

Public Authorities (Fraud, Error and Recovery) Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
10 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.”

Clause 2

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★

Clause 2, page 2, leave out line 10 and insert—

“whether at the request of that public authority or, where the Minister considers it necessary in the public interest, on the Minister’s own initiative.”

Member's explanatory statement

This would enable the Minister for the Cabinet Office, through the PSFA, to undertake proactive investigations or recovery actions in respect of suspected fraud against a public authority, without requiring a prior request from that authority, while preserving the authority’s own fraud functions under subsection (5).

Clause 9

BARONESS SHERLOCK

Clause 9, page 7, leave out lines 32 to 34

Member's explanatory statement

This amendment, and my amendment to clause 9, page 7, lines 38 and 39, would remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

BARONESS SHERLOCK

Clause 9, page 7, leave out lines 38 and 39

Member's explanatory statement

See the explanatory statement for my amendment to clause 9, page 7, lines 32 to 34.

Clause 19

BARONESS SHERLOCK

Clause 19, page 12, line 25, at beginning insert “Subject to subsection (9A),”

Member's explanatory statement

See the explanatory statement for my amendment to clause 19, page 12, line 32.

BARONESS SHERLOCK

Clause 19, page 12, line 32, at end insert –

“(9A) The prohibition in subsection (9) ceases to apply –

- (a) at the end of the period of 3 months beginning with the day on which the account information notice or general information notice is given to the bank, or
- (b) if earlier, when the bank is given a notice under section 21(1).”

Member's explanatory statement

This amendment would limit how long the prohibition on a bank telling an account holder that it had received an information notice in respect of the holder's account has effect.

Clause 26

BARONESS SHERLOCK

Clause 26, page 16, line 14, leave out from second “notice” to end of line 26 and insert “relating to a proposed lump sum direct deduction order, or a lump sum direct deduction order under section 17, is given to a bank in relation to a liable person's account, the bank must –

- (a) secure that no transaction takes place (except for any deduction under the order) which would result in the amount in the account falling below the specified amount, or, if the amount in the account is already below that amount, falling any further, or
- (b) take the action set out in subsection (2).”

Member's explanatory statement

This amendment would remove the requirement for banks to prevent the closure of an account when given a notice under clause 21(1) in relation to a proposed direct deduction order, or a direct deduction order under section 17.

Clause 32

BARONESS SHERLOCK

Clause 32, page 19, line 31, at end insert –

- “(3) Where the requirement is suspended for a continuous period of two years the regular direct deduction order in question is to be treated as having been revoked at the end of that period.
- (4) Where a regular direct deduction order is treated as having been revoked by virtue of subsection (3), the Minister must give notice to that effect to –
 - (a) the bank to which the order was given,
 - (b) the liable person, and
 - (c) in the case of a joint account, each of the other account holders.

- (5) Subsection (3) does not prevent the Minister making a further regular direct deduction order in respect of the same liable person and account.”

Member's explanatory statement

This amendment means that where the requirement to make deductions and payments under a regular direct deduction order made by the Minister is suspended for a continuous period of two years it may not be re-started.

Clause 37

BARONESS SHERLOCK

Clause 37, page 22, leave out line 17

Member's explanatory statement

This amendment is consequential on my amendment to clause 37, page 22, line 30.

BARONESS SHERLOCK

Clause 37, page 22, leave out line 19

Member's explanatory statement

This amendment removes an unnecessary provision.

BARONESS SHERLOCK

Clause 37, page 22, line 26, at end insert “or (4)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 32, page 19, line 31.

BARONESS SHERLOCK

Clause 37, page 22, line 30, at end insert —

“(4) Subsection (5) applies where—

(a) a bank is given—

(i) an account information notice or a general information notice under section 19,

(ii) a notice under section 21,

(iii) a further information notice under section 31, or

(iv) a direct deduction order, and

(b) a deputy acts on behalf of an account holder of an account to which the notice or order relates.

- (5) The bank must give the Minister the name and correspondence address that it holds for that deputy (unless the bank has already provided that information).”

Member's explanatory statement

This amendment would require a bank to give the Minister details of any deputy acting on behalf of an account holder to which certain notices or a direct deduction order relate.

Clause 44

BARONESS SHERLOCK

Clause 44, page 26, line 30, at end insert –

- “(3) Where the requirement is suspended for a continuous period of two years the deduction from earnings order in question is to be treated as having been revoked at the end of that period.
- (4) Where a deduction from earnings order is treated as having been revoked by virtue of subsection (3), the Minister must give notice to that effect to –
 - (a) the liable person, and
 - (b) the employer to which the order was given.
- (5) Subsection (3) does not prevent the Minister making a further deduction from earnings order in respect of the same liable person.”

