

Public Authorities (Fraud, Error and Recovery) Bill

SIXTH MARSHALLED LIST OF AMENDMENTS TO BE MOVED IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 15th May 2025, as follows –

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]

**Amendment
No.**

Clause 95

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

122D Clause 95, page 61, lines 9, leave out “reasonably incurs” and insert “or banks as defined in this Act incur”

Member's explanatory statement

This would permit costs incurred by banks, as they are defined in the Bill, to be recovered.

After Clause 96

BARONESS LISTER OF BURTERSETT
BARONESS BENNETT OF MANOR CASTLE
THE LORD BISHOP OF LEICESTER

123 After Clause 96, 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.

LORD PALMER OF CHILDS HILL

124 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.

BARONESS BENNETT OF MANOR CASTLE

124A★ After Clause 96, insert the following new Clause –

“Fair process and human intervention

When any automated system has been involved in decision making which will affect will affect overpayments recovered from an individual, no final decision shall be considered valid or acted upon unless –

- (a) the outcome of any process involving an automated system has been subject to meaningful and documented human oversight, such that a human decision-maker has reviewed, understood, and taken responsibility for the final determination,
- (b) the recipient has been provided with an individual explanation of the relevant decision in their case, including a clear explanation of how an automated system has impacted the decision,
- (c) the recipient has had the opportunity to make representations, and
- (d) the recipient is been given information about how they can challenge the decision.”

Member's explanatory statement

This amendment seeks to secure fair administrative processes and meaningful human oversight for benefits recipients when they are subject to decision-making processes which include automated systems.

Clause 98

BARONESS SHERLOCK

125 Clause 98, page 63, leave out lines 23 to 25 and insert—

- “(i) the period mentioned in section 71ZK(6)(a) for P to appeal against the outcome of the review has passed without P bringing an appeal, or”

Member's explanatory statement

This amendment is consequential on my amendment to clause 89, page 56, line 31.

After Clause 99

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

125A After Clause 99, insert the following new Clause—

“Offence of facilitating fraud through dissemination of information

- (1) It shall be an offence for any person, by any means including electronic communication or publication on the internet, to intentionally publish, communicate, or otherwise make available information, advice, or instructions that are reasonably likely to be used by another person to—
 - (a) mislead or deceive public authorities for the purpose of obtaining welfare or social security benefits to which they are not lawfully entitled;
 - (b) circumvent eligibility checks, income or capital assessments, or other lawful mechanisms designed to verify entitlement under any enactment relating to the provision of social security or welfare benefits in the United Kingdom.

- (2) A person commits an offence under this section if they know, or ought reasonably to know, that the information or guidance provided –
 - (a) is intended to facilitate dishonest conduct under the Social Security Administration Act 1992, the Welfare Reform Act 2012, or any associated regulations, or
 - (b) will likely be used to enable or encourage another person to obtain, or attempt to obtain, benefits through deception or misrepresentation.
- (3) It shall be a defence for a person charged under this section to show that –
 - (a) the information was provided for a legitimate public interest purpose, such as journalistic reporting or academic research, and not with the intention of facilitating unlawful conduct;
 - (b) they took reasonable steps to prevent the information from being used for unlawful purposes.
- (4) A person found guilty of an offence under this section shall be liable –
 - (a) on summary conviction, to a term of imprisonment not exceeding 12 months or a fine not exceeding the statutory maximum, or both;
 - (b) On conviction on indictment, to a term of imprisonment not exceeding 5 years or an unlimited fine, or both.
- (5) For the purposes of this section “information” includes written, audio, visual, or digital content, including content distributed via social media platforms, websites and forums.”

Member's explanatory statement

This new amendment would make it an explicit offence to facilitate fraud through the dissemination of relevant information online.

After Clause 100

LORD PALMER OF CHILDS HILL

126

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.

Clause 105

LORD PALMER OF CHILDS HILL

127 Clause 105, page 66, line 26, leave out subsections (1) to (3) and insert —

- “(1) This section and section (*Recovery of overpayments of Carer's Allowance*) come into force on the day on which this Act is passed.
- (2) All other sections of this Act come into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations appoint, but they must not come into force until the recommendations of a report commissioned under section (*Recovery of overpayments of Carer's Allowance*) have been implemented.”

Member's explanatory statement

This amendment which would delay the implementation of the whole Act until the findings of the independent review into Carer's Allowance overpayments has been published and fully implemented.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

128 Clause 105, page 66, line 26, leave out subsections (1) to (3) and insert —

- “(1) This section and section 62 (code of practice) come into force on the day on which this Act is passed.
- (2) All other sections of this Act come into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations appoint, but they must not come into force until the Minister has issued a code of practice under section 62.”

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

129 Clause 105, page 66, line 26, leave out subsections (1) to (3) and insert —

- “(1) This section and section 93 come into force on the day on which this Act is passed.
- (2) All other sections of this Act come into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations appoint, but they must not come into force until the code of practice under section 93 has been laid before Parliament.”

Member's explanatory statement

This amendment and another to clause 93 in the name of Viscount Younger would compel final codes of practice to be laid before Parliament, before the provisions in the Act could come into force.

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

- 129A** Clause 105, page 66, line 26, leave out subsections (1) to (3) and insert —
- “(1) This section comes into force on the day on which this Act is passed.
- (2) All other sections of this Act come into force when the Secretary of State publishes a review assessing the operational, financial, and material impact on the Department for Work and Pensions of individuals, who, by any means including electronic communication or publication on the internet, intentionally publish or otherwise make available information, advice, or instructions that are reasonably likely to be used by another person to —
- (a) mislead or deceive public authorities for the purpose of obtaining welfare or social security benefits to which they are not lawfully entitled, or
- (b) circumvent eligibility checks, income or capital assessments, or other lawful mechanisms designed to verify entitlement under any enactment relating to the provision of social security or welfare benefits in the United Kingdom.
- (3) The Secretary of State must lay the review under subsection (2) before Parliament.”

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

- 130** Clause 105, page 66, line 35, at end insert —
- “(3A) Sections 72, 73 and 74 may not come into force until the Secretary of State has published, and laid before Parliament, a report outlining the specific process through which information will be collected in order to fulfil the obligations made out in Chapter 1, Part 2, and in Schedule 3, and their anticipated costs.”

Member's explanatory statement

This amendment seeks to ensure that, before coming into force, Parliament had sight of the mechanisms through which information would be gathered and shared, and the projected costs associated with this.

After Clause 105

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

- 131** After Clause 105, insert the following new Clause —
- “Repeal of this Act**
- (1) Subject to the following provisions of this section, this Act is repealed five years after the day on which it is passed.
- (2) The provisions of this Act are not repealed in accordance with this section but shall continue in force if in each of those five years the total amount recovered

through the provisions in this Act exceeds the amount expended in exercising these powers by a margin of £500 million per annum.”

Member's explanatory statement

This is a sunset clause requiring that the net benefit of provisions in the Act must exceed £500 million per annum at the end of a period of five years, else the Act will cease to be in force.

Public Authorities (Fraud, Error and Recovery) Bill

SIXTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

23 June 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS