

Public Authorities (Fraud, Error and Recovery) Bill

RUNNING LIST OF ALL AMENDMENTS IN GRAND COMMITTEE

*Tabled up to and including
27 May 2025*

The amendments are listed in accordance with the following Instruction –

Clauses 1 to 7	Schedule 4
Schedule 1	Clauses 78 to 91
Clauses 8 to 69	Schedule 5
Schedule 2	Clause 92
Clauses 70 to 74	Schedule 6
Schedule 3	Clauses 93 to 106
Clauses 75 to 77	Title

[Amendments marked ★ are new or have been altered]

Before Clause 16

BARONESS LISTER OF BURTERSETT
BARONESS BENNETT OF MANOR CASTLE

Before Clause 16, insert the following new Clause –

“Overpayments made as a result of official error

- (1) Section 71ZB of the Social Security Administration Act 1992 (recovery of benefit payments) is amended as follows.
- (2) In subsection (1), for “The” substitute “Subject to subsection (1A), the”.
- (3) After subsection (1) insert –
 - “(1A) The amount referred to in subsection (1) must not include any overpayment that arose in consequence of an official error where the claimant or a person acting on the claimant’s behalf or any other person to whom the payment is made could not, at the time of receipt of the payment or of any notice relating to that payment, reasonably have been expected to realise that it was an overpayment.”

Member's explanatory statement

This new Clause would bring the test for recovery of Universal Credit overpayments caused by official error into line with Regulation 100(2) of the Housing Benefit Regulations 2006 by providing that they can only be recovered where the claimant could reasonably have been expected to realise that there was an overpayment.

After Clause 71

LORD PALMER OF CHILDS HILL

★

After Clause 71, insert the following new Clause –

“Report on public sector fraud during COVID-19 pandemic

- (1) The Minister for the Cabinet Office must, within six months of the passing of this Act, lay before Parliament a report evaluating the extent of public sector fraud that occurred during the COVID-19 pandemic.
- (2) The report must include –
 - (a) an account of fraudulent or erroneous payments made by or on behalf of public authorities, including but not limited to the Department of Health and Social Care and NHS England,
 - (b) a review of how public procurement practices in place between March 2020 and December 2021, including –
 - (i) the use of high priority and expedited contracting for suppliers, and
 - (ii) the role of political appointments and personal connections in procurement decisions, may have contributed to fraud against public authorities,
 - (c) the cost to the public purse of fraud against public authorities during the COVID-19 pandemic, and
 - (d) an assessment of the adequacy of Government oversight and other measures then in place to prevent fraud against public authorities.
- (3) Where the report finds or concludes that there were –
 - (a) failings in Government oversight and other measures then in place to prevent fraud against public authorities, or
 - (b) any action or inaction by the Government which enabled fraud against public authorities,
 the Minister must make a statement to the House of Commons acknowledging these findings and setting out actions planned to ensure any failings are not repeated.”

Clause 72

LORD VAUX OF HARROWDEN

★

Clause 72, page 40, line 20, at beginning insert “reasonably”

Member's explanatory statement

This amendment would insert a reasonableness test for the authorised officer to consider it to be necessary and proportionate to require the specified information.

Clause 74

BARONESS KRAMER

- ★ *Baroness Kramer gives notice of her intention to oppose the Question that Clause 74 stand part of the Bill.*

Member's explanatory statement

This amendment removes the requirement for banks to look into relevant claimants' bank accounts.

Schedule 3

LORD DAVIES OF BRIXTON

Schedule 3, page 77, leave out lines 21 to 26 and insert “which belong to a person who the authorised officer has reasonable grounds to suspect has committed, is committing or intends to commit a DWP offence.”

Member's explanatory statement

This amendment would limit the exercise of an eligibility verification notice to cases where the welfare recipient is suspected of wrongdoing.

LORD VAUX OF HARROWDEN

- ★ Schedule 3, page 78, line 19, at end insert—
- “(9) Before giving a person an eligibility verification notice, the Secretary of State must be satisfied that the costs that will be incurred by the person in responding to the eligibility verification notice will be proportionate and reasonable for that person to incur, or the Secretary of State must agree in advance to repay all or some of the costs to the person.”

Member's explanatory statement

This amendment is intended to probe how the Secretary of State will ensure that they do not impose undue costs on the banks and to what extent the banks will be able to recoup these costs.

LORD DAVIES OF BRIXTON

Schedule 3, page 80, line 17, at end insert—

- “(10A) An eligibility verification notice may not require a person to provide data if that person reasonably considers that in doing so it would conflict with the reasonable duty of care that they should exercise towards their customer.”

Member's explanatory statement

This amendment would require financial services providers, when asked to provide data to the DWP under these provisions, not to provide that data if this conflicts with their duty of care towards their customers.