Member's explanatory statement

This amendment means that where the requirement to make deductions and payments under a deduction from earnings order is suspended for a continuous period of 2 years it may not be re-started.

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 66

BARONESS SHERLOCK

Clause 66, page 35, line 29, leave out “may” and insert “must”

Member's explanatory statement

This amendment, together with my amendment to clause 66, page 35, line 30, would mean that the Minister must provide information where the information is reasonably required for the purposes of independent reviews carried out under clause 65.

BARONESS SHERLOCK

Clause 66, page 35, line 30, after “person,” insert “where the information is reasonably required”

Member's explanatory statement

See the explanatory statement for my amendment to clause 66, page 35, line 29.

Clause 67

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★ Clause 67, page 36, line 1, at end insert —

- “(A1) Investigatory and enforcement powers under sections 3 (information notices), 7 (Police and Criminal Evidence Act 1984 etc powers), 17 (direct deduction orders), and 39 (deduction from earnings orders) of this Act shall not be exercised except as provided for in this section.”

Member's explanatory statement

This amendment, together with others to this clause in the name of Baroness Finn, would ensure greater ministerial and parliamentary oversight when the powers provided for in this Bill are exercised by authorised officers on behalf of the Minister for the Cabinet Office.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★ Clause 67, page 36, line 13, at end insert—

- “(1A) The exercise of the following powers by an authorised officer requires explicit authorisation by a Minister of the Crown issuing information notices under section 3 requiring disclosure of personal financial records; applications for warrants under section 7 involving entry to premises and seizure of evidence; orders under sections 17 and 38 where the amount involved exceeds £10,000.
- (1B) All other investigatory and enforcement powers under this Act must be authorised by an official at Senior Civil Service grade or above.
- (1C) The Public Sector Fraud Authority must maintain a register recording—
- (a) the nature and date of each exercise of these powers;
 - (b) the name and position of the official or Minister authorising the exercise;
 - (c) the justification provided for exercising the powers.
- (1D) The Minister must lay before Parliament a copy of this register annually within three months of the conclusion of the financial year to which it relates.”

Member's explanatory statement

This amendment, together with others to this clause in the name of Baroness Finn, would ensure greater ministerial and parliamentary oversight when the powers provided for in this Bill are exercised by authorised officers on behalf of the Minister for the Cabinet Office.

Clause 68

BARONESS SHERLOCK

Clause 68, page 36, line 25, leave out “processing” and insert “disclosure or obtaining”

Member's explanatory statement

See my explanatory statement for my amendment to clause 68, page 36, line 29.

BARONESS SHERLOCK

Clause 68, page 36, line 27, leave out “processing” and insert “disclosure”

Member's explanatory statement

See my explanatory statement for my amendment to clause 68, page 36, line 29.

BARONESS SHERLOCK

Clause 68, page 36, leave out line 29

Member's explanatory statement

This amendment, and my amendments to clause 68, page 36, line 25, clause 68, page 36, line 27, clause 68, page 36, lines 32 and 33, and clause 68, page 37, lines 7 and 8, would remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025, and make consequential provision.

BARONESS SHERLOCK

Clause 68, page 36, leave out lines 32 and 33

Member's explanatory statement

See my explanatory statement for my amendment leaving out clause 68, page 36, line 29.

BARONESS SHERLOCK

Clause 68, page 37, leave out lines 7 and 8

Member's explanatory statement

See my explanatory statement for my amendment leaving out clause 68, page 36, line 29.

Clause 70

BARONESS SHERLOCK

Clause 70, page 37, line 28, leave out from “provision” to end of line 31 and insert “about –

- (a) the establishment of the Public Sector Fraud Authority (“the PSFA”), and
- (b) the transfer of functions conferred by or under this Part to the PSFA or to another public authority.”

Member's explanatory statement

This amendment, together with my amendments to Schedule 2, would give the Minister the power to establish the PSFA by regulations subject to the affirmative procedure (rather than using commencement regulations) and would permit the transfer of functions under Part 1 of the Bill to a public authority other than the PSFA, including on an interim basis if the PSFA is subsequently established.

