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to his knowledge or within a period of 12 months from the commission of the offence, whichever period last expires; [<sup>F6</sup>and]
  - (b) [<sup>F6</sup>proceedings [<sup>F7</sup>brought by the appropriate authority] for an offence under this Act relating to housing benefit or [<sup>F8</sup>council tax benefit] may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the appropriate authority to justify a prosecution for the offence, comes to the authority's knowledge or within a period of 12 months from the commission of the offence, whichever period last expires.]

[<sup>F9</sup>(2A) Subsection (2) above shall not be taken to impose any restriction on the time when proceedings may be begun for an offence under section 111A above.]

- (3) For the purposes of subsection (2) above—

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- (a) a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which such evidence as is mentioned in paragraph (a) of that subsection came to his knowledge shall be conclusive evidence of that date; <sup>F10</sup>and]
- (b) <sup>F10</sup>a certificate of the appropriate authority as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to the authority's knowledge shall be conclusive evidence of that date.]
- (4) <sup>F11</sup>In subsections (2) and (3) above “the appropriate authority” means, in relation to an offence which relates to housing benefit and concerns any dwelling
- <sup>F12</sup>(a) .....
- (b) if it relates to a rent rebate, the authority who are the appropriate housing authority by virtue of <sup>F13</sup>section 134 below]; and
- (c) if it relates to rent allowance, the authority who are the appropriate local authority by virtue of <sup>F14</sup>that section].]
- (5) <sup>F11</sup>In subsection (2) and (3) above “the appropriate authority” means, in relation to an offence relating to <sup>F15</sup>council tax benefit], such authority as is prescribed in relation to the offence.]
- <sup>F16</sup>(5A) <sup>F17</sup>In relation to proceedings for an offence under section 114 above], the references in subsections (2)(a) and (3)(a) to the Secretary of State shall have effect as references to the Inland Revenue.]
- <sup>F18</sup>(6) .....
- (7) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) <sup>F19</sup>to (5A)] above—
- (a) proceedings for an offence under this Act <sup>F20</sup>or the Jobseekers Act 1995] may, notwithstanding anything in <sup>F21</sup>section 136 of the Criminal Procedure (Scotland) Act 1995], be commenced at any time within the period of 3 months from the date of which evidence, sufficient in the opinion of the Lord Advocate to justify proceedings, comes to his knowledge, or within the period of 12 months from the commission of the offence, whichever period last expires;
- <sup>F22</sup>(aa) this subsection shall not be taken to impose any restriction on the time when proceedings may be commenced for an offence under section 111A above;]
- (b) for the purposes of this subsection—
- (i) a certificate purporting to be signed by or on behalf of the Lord Advocate as to the date on which such evidence as is mentioned above came to his knowledge shall be conclusive evidence of that date; and
- (ii) subsection (3) of <sup>F23</sup>section 136 of the said Act of 1995] (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

#### Textual Amendments

- F1** Words in s. 116(1) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 21(2)**; S.I. 1999/527, art. 2(b), Sch. 2
- F2** Words in s. 116(1) substituted (11.6.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 56(2)**; S.I. 1996/1509, art. 2, Sch.
- F3** Words in s. 116(2)(a) substituted (8.5.2012) by Welfare Reform Act 2012 (c. 5), **ss. 111(a), 150(2)(e)**

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- F4** Words in s. 116(2)(a) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F5** Words in s. 116(2)(a) substituted (11.6.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 56(3)**; S.I. 1996/1509, art. 2, Sch.
- F6** S. 116(2)(b) and preceding word repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F7** Words in s. 116(2)(b) inserted (8.5.2012) by Welfare Reform Act 2012 (c. 5), **ss. 111(b)**, 150(2)(e)
- F8** Words in s. 116(2) substituted (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 118(4), **Sch. 9 para. 17(1)**
- F9** S. 116(2A) inserted (1.7.1997) by Social Security Administration (Fraud) Act 1997 (c. 47), s. 25(1), **Sch. 1 para. 5**; S.I. 1997/1577, art. 2, Sch.
- F10** S. 116(3)(b) and preceding word repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F11** S. 116(4)(5) repealed (1.4.2013 in so far as relate to the abolition of council tax benefit) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F12** S. 116(4)(a) omitted (1.4.1997) by virtue of Housing Act 1996 (c. 52), s. 232(3), **Sch. 13 para. 3(3)(a)**; S.I. 1997/618, art. 2(1) (with Sch.)
- F13** Words in s. 116(4)(b) substituted (1.4.1997) by Housing Act 1996 (c. 52), s. 232(3), **Sch. 13 para. 3(3)(b)**; S.I. 1997/618, art. 2(1) (with Sch.)
- F14** Words in s. 116(4)(c) substituted (1.4.1997) by Housing Act 1996 (c. 52), s. 232(3), **Sch. 13 para. 3(3)(c)**; S.I. 1997/618, art. 2(1) (with Sch.)
- F15** Words in s. 116(5) substituted (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 118(4), **Sch. 9 para. 17(2)**
- F16** S. 116(5A) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 21(3)**; S.I. 1999/527, art. 2(b), Sch. 2
- F17** Words in s. 116(5A) substituted (11.11.99) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(4)(d), **Sch. 11 para. 5**.
- F18** S. 116(6) repealed (29.11.99) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 83, **Sch. 8**; S.I. 1999/3178, art. 2(1), Sch. 1
- F19** Words in s. 116(7) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 21(4)**; S.I. 1999/527, art. 2(b), Sch. 2
- F20** Words in s. 116(7)(a) inserted (11.6.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 56(4)**; S.I. 1996/1509, art. 2, Sch.
- F21** Words in s. 116(7)(a) substituted (1.4.1996) by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), s. 7(2), **Sch. 4 para. 82(a)**
- F22** S. 116(7)(aa) inserted (30.4.2002) by Social Security Fraud Act 2001 (c. 11), **ss. 17**, 20(1); S.I. 2002/1222, art. 2(g)
- F23** Words in s. 116(7)(b) substituted (1.4.1996) by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), s. 7(2), **Sch. 4 para. 82(b)**

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

- C1** S. 116 applied (7.2.1994) by Pension Schemes Act 1993 (c. 48), **s. 167(1)(2)**, 193(2); S.I. 1994/86, art. 2
- C2** S. 116 applied in part (with modifications) by The Welfare Food Regulations 1996 (S.I. 1996/1434), regs. 1, 22(1), **Sch. 6**

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

- s. 116(1) applied by 2002 c. 21, s. 35(10)(a) (as substituted) by [2012 c. 5 s. 124](#)
- s. 116(2)(a) applied by 2002 c. 21, s. 35(10)(b) (as substituted) by [2012 c. 5 s. 124](#)
- s. 116(3)(a) applied by 2002 c. 21, s. 35(10)(b) (as substituted) by [2012 c. 5 s. 124](#)
- s. 116(7)(a)(b) applied by 2002 c. 21, s. 35(11) (as substituted) by [2012 c. 5 s. 124](#)

**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](#)