LORD VAUX OF HARROWDEN

- ★ Schedule 3, page 80, line 26, at end insert—

“Reasonable grounds for suspicion

- 5A The existence of an eligibility indicator alone does not constitute reasonable grounds for suspicion for the purpose of section 109BZB (1)(a) of the Social Security Administration Act 1992.”

Member's explanatory statement

This amendment would ensure that an authorised person would need more evidence than the existence of an eligibility indicator alone before exercising more intrusive investigations.

LORD VAUX OF HARROWDEN

- ★ Schedule 3, page 80, line 26, at end insert—

“Appropriate review of EVM information

- 5A Before taking any action to amend or suspend any benefit payments, or exercising the powers in Clause 109BZB of the Social Security Administration Act 1992, the EVM information must first have been reviewed by a person with appropriate seniority and experience authorised by the Secretary of State.”

Member's explanatory statement

This amendment would require information received following an eligibility verification notice to be reviewed by an appropriately senior person before a person's benefits can be amended or intrusive investigations commenced.

LORD PALMER OF CHILDS HILL

- ★ Schedule 3, page 88, leave out lines 9 to 13

Member's explanatory statement

This amendment ensures that the bill can only be used in relation to benefits listed in the Bill.

BARONESS KRAMER

- ★ *Baroness Kramer gives notice of her intention to oppose the Question that Schedule 3 be the Third Schedule to the Bill.*

Member's explanatory statement

This amendment is related to another in the name of Baroness Kramer and removes the requirement for banks to look into relevant claimants' bank accounts.

Clause 75

LORD VAUX OF HARROWDEN

- ★ Clause 75, page 44, line 11, at end insert –

“(d) the exercise of the Secretary of State’s powers under Schedule 3B has been proportionate to the costs incurred both by the Secretary of State and by persons required to respond to eligibility verification notices.”

Member's explanatory statement

This amendment would widen the scope of the independent review of the use of the eligibility verification powers to ensure that the costs incurred both by the Department and by the banks and other institutions in complying with notices are proportionate to the results.

After Clause 91

LORD PALMER OF CHILDS HILL

- ★ After Clause 91, insert the following new Clause –

“Duty to consider domestic abuse risk to account holders

- (1) Before any direct deduction order under Schedule 5 is made, the Secretary of State has a duty to consider its effect on any person who –
 - (a) is a victim of domestic abuse, or
 - (b) the Minister reasonably believes to be at risk of domestic abuse.
- (2) In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021.”

Schedule 5

BARONESS KRAMER

- ★ Schedule 5, page 105, line 18, leave out from beginning to end of line 33 on page 106.

Member's explanatory statement

This will prevent the DWP from being able to compel banks to disclose the bank statements of benefits recipients to decide whether to issue a direct deduction powers.

Clause 92

LORD DAVIES OF BRIXTON
LORD SIKKA
BARONESS BENNETT OF MANOR CASTLE

The above-named Lords give notice of their intention to oppose the Question that Clause 92 stand part of the Bill.

Member's explanatory statement

This amendment together with the associated amendment to Schedule 6 removes the provisions which provide for disqualification from driving.

Schedule 6

LORD DAVIES OF BRIXTON

Lord Davies of Brixton gives notice of his intention to oppose the Question that Schedule 6 be the Sixth Schedule to the Bill.

Member's explanatory statement

This amendment together with the associated amendment to Clause 92 removes the provisions which provide for disqualification from driving.

After Clause 96

LORD PALMER OF CHILDS HILL

★

After Clause 96, insert the following new Clause –

“Recovery of overpayments of Carer’s Allowance

The Secretary of State may not exercise any of the powers of recovery under this Act in relation to a person who has received an overpayment of Carer’s Allowance until such time as –

- (a) the Secretary of State has commissioned an independent review of the overpayment of Carer's Allowance;
- (b) the review has concluded its inquiry and submitted a report containing recommendations to the Secretary of State;
- (c) the Secretary of State has laid the report of the independent review before Parliament;
- (d) the Secretary of State has implemented the recommendations of the independent review.”

Member's explanatory statement

This new clause would delay any payments being taken from people who the Government may think owe repayments on Carer’s Allowance until the independent review into Carer’s Allowance overpayments has been published and fully implemented.

After Clause 100

LORD PALMER OF CHILDS HILL

★ After Clause 100, insert the following new Clause –

“Impact of Act on people facing financial exclusion

- (1) The independent person appointed under section 64(1) of this Act (independent review) must carry out an assessment of the impact of this Act on the number of people facing financial exclusion.
- (2) The independent person must, 12 months after the passing of the Act –
 - (a) prepare a report on the review, and
 - (b) submit the report to the Minister.
- (3) On receiving a report the Minister must –
 - (a) publish it, and
 - (b) lay a copy before Parliament.”

Member's explanatory statement

This new Clause would look into the impact of the Act on people facing financial exclusion.

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