

Public Authorities (Fraud, Error and Recovery) Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
3 October 2025*

The amendments are listed in accordance with the following Instruction –

Clauses 1 to 7	Schedule 4
Schedule 1	Clauses 79 to 92
Clauses 8 to 70	Schedule 5
Schedule 2	Clause 93
Clauses 71 to 75	Schedule 6
Schedule 3	Clauses 94 to 107
Clauses 76 to 78	Title

[Amendments marked ★ are new or have been altered]

Clause 1

BARONESS KRAMER

Clause 1, page 1, line 13, at end insert –

- “(e) creating a whistleblowing reporting channel for cases of fraud against public authorities which –
- (i) guarantees confidentiality and anonymity if requested,
 - (ii) includes clear definitions of who is a whistleblower in cases of fraud against public authorities,
 - (iii) provides a process to update whistleblowers in cases of fraud against public authorities, and
 - (iv) protects whistleblowers in cases of fraud against public authorities from retaliation and detriment.”

After Clause 64

BARONESS KRAMER

After Clause 64, insert the following new Clause —

“The Office of the Whistleblower for public sector fraud

- (1) The Secretary of State must by regulations made by statutory instrument within one year after the passing of this Act establish a body corporate called the Office of the Whistleblower for public sector fraud (in this Act referred to as “the Office”).
- (2) The principal duty of the Office is to protect whistleblowers and have oversight of the process of whistleblowing in relation to public sector fraud.
- (3) The Office must carry out all its work in accordance with the principal duty.
- (4) The objectives of the Office are —
 - (a) to encourage and support whistleblowers to refer concerns to the appropriate authorities,
 - (b) to support an effective and fair whistleblowing process,
 - (c) to protect the public purse and ensure that wrongdoers bear the cost of wrongdoing revealed by whistleblowing,
 - (d) to promote good governance through the normalisation of whistleblowing,
 - (e) to ensure that concerns raised by whistleblowers are acted upon, and
 - (f) to monitor and review the operation of this Act.
- (5) The Office must seek to achieve those objectives consistently with its principal duty.
- (6) Regulations made under this section are subject to the affirmative procedure.”

Member's explanatory statement

This amendment establishes the office of the whistleblower which has the duty to oversee the process of whistleblowing in relation to public sector fraud.

Clause 73

BARONESS SHERLOCK

★

Leave out Clause 73 and insert the following new Clause —

“Information notices

- (1) The Social Security Administration Act 1992 is amended as follows.
- (2) After section 109B insert —

“109BZA Power to require information about suspected fraud etc

- (1) An authorised officer may give a person (“P”) a written notice (an “information notice”) requiring P to give an authorised officer specified information where the officer —

- (a) has reasonable grounds to suspect that a person has committed, is committing or intends to commit a DWP offence, and
 - (b) considers that it is necessary and proportionate to require the specified information for a purpose mentioned in section 109A(2)(c) or (d) (investigating compliance with the relevant social security legislation etc).
- (2) Information may be specified in an information notice only if it relates to a person who is identified (by name or description) in the information notice as—
 - (a) the person suspected as mentioned in subsection (1)(a), or
 - (b) a member of that person’s family (within the meaning of Part 7 of the Contributions and Benefits Act).
- (3) An authorised officer may require P to give specified information only if the officer has reasonable grounds to suspect that P has or is able to access the information.
- (4) An information notice must set out—
 - (a) the identity (by name or description) of the person to whom the information requested relates;
 - (b) how, where and the period within which the information must be given;
 - (c) information about the consequences of not complying with the notice.
- (5) The power under this section to require P to give information includes power to—
 - (a) take copies of or extracts from information;
 - (b) require P to provide information in a specified form;
 - (c) if any specified information is not given to an authorised officer, require P to state, to the best of P’s knowledge and belief, both where that information is and why it has not been given to an authorised officer.
- (6) Subsection (2E) of section 109B (communications data) applies to an information notice under this section as it applies to a notice under that section.
- (7) In this section—
 - “information” means information in the form of a document or in any other form;
 - “specified” means—
 - (a) specified, or described, in the information notice, or
 - (b) falling within a category that is specified or described in the information notice.
- (8) Nothing in this section limits the powers conferred on the Secretary of State by Schedule 3B.”

- (3) In section 109A (authorisations for investigators) –
 - (a) in subsection (1), for “109B and 109C below” substitute “109B to 109C”;
 - (b) in subsection (2)(d), at the end insert “or other DWP offences”;
 - (c) in subsection (8), for “109B and 109C below” substitute “109B to 109C”.
- (4) In section 109B (power to require information) –
 - (a) in the heading, at the end insert “about entitlement etc”;
 - (b) in subsection (1)(a) omit “or (2A)”;
 - (c) in subsection (1)(b), for “any one or more of the purposes mentioned in section 109A(2) above” substitute “a purpose mentioned in section 109A(2)(a) or (b)”;
 - (d) omit the following provisions –
 - (i) subsection (2A);
 - (ii) subsection (2B);
 - (iii) subsection (2C);
 - (iv) subsection (2D);
 - (v) subsection (5);
 - (vi) subsection (6);
 - (vii) subsection (7A);
 - (e) in subsection (7) omit the definitions of –
 - (i) “bank”;
 - (ii) “credit”;
 - (iii) “insurer”;
 - (iv) “residential premises”.
- (5) In section 109BA (power of the Secretary of State to require electronic access to information) –
 - (a) in subsection (1) –
 - (i) in paragraph (a) omit “falling within section 109B(2A)”;
 - (ii) in paragraph (b), for “109A(2)” substitute “109A(2)(c) or (d)”;
 - (b) in subsection (2)(b), for “109B above” substitute “109BZA”;
 - (c) in subsection (4), for “109B” substitute “109BZA”.
- (6) In section 109C (powers of entry), in subsection (6), for “Subsections (2E) and (5) of section 109B apply for the purposes of this section as they apply” substitute “Subsection (2E) of section 109B applies for the purposes of this section as it applies”.
- (7) In section 190 (Parliamentary control of orders and regulations), in subsection (1) omit paragraph (aza).”