After Clause 70

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★ After Clause 70, insert the following new Clause –

“Fraud risk management duties for public authorities

- (1) This section applies to public authorities responsible for spending schemes or programmes involving total annual payments or disbursements exceeding £100 million (“relevant spending schemes or programmes”).
- (2) A public authority to which this section applies shall –
 - (a) register each relevant spending scheme or programme with the Minister for the Cabinet Office via the Public Sector Fraud Authority before the start of each financial year;
 - (b) conduct and submit to the Authority a fraud risk assessment for each registered scheme, detailing identified fraud risks and planned mitigations;
 - (c) prepare an annual fraud measurement plan specifying the methods by which fraud rates will be determined, including representative sampling or comparable statistically valid methods, to ensure robust estimation of fraud and error rates.
- (3) The Authority shall –
 - (a) independently verify each public authority’s reported fraud rates annually, employing rigorous audit, sampling, or comparable statistically robust methods;
 - (b) publish annually, in a dedicated report laid before Parliament –
 - (i) the fraud rates reported by each public authority;
 - (ii) the independently verified fraud rates determined by the Authority;
 - (iii) an assessment of the accuracy and effectiveness of each public authority’s fraud risk management measures.
- (4) Each public authority shall publish in its annual accounts –
 - (a) its submitted fraud risk assessment;
 - (b) the fraud rates as determined independently by the Authority;
 - (c) an evaluation rating (Red-Amber-Green) assigned by the Authority reflecting the public authority’s compliance with and effectiveness of its fraud risk management duties.
- (5) The evaluation rating assigned by the Authority under subsection (4)(c) shall assess –
 - (a)) adequacy and accuracy of fraud rate measurement methodologies;
 - (b) effectiveness of implemented fraud risk mitigations;
 - (c) compliance with statutory duties set out in this section.
- (6) Where the Authority finds significant discrepancies between reported fraud rates and independently verified fraud rates, or otherwise finds significant discrepancies

in the public authority's fraud management practices, it shall issue a notice requiring the public authority to—

- (a) submit within 30 days a detailed action plan specifying corrective measures;
 - (b) implement corrective measures as directed by the Authority within a timeframe specified in the notice.
- (7) Compliance by public authorities with their obligations under this section shall be subject to audit by the Comptroller and Auditor General, and the findings shall form part of their reports to Parliament.”

Member's explanatory statement

This new Clause seeks to impose stricter fraud risk management duties on public authorities that oversee spending schemes exceeding £100 million annually, by requiring these authorities to register schemes, conduct fraud risk assessments, measure fraud using robust methods, and publish findings. The Public Sector Fraud Authority would verify reported fraud rates, publish comparisons, assign performance ratings, and enforce corrective actions for poor performance. Compliance would be subject to independent audit and parliamentary scrutiny.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★ After Clause 70, insert the following new Clause—

“Internal reviews following significant recoveries

- (1) Where the amount recovered under Part 1 exceeds £50,000, the public authority on whose behalf the amount was recovered must conduct an internal review into the circumstances giving rise to that recovery.
- (2) Any review conducted under subsection (1) must be provided to the Minister within three months of its completion.”

Member's explanatory statement

This new clause would require public authorities to conduct an internal review if they lost £50,000 or more through overpayment or fraud and provide that review to the Minister.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★ After Clause 70, insert the following new Clause—

“Independent reviewer: reviews under Part 1

- (1) The Minister may by regulations establish a body to serve as an independent reviewer for the purposes of undertaking reviews under Part 1 of this Act.
- (2) Regulations made under subsection (1) must provide that any person appointed as Chair of the body must attend any pre-appointment scrutiny hearing held by the Public Accounts Committee of the House of Commons, or any successor committee.

- (3) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new clause would allow the Minister to establish an independent review body to undertake reviews under section 34.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

- ★ After Clause 70, insert the following new Clause —

“Annual reporting: use of powers

- (1) The Minister must prepare and publish a report on the use of powers conferred under this Part —
 - (a) within 12 months of the day on which sections 1 and 2 come into force, and
 - (b) annually thereafter.
- (2) Any report under subsection (1) must be laid before both Houses of Parliament within seven days of publication.”

Member's explanatory statement

This new clause would require the Minister to publish an annual report on the use of powers conferred by Part 1 of the Bill, which must then be laid before Parliament.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

- ★ After Clause 70, insert the following new Clause —

“Annual reporting: extent of public sector fraud

- (1) The Minister must prepare and publish an annual report on the extent of fraud against public authorities, based on the Government’s internal estimates.
- (2) Any report under subsection (1) must be laid before both Houses of Parliament within seven days of publication.”

Member's explanatory statement

This new clause would require the Minister to publish an annual report on the estimated scale of fraud against public authorities, which must then be laid before Parliament.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★ After Clause 70, insert the following new Clause —

“Review of compliance costs to banks

Within 12 months of the day on which this section comes into force, the Minister must undertake a review of the administrative, staffing, compliance, reporting, governance and opportunity cost burden placed on banks and financial institutions as a result as a result of compliance with the provisions of Part 1.”

Member’s explanatory statement

This amendment would require the Minister to undertake a review of the costs banks are having imposed upon them by this section within 12 months of the coming into effect of Part 1.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★ After Clause 70, insert the following new Clause —

“Impact assessment for regulations on deduction orders

- (1) Any regulations made under this Part in respect of deduction orders must be accompanied by an impact assessment covering projected costs and effects on the operational capacity of banks as a result of these regulations.
- (2) The assessment under subsection (1) must be laid before Parliament alongside the regulations.”

Member’s explanatory statement

This new clause would ensure that changes to the means through which deduction orders are processed are accompanied by an impact assessment.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

★ After Clause 70, insert the following new Clause —

“Independent review of use of powers

- (1) The Minister must appoint an independent person (“the Reviewer”) to review the exercise of the powers conferred by this Part by members of the Public Sector Fraud Authority (“PSFA”).
- (2) The Reviewer must consider in particular —
 - (a) the extent to which the exercise of the powers has saved police time or resources;
 - (b) the effect of the exercise of the powers on operational capacity, including whether it has improved the efficiency of investigations;

- (c) any concerns arising in relation to the exercise of the powers by members of the PSFA;
 - (d) any complaints received by the PSFA or the Cabinet Office in relation to the exercise of these powers; and
 - (e) any disciplinary action taken against officers of the PSFA in relation to the exercise of these powers.
- (3) The Reviewer must prepare a report and submit it to the Minister —
- (a) within five years of the coming into force of this section; and
 - (b) annually thereafter.
- (4) The Minister must lay a copy of each report prepared under this section before both Houses of Parliament.”

Member's explanatory statement

This new Clause would require the Minister to appoint an independent person to review the use of PACE powers by the Public Sector Fraud Authority, including their impact on police time, operational capacity and any concerns regarding their exercise. The Reviewer's report must be submitted after five years, and annually thereafter.

Schedule 2

BARONESS SHERLOCK

Schedule 2, page 70, line 18, at end insert—

“PART A1

POWERS TO ESTABLISH THE PSFA AND TRANSFER FUNCTIONS

Main powers

- A1 (1) The Minister may by regulations —
- (a) provide that a body corporate called the Public Sector Fraud Authority (and referred to in this Schedule as “the PSFA”) is established;
 - (b) provide for the transfer to the PSFA of all or any of the functions to which this paragraph applies.
- (2) The Minister may by regulations provide for the transfer to a public authority other than the PSFA of all or any of the functions to which this paragraph applies.
- (3) This paragraph applies to the functions initially conferred on the Minister by Chapters 1 to 5 of Part 1 of this Act (including functions conferred by an amendment of another enactment), except any function of making regulations or issuing a code of practice.
- (4) A function transferred under sub-paragraph (2) may subsequently be transferred to the PSFA under sub-paragraph (1)(b).

- (5) But a function transferred to the PSFA under sub-paragraph (1)(b) may not subsequently be transferred to another public authority under sub-paragraph (2).

Authorised officers

- B1 (1) The reference in paragraph A1(3) to functions initially conferred on the Minister includes functions initially conferred on authorised officers.
- (2) In relation to a function initially conferred on an authorised officer, references in this Part of this Schedule to the transfer of the function to another body are to be read as references to the transfer of the function to an authorised officer of that body.
- (3) Where—
- (a) a function initially conferred on an authorised officer is transferred by regulations under paragraph A1, and
 - (b) as a result of any provision of Chapters 1 to 5 of Part 1 of this Act, that function could be exercised only by an authorised officer of a particular rank, grade or description,
- the regulations must provide for the function to be exercised by an authorised officer of the transferee of a corresponding grade, rank or description.

Associated modifications

- C1 (1) Where functions are transferred to the PSFA or another public authority under paragraph A1, the Minister may by regulations—
- (a) make provision about the application, with any necessary modifications, of Part 1 of this Act in relation to the PSFA or other authority;
 - (b) provide for the Minister to give the PSFA or other authority (or its authorised officers) general or specific directions about the exercise of the transferred functions.
- (2) Where functions are transferred to or from a public authority, other than the Minister or the PSFA, under paragraph A1, the Minister may by regulations—
- (a) make any modifications that the Minister considers appropriate in connection with the transfer to the constitutional arrangements, funding arrangements or the functions of the authority;
 - (b) make provision in relation to the authority corresponding to that enabled by paragraph 15 (transfer schemes) in relation to—
 - (i) the PSFA, where functions are being transferred to the authority, or
 - (ii) a “relevant person”, where functions are being transferred from the authority.
- (3) In sub-paragraph (2)(a), “constitutional arrangements” includes the matters referred to in section 3(2) of the Public Bodies Act 2011.
- (4) Regulations under paragraph A1 or this paragraph may amend—
- (a) Part 1 of this Act, except this Schedule, and
 - (b) any provision amended by Part 1 of this Act.

Procedure

- D1 Regulations under this Part of this Schedule are subject to the affirmative procedure.”

Member's explanatory statement

See the explanatory statement for my amendment to clause 70, page 37, line 28.

BARONESS SHERLOCK

Schedule 2, page 70, leave out lines 20 to 23

Member's explanatory statement

See the explanatory statement for my amendment to clause 70, page 37, line 28.

BARONESS SHERLOCK

Schedule 2, page 70, line 25, at end insert—

“Introduction and status

- 1A (1) This Part applies if regulations are made under paragraph A1(1) establishing the PSFA.
- (2) The PSFA acts on behalf of the Crown.”

Member's explanatory statement

See the explanatory statement for my amendment to clause 70, page 37, line 28.

BARONESS SHERLOCK

Schedule 2, page 76, line 3, leave out paragraph 21

Member's explanatory statement

See the explanatory statement for my amendment to clause 70, page 37, line 28.

BARONESS SHERLOCK

Schedule 2, page 76, line 30, leave out “21” and insert “A1(1)(a)”

Member's explanatory statement

See the explanatory statement for my amendment to clause 70, page 37, line 28.

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—

- “(2) 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—

- “(6) 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.

Clause 75

BARONESS SHERLOCK

Clause 75, page 43, line 31, after “of” insert “assisting in”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 77, line 12.

Schedule 3

BARONESS SHERLOCK

Schedule 3, page 77, line 12, leave out “identifying, or”

Member's explanatory statement

This amendment, together with my amendments to clause 75, page 43, line 31, clause 76, page 44, line 30 and Schedule 3, page 80, line 23, means that eligibility verification notices can be used only for assisting in identifying incorrect payments of a relevant benefit.

BARONESS SHERLOCK

Schedule 3, page 77, line 16, leave out “following steps” and insert “steps mentioned in sub-paragraphs (2) and (3)”

Member's explanatory statement

This amendment is consequential on my amendment inserting a new sub-paragraph after Schedule 3, page 77, line 16.

BARONESS SHERLOCK

Schedule 3, page 77, line 16, at end insert —

“(1A) The Secretary of State may give an eligibility verification notice only where the Secretary of State considers that it is necessary and proportionate to do so.”

Member's explanatory statement

This amendment means that the Secretary of State may give an eligibility verification notice may only where the Secretary of State considers that it is necessary and proportionate to do so.

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.

BARONESS SHERLOCK

Schedule 3, page 80, line 23, leave out “identify, or”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 77, line 12.

LORD VAUX OF HARROWDEN

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

“Reasonable suspicion and appropriate review of EVM information

- 5A (1) 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.
- (2) 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 80, line 27, leave out “processing and data protection” and insert “disclosure”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 80, line 30.

BARONESS SHERLOCK

Schedule 3, page 80, line 28, leave out “processing” and insert “disclosure”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 80, line 30.

BARONESS SHERLOCK

Schedule 3, page 80, leave out line 30

Member's explanatory statement

This amendment, and my amendments to Schedule 3, page 80, line 27, Schedule 3, page 80, line 28, Schedule 3, page 80, lines 33 to 36, Schedule 3, page 80, line 37, Schedule 3, page 81, line 2, Schedule 3, page 81, line 3 and Schedule 3, page 89, lines 34 and 35, would remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025, and make consequential provision.

BARONESS SHERLOCK

Schedule 3, page 80, leave out lines 33 to 36

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 80, line 30.

BARONESS SHERLOCK

Schedule 3, page 80, line 37, leave out “processing” and insert “disclosure”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 80, line 30.

BARONESS SHERLOCK

Schedule 3, page 81, line 2, leave out “processing” and insert “disclosing”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 80, line 30.

BARONESS SHERLOCK

Schedule 3, page 81, line 3, leave out “processing” and insert “disclosure”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 80, line 30.

LORD SIKKA

Schedule 3, page 81, line 12, at end insert—

“(c) has received legal advice,”

Member's explanatory statement

The amendment seeks to ensure that individuals subject to DWP actions have received legal advice.

BARONESS SHERLOCK

Schedule 3, page 84, line 35, leave out “7” and insert “14”

Member's explanatory statement

This amendment extends the period of time within which a person given an eligibility verification notice can apply for a review of the decision to give the notice.

BARONESS SHERLOCK

Schedule 3, page 89, leave out lines 34 and 35

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 80, line 30.

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

BARONESS SHERLOCK

Clause 76, page 44, line 30, leave out “identifying, or”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 3, page 77, line 12.

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.

BARONESS SHERLOCK

Clause 76, page 44, line 36, leave out “may” and insert “must”

Member's explanatory statement

This amendment, together with my amendment to clause 76, page 44, line 38, would mean that the Secretary of State must provide information where the information is reasonably required for the purposes of independent reviews carried out under new section 121DC of the Social Security Administration Act 1992.

BARONESS SHERLOCK

Clause 76, page 44, line 38, after “person,” insert “where the information is reasonably required”

Member's explanatory statement

See the explanatory statement for my amendment to clause 76, page 44, line 36.

BARONESS SHERLOCK

Clause 76, page 45, line 1, leave out “processing” and insert “disclosure”

Member's explanatory statement

See the explanatory statement for my amendment to clause 76, page 45, line 2.

BARONESS SHERLOCK

Clause 76, page 45, leave out line 2

Member's explanatory statement

This amendment, and my amendments to clause 76, page 45, line 1, clause 76, page 45, lines 5 to 7, clause 76, page 45, line 13 and clause 76, page 45, lines 14 to 16, would remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025, and make consequential provision.

BARONESS SHERLOCK

Clause 76, page 45, leave out lines 5 to 7

Member's explanatory statement

See the explanatory statement for my amendment leaving out clause 76, page 45, line 2.

BARONESS SHERLOCK

Clause 76, page 45, line 13, leave out “, subject to subsection (2)”

Member's explanatory statement

See the explanatory statement for my amendment leaving out clause 76, page 45, line 2.

BARONESS SHERLOCK

Clause 76, page 45, leave out lines 14 to 16

Member's explanatory statement

See the explanatory statement for my amendment leaving out clause 76, page 45, line 2.

Clause 77

LORD VAUX OF HARROWDEN

★

Clause 77, page 46, leave out line 6

Member's explanatory statement

This amendment would remove the ability for DWP authorised investigators in England and Wales to use reasonable force when exercising their powers of entry, search or seizure under PACE 1984. If reasonable force is needed, it remains a matter for the police.

Schedule 4

LORD VAUX OF HARROWDEN

★ Schedule 4, page 94, line 11, at end insert –

“(4A) Section 117 (reasonable use of force) is to be read as if at the end there were inserted –

“(2) Authorised investigators exercising powers under section 109D may only use reasonable force, if necessary, against items and property, not against persons.

(3) Nothing in subsection (2) restricts the power of a police constable to use reasonable force, if necessary, when exercising powers under section 109D Social Security Administration Act 1992.””

Member's explanatory statement

This amendment would prohibit DWP authorised officers from using force against people during the exercise of their entry, search and seizure powers, reflecting the policy intention in the Explanatory notes to the Bill. It preserves their power to use force against things – such as locked filing cabinets – and preserves police use of force, if necessary, under a DWP warrant.

LORD VAUX OF HARROWDEN

★ Schedule 4, page 97, leave out lines 11 to 13

Member's explanatory statement

This amendment would remove the ability for authorised investigators in Scotland to use reasonable force when executing a Sheriff's warrant for entry, search or seizure. If reasonable force is needed, it remains a matter for the police.

Clause 83

BARONESS SHERLOCK

Clause 83, page 50, leave out lines 19 to 21

Member's explanatory statement

This amendment, and my amendment to clause 83, page 50, lines 25 and 26, would remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025

BARONESS SHERLOCK

Clause 83, page 50, leave out lines 25 and 26

Member's explanatory statement

See the explanatory statement for my amendment to clause 83, page 50, lines 19 to 21.

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 87

BARONESS SHERLOCK

Clause 87, page 52, line 18, leave out “processing” and insert “disclosure or obtaining”

Member's explanatory statement

See the explanatory statement for my amendment to clause 87, page 52, line 24.

BARONESS SHERLOCK

Clause 87, page 52, line 22, leave out “processing” and insert “disclosure”

Member's explanatory statement

See the explanatory statement for my amendment to clause 87, page 52, line 24.

BARONESS SHERLOCK

Clause 87, page 52, leave out line 24

Member's explanatory statement

This amendment, and my amendments to clause 87, page 52, line 18, clause 87, page 52, line 22, clause 87, page 52, lines 27 to 29 and clause 87, page 53, line 21, would remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025, and make consequential provision.

BARONESS SHERLOCK

Clause 87, page 52, leave out lines 27 to 29

Member's explanatory statement

See the explanatory statement for my amendment to clause 87, page 52, line 24.

BARONESS SHERLOCK

Clause 87, page 53, line 21, leave out ““the data protection legislation”, “personal data” and “processing” have the same meanings” and insert ““personal data” has the same meaning”

Member's explanatory statement

See the explanatory statement for my amendment to clause 87, page 52, line 24.

Clause 89

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

- ★ Clause 89, page 54, leave out lines 18 to 20

Member's explanatory statement

This amendment would ensure that the Secretary of State did not have the power to direct the independent person to review only certain timeframes.

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

- ★ Clause 89, page 54, line 23, leave out “may” and insert “must”

Member's explanatory statement

This would compel the Secretary of State to provide information to the independent person for the purposes of a review.

Clause 91

BARONESS SHERLOCK

Clause 91, page 57, line 25, at end insert—

“(aa) section 80AA (restrictions on use of further methods),”

Member's explanatory statement

This amendment is consequential to my other amendment to 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.

BARONESS SHERLOCK

Clause 91, page 58, line 18, leave out from beginning to end of line 3 on page 59 and insert —

“80AA Restrictions relating to further methods

- (1) The Secretary of State may not exercise a power under Schedule 3ZA or Schedule 3ZB for the purpose of recovering an amount from a liable person unless the Secretary of State has —
 - (a) given the liable person a reasonable opportunity to settle their liability in respect of the amount,
 - (b) notified the liable person that the Secretary of State may exercise the power for the purpose of recovering the amount if the liable person does not settle their liability in respect of the amount, and
 - (c) given the liable person a summary of how the power would be exercised.
- (2) The Secretary of State may not —
 - (a) make a direct deduction order under Schedule 3ZA,
 - (b) re-start a requirement to make deductions and payments that has been suspended under paragraph 16 of Schedule 3ZA, or
 - (c) apply for a suspended or immediate DWP disqualification order under Schedule 3ZB,in respect of a liable person if subsection (3) or (4) applies.
- (3) This subsection applies if it is reasonably possible to recover the amount from the liable person by way of deductions from earnings.
- (4) This subsection applies if the liable person is entitled to and in receipt of a relevant benefit.
- (5) The Secretary of State may not exercise the powers under Schedule 3ZB for the purpose of recovering an amount from a liable person unless satisfied that it is not reasonably possible to recover the amount by way of a direct deduction order under Schedule 3ZA.
- (6) Subsections (7) and (8) apply where a liable person becomes entitled to and in receipt of a relevant benefit at a time when —
 - (a) a direct deduction order under Schedule 3ZA, or
 - (b) an immediate DWP disqualification order under Schedule 3ZB,has effect in relation to the liable person.
- (7) In a case within subsection (6)(a), the Secretary of State must revoke or suspend the direct deduction order.
- (8) In a case within subsection (6)(b) —
 - (a) the Secretary of State must notify the court that made the immediate DWP disqualification order that the person to whom the order relates has become entitled to and in receipt of a relevant benefit, and

- (b) a court officer must make an order (without a hearing) revoking the immediate DWP disqualification order.
- (9) In this section –
 - “court officer” means a member of the staff of the court in question authorised by the court for the purposes of subsection (8)(b);
 - “deductions from earnings” means deductions from earnings under, or by virtue of, section 71 or 71ZD;
 - “relevant benefit” means a benefit that is –
 - (a) administered by the Secretary of State with responsibility for social security, and
 - (b) recoverable under section 71 or 71ZB.”

Member's explanatory statement

This amendment imposes further restrictions on when the new recovery methods introduced by Schedules 5 and 6 of the Bill can be used, including by ensuring that they cannot be used in cases where an amount could be recovered by deduction from earnings or a liable person is entitled to and in receipt of benefits.

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.

BARONESS SHERLOCK

Schedule 5, page 106, line 21, at beginning insert “Subject to sub-paragraph (9A),”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 5, page 106, line 28.

BARONESS SHERLOCK

Schedule 5, page 106, line 28, at end insert –

- “(9A) The prohibition in sub-paragraph (9) ceases to apply –
 - (a) at the end of the period of 3 months beginning with the day on which the account information notice or general information notice is given to the bank, or
 - (b) if earlier, when the bank is given a notice under paragraph 5(1).”

Member's explanatory statement

This amendment would limit how long the prohibition on a bank telling an account holder that it had received an information notice in respect of the holder's account has effect.

BARONESS SHERLOCK

Schedule 5, page 110, line 16, leave out from second “notice” to end of line 28 and insert “relating to a proposed lump sum direct deduction order, or a lump sum direct deduction order under paragraph 1, is given to a bank in relation to a liable person's account, the bank must—

- (a) secure that no transaction takes place (except for any deduction under the order) which would result in the amount in the account falling below the specified amount, or, if the amount in the account is already below that amount, falling any further, or
- (b) take the action set out in sub-paragraph (2).”

Member's explanatory statement

This amendment would remove the requirement for banks to prevent the closure of an account when given a notice under paragraph 5 of new Schedule 3ZA in relation to a proposed direct deduction order, or a direct deduction order, under paragraph 1 of that Schedule.

BARONESS SHERLOCK

Schedule 5, page 113, line 20, at end insert—

- “(3) Where the requirement is suspended for a continuous period of two years the regular direct deduction order in question is to be treated as having been revoked at the end of that period.
- (4) Where a regular direct deduction order is treated as having been revoked by virtue of sub-paragraph (3), the Secretary of State must give notice to that effect to—
 - (a) the bank to which the order was given,
 - (b) the liable person, and
 - (c) in the case of a joint account, each of the other account holders.
- (5) Sub-paragraph (3) does not prevent the Secretary of State making a further regular direct deduction order in respect of the same liable person and account.”

Member's explanatory statement

This amendment means that where the requirement to make deductions and payments under a regular direct deduction order made by the Secretary of State is suspended for a continuous period of two years it may not be re-started.

BARONESS SHERLOCK

Schedule 5, page 116, leave out line 26

Member's explanatory statement

This amendment is consequential on my amendment to Schedule 5, page 116, line 39.

BARONESS SHERLOCK

Schedule 5, page 116, leave out line 28

Member's explanatory statement

This amendment removes an unnecessary provision.

BARONESS SHERLOCK

Schedule 5, page 116, line 35, at end insert “or (4)”

Member's explanatory statement

This amendment is consequential on my amendment to Schedule 5, page 113, line 20.

BARONESS SHERLOCK

Schedule 5, page 116, line 39, at end insert —

“(4) Sub-paragraph (5) applies where —

(a) a bank is given —

(i) an account information notice or a general information notice under paragraph 3,

(ii) a notice under paragraph 5,

(iii) a further information notice under paragraph 15, or

(iv) a direct deduction order, and

(b) a deputy acts on behalf of an account holder of an account to which the notice or order relates.

(5) The bank must give the Secretary of State the name and correspondence address that it holds for that deputy (unless the bank has already provided that information).”

Member's explanatory statement

This amendment would require a bank to give the Secretary of State details of any deputy acting on behalf of an account holder to which certain notices or a direct deduction order relate.

Schedule 6

BARONESS SHERLOCK

Schedule 6, page 123, line 23, at end insert “, or

(b) about procedure relating to applications to, or appeals from, a magistrates’ court in England and Wales under this Schedule.”

Member's explanatory statement

This amendment would allow the Secretary of State to make regulations containing supplementary provision about procedure relating to applications to, or appeals from, a magistrates' court in England and Wales under new Schedule 3ZB to the Social Security Administration Act 1992.

Clause 94

BARONESS SHERLOCK

Clause 94, page 60, line 37, after “processing” insert “(within the meaning of section 3(4) of the Data Protection Act 2018)”

Member's explanatory statement

This amendment provides that “processing”, in new section 80D of the Social Security Administration Act 1992, has the meaning given by section 3(4) of the Data Protection Act 2018.

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 97

BARONESS SHERLOCK

Clause 97, page 62, line 5, leave out “processing” and insert “disclosure or obtaining”

Member's explanatory statement

See the explanatory statement for my amendment to clause 97, page 62, line 9.

BARONESS SHERLOCK

Clause 97, page 62, line 7, leave out “processing” and insert “disclosure”

Member's explanatory statement

See the explanatory statement for my amendment to clause 97, page 62, line 9.

BARONESS SHERLOCK

Clause 97, page 62, leave out line 9

Member's explanatory statement

This amendment, and my amendments to clause 97, page 62, line 5, clause 97, page 62, line 7, clause 97, page 62, lines 12 to 14 and clause 97, page 62, lines 21 to 23, would remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025, and make consequential provision.

BARONESS SHERLOCK

Clause 97, page 62, leave out lines 12 to 14

Member's explanatory statement

See the explanatory statement for my amendment to clause 97, page 62, line 9.

BARONESS SHERLOCK

Clause 97, page 62, leave out lines 21 to 23

Member's explanatory statement

See the explanatory statement for my amendment to clause 97, page 62, line 9.

After Clause 99

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

★

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 a 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.

Clause 101

BARONESS SHERLOCK

Leave out Clause 101 and insert the following new Clause –

“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.

BARONESS SHERLOCK

Clause 106, page 67, line 21, at end insert “or different areas”

Member's explanatory statement

This amendment would allow commencement regulations to provide for provisions to commence on different days in relation to different areas.

Public Authorities (Fraud, Error and Recovery) Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

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