Member’s explanatory statement

This amendment, together with my amendments to clause 74, my amendment replacing clause 101 and my amendment to Schedule 3, page 91, line 3, reverses changes made in the House of Commons, in response to confirmation from the Scottish Ministers that they would like the changes to the Secretary of State’s functions in respect of information notices to apply to them as well.

Clause 74

BARONESS SHERLOCK

- ★ Clause 74, page 42, line 38, leave out subsections (2), (3) and (4) and insert –
- “() In section 3 (code of practice about use of information powers), in subsection (1) –
- (a) in the words before paragraph (a), after the second “of” insert “the powers that are exercisable by an authorised officer under section 109BZA of the Administration Act.”, and
 - (b) omit paragraphs (a) and (b).”

Member's explanatory statement

See the explanatory statement for my amendment replacing clause 73.

BARONESS SHERLOCK

- ★ Clause 74, page 43, line 8, leave out subsections (6) and (7) and insert –
- “() For subsections (1) and (2) substitute –
- “(1A) The Secretary of State must ensure that such arrangements (if any) are in force as the Secretary of State thinks appropriate for requiring or authorising, in such cases as the Secretary of State thinks fit, the making of such payments as the Secretary of State considers appropriate in respect of compliance with relevant obligations by any person.
 - (1B) In subsection (1A), “relevant obligation” means an obligation to provide information, or access to information, under section 109BZA or 109BA of the Administration Act.””

Member's explanatory statement

See the explanatory statement for my amendment replacing clause 73.

BARONESS KRAMER

Leave out Clause 74

Member's explanatory statement

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

Schedule 3

LORD VAUX OF HARROWDEN

- ★ Schedule 3, page 77, line 16, at end insert –
- “(1A) The Secretary of State may issue an eligibility verification notice only if reasonably satisfied that doing so is necessary and proportionate for the

purposes of identifying, or assisting in identifying, incorrect payments of a relevant benefit.”

Member's explanatory statement

This amendment would align the safeguards that apply for the use of the eligibility verification powers with the safeguards that exist in other sections of the Bill, such as the power to require information about suspected fraud.

LORD VAUX OF HARROWDEN

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

“Reasonable suspicion and appropriate review of EVM information

- 5A (a) 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.
- (b) 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 seeks to clarify explicitly that the existence of an Eligibility Indicator alone does not constitute reasonable grounds for suspicion, and that before taking action to amend a benefit or undertake intrusive investigations, the information must have been reviewed by a suitable person.

BARONESS SHERLOCK

★ Schedule 3, page 91, line 3, leave out “109BZA and 109BZB” and insert “109B and 109BZA”

Member's explanatory statement

See the explanatory statement for my amendment replacing clause 73.

BARONESS KRAMER

Leave out Schedule 3

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 76

LORD VAUX OF HARROWDEN

- ★ Clause 76, page 44, line 32, at end insert—

- “(d) the costs incurred by the Secretary of State and by those who have received eligibility verification notices have been reasonable and proportionate,
- (e) the exercise of the Secretary of State’s powers under Schedule 3B has had any adverse affect on vulnerable people or on the ability of benefit claimants to access banking services, and
- (f) the independent person has been provided such information as they consider necessary to carry out the review.”

Member's explanatory statement

This amendment seeks to expand the scope of the independent review of the use of the eligibility verification powers to ensure that the costs are proportionate and any unintended adverse consequences are identified.

Clause 85

BARONESS SHERLOCK

- ★ Clause 85, page 51, leave out lines 37 and 38

Member's explanatory statement

This amendment is consequential on my amendment replacing clause 101.

Clause 91

BARONESS SHERLOCK

- ★ Clause 91, page 58, line 2, leave out from “2016” to end of line 12

Member's explanatory statement

This amendment prevents the new methods of recovery from being available in relation to a recoverable amount or a penalty relating to a devolved benefit.

Schedule 5

BARONESS KRAMER

Schedule 5, page 105, line 18, leave out from beginning to end of line 32 on page 106

Member's explanatory statement

This amendment will prevent the Department for Work and Pensions from being able to compel banks to disclose the bank statements of benefits recipients to decide whether to issue a direct deduction.

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, and
- (d) the Secretary of State has implemented the recommendations of the independent review.”

Member’s explanatory statement

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

Clause 101

BARONESS SHERLOCK

★

Leave out Clause 101 and insert the following new Clause—

“101 Powers of Scottish Ministers

- (1) The following provisions of this Act have effect as if they were pre-commencement enactments for the purposes of section 53 of the Scotland Act 1998, read with section 32 of the Scotland Act 2016—
 - (a) sections 73 and 74;
 - (b) section 96, so far as relating to an amount that is recoverable by the Scottish Ministers under Part 3 of the Social Security Administration Act 1992;
 - (c) section 97.
- (2) Accordingly, an individual who for the time being has the Scottish Ministers’ authorisation for the purposes of Part 6 of the Social Security Administration Act 1992, in accordance with section 109A of that Act as amended by section 73 of this Act, has the functions conferred by sections 109B to 109C of that Act, as amended or, in the case of section 109BZA, as inserted, by section 73 of this Act.”

Member’s explanatory statement

See the explanatory statement for my amendment replacing clause 73.

Clause 106

LORD PALMER OF CHILDS HILL

Clause 106, page 67, line 12, 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 a 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 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.

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS