

Chapter B2: Restrictions on payment of benefit – benefit offences

Contents (Part 1)

Scope and layout of Chapter	B2001
Introduction to Part 1	B2002
Disqualifying and sanctionable benefits	B2003
Disqualifying benefits which are not sanctionable benefits	B2004
Neither disqualifying nor sanctionable benefits	B2005
Conditions for restrictions on payment	
First benefit offence.....	B2011
Meaning of administrative penalty (pre 8.5.12).....	B2012
Meaning of benefit offence.....	B2013
Meaning of date of conviction	B2015
Meaning of disqualifying period.....	B2017
Meaning of disqualifying event.....	B2018
Meaning of offender	B2019
Start date of disqualification period (“DQ-day”)	B2020
Meaning of determination day.....	B2024
Meaning of family	B2025
SPC cases	B2026
Meaning of pay day.....	B2027
Second or subsequent benefit offences	B2041
Meaning of disqualifying period.....	B2042
Start date of disqualification period (“DQ-day”)	B2043
Effect of restrictions on the payment of sanctionable benefit	
General.....	B2061
Supersession.....	B2062
Sanctionable benefits other than IS, JSA, SPC, ESA and UC	B2063
Amount payable – IS and ESA(IR).....	B2065
Amount payable – SPC	B2067

Meaning of relevant sum.....	B2069
Rounding.....	B2071
Meaning of benefit week.....	B2072
Changes in rate of benefit payable – IS, ESA(IR) and SPC.....	B2073
Amount payable – JSA.....	B2074
Amount payable – joint-claim JSA – single offender.....	B2075
Amount payable – joint-claim JSA – both offenders.....	B2076
Amount payable – UC.....	B2077
Calculating the reduction.....	B2078
Daily reduction rate.....	B2079
Changes in the rate of benefit payable – UC.....	B2083
Joint claimants.....	B2084
Rounding.....	B2085
Meaning of standard allowance.....	B2086
Court decision quashed.....	B2101
Right of appeal.....	B2102
Changes following administrative agreement.....	B2103

Chapter B2: Restrictions on payment of benefit – benefit offences

Contents (Part 2)

Introduction to Part 2.....	B2201
Disqualifying and sanctionable benefits.....	B2202
Disqualifying benefits which are not sanctionable benefits.....	B2203
Neither disqualifying nor sanctionable benefits.....	B2204
Conditions for restrictions on payment	
First benefit offence.....	B2221
Meaning of administrative penalty (post 8.5.12).....	B2222
Meaning of benefit offence.....	B2223
Meaning of date of conviction.....	B2225
Meaning of disqualifying period.....	B2227

Meaning of disqualifying event.....	B2228
Meaning of relevant period.....	B2229
Meaning of relevant offence.....	B2230
Prescribed offences which are relevant offences	B2231
Meaning of offender	B2233
Start date of disqualification period (“DQ-day”)	B2234
Meaning of determination day.....	B2241
Meaning of family	B2242
SPC cases	B2243
Meaning of pay day.....	B2244
Repeated benefit offences	B2261
Meaning of disqualifying period.....	B2263
Meaning of relevant offence.....	B2264
Meaning of relevant period.....	B2265
Meaning of disqualifying event.....	B2266
Multiple convictions	B2267
Start date of disqualification period (“DQ-day”)	B2268
Effect of restrictions on the payment of sanctionable benefit	
General.....	B2291
Supersession.....	B2292
Sanctionable benefits other than IS, JSA, SPC, ESA and UC	B2293
Amount payable – IS	B2295
Amount payable – SPC	B2296
Meaning of relevant sum.....	B2298
Rounding	B2300
Changes in rate of benefit payable – IS and SPC	B2301
Meaning of benefit week	B2302
Amount payable – ESA(IR)	B2303
Meaning of specified day	B2305
Rounding.....	B2307
Changes in the rate of benefit payable – ESA(IR).....	B2308
Meaning of benefit week	B2309

Amount payable – JSA.....	B2310
Amount payable – joint-claim JSA – single offender	B2311
Amount payable – joint-claim – both offenders.....	B2312
Amount payable – UC	B2313
Calculation of reduction.....	B2314
Daily reduction rate	B2315
Changes in rate of benefit payable – UC	B2320
Joint claimants.....	B2321
Rounding.....	B2322
Meaning of standard allowance	B2323
Court decision quashed	B2324
Right of appeal	B2325
Changes following administrative penalty agreement.....	B2326
List of disqualifying and sanctionable benefits.....	Appendix 1
List of disqualifying benefits which are not sanctionable benefits	Appendix 1
List of neither disqualifying nor sanctionable benefits	Appendix 1

Chapter B2: Restrictions on payment of benefit – benefit offences

Scope and layout of Chapter

B2001 The guidance in this Chapter deals with the restrictions on the payment of benefit in benefit offence cases. The guidance is split into **two** parts according to when the benefit offence was committed.

Introduction to Part 1

B2002 The guidance in B2003 to B2106 deals with the restrictions on the payment of benefit following

1. conviction for a first benefit offence
2. conviction for a second or subsequent benefit offence
3. acceptance of a penalty as an alternative to prosecution (administrative penalty or caution)

and relates to benefit offences committed up to and including 31.3.13. This guidance has been moved from DMG Chapter 08.

Note: For benefit offences committed on or wholly after 1.4.13, the guidance in (Part 2) B2201 et seq should be followed.

Disqualifying and sanctionable benefits

B2003 Most benefits are disqualifying which means that a benefit offence committed against a disqualifying benefit will result in a sanction being imposed on a sanctionable benefit. A list of disqualifying and sanctionable benefits is in Appendix 1 Column A¹.

1 SS Fraud Act 01, s 6A(1)

Disqualifying benefits which are not sanctionable benefits

B2004 Some benefits are disqualifying benefits but not sanctionable benefits. A list of disqualifying benefits which are not sanctionable benefits is in Appendix 1 Column B¹.

1 SS Fraud Act 01, s 6A(1)

Neither disqualifying nor sanctionable benefits

B2005 Some benefits are neither disqualifying nor sanctionable benefits. A list of benefits which are neither disqualifying nor sanctionable benefits is in Appendix 1 Column C¹.

1 SS Fraud Act 01, s 6A(1)

Conditions for restrictions on payment

First benefit offence

- B2011 Restrictions on the payment of benefit apply where the offender is entitled to a sanctionable benefit at any time within the disqualifying period **and**¹
1. is convicted of one or more benefit offences in any proceedings **or**
 2. after proper notice agrees to accept an administrative penalty in respect of a benefit offence **or**
 3. is cautioned in respect of one or more benefit offences after admitting the offence.

1 SS Fraud Act 01, s 6B(1); s 6B(4)

Meaning of administrative penalty (pre 8.5.12)

- B2012 Administrative penalty means an arrangement, instigated by the Secretary of State and with the agreement of the offender, to pay an administrative penalty equal to a percentage of the amount overpaid, as an alternative to prosecution¹.

Note: DMs should note that the definition of administrative penalty changed from 8.5.12 – see B2222 for guidance.

1 SS Fraud Act, 01, s 6B(1)(b); s 6B(2); SS A Act 92, s 115A

Meaning of benefit offence

- B2013 Subject to B2014, benefit offence means¹
1. any offence in connection with a claim for a disqualifying benefit **or**
 2. any offence in connection with the
 - 2.1 receipt **or**
 - 2.2 paymentof any disqualifying benefit **or**
 3. any offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence **or**
 4. any offence consisting of an attempt or conspiracy to commit a benefit offence.

1 SS Fraud Act 01, s 6B(13); s 7(8)

- B2014 The definition in B2013 relates to benefit offences committed on or after either
1. 1.4.10 in respect of B2011 **or**
 2. 1.4.02 in respect of B2041¹.

Meaning of date of conviction

- B2015 The date of conviction in any proceedings relating to a benefit offence is¹
1. the date on which the offender is found guilty of that benefit offence in those proceedings (whenever the person was sentenced) **or**
 2. on the case of B2016 2., the date of the order for absolute discharge.

1 SS Fraud Act 01, s 6C(5)(a); s 7(9)(a)

B2016 Conviction¹ includes

1. a conviction where the court makes an order for absolute discharge or conditional discharge **or**
2. an order for absolute discharge made by a court of summary jurisdiction in Scotland under specified legislation² without proceeding to a conviction **or**
3. a conviction in Northern Ireland.

1 SS Fraud Act 01, s 6C(5)(b); s 7(9)(b); 2 Criminal Procedure (Scotland) Act 1995, s 246(3)

Meaning of disqualifying period

B2017 For the purposes of B2011, the disqualification period means the period in which the restrictions on payment of benefit applies¹. The disqualifying period in relation to any disqualifying event means a period of 4 weeks beginning with the date, falling after the date of the disqualifying event, as may be determined in specified legislation².

1 SS (LoB) Regs reg 1(2); 2 SS Fraud Act 01, s 6B(11); SS (LoB) Regs, reg 1A

Meaning of disqualifying event

- B2018 Disqualifying event means¹
1. a conviction falling within B2011 1. **or**
 2. the agreement falling within B2011 2. **or**
 3. the caution falling within B2011 3..

1 SS Fraud Act 01, s 6B(13)

Meaning of offender

B2019 Offender¹ means the person who is subject to the restriction in the payment of his benefit in accordance with specified legislation².

1 SS (LoB) Regs, reg 1(2); 2 SS Fraud Act 01, s 6B & s 7

Start date of disqualification period (“DQ-day”)

B2020 For the purposes of B2017 and where on the determination day the offender¹

1. is in receipt of a sanctionable benefit **or**
2. is a member of a joint-claim couple which is in receipt of joint-claim JSA **or**
3. has a family member who is in receipt of IS, JSA, SPC, ESA or UC on the date on which the disqualification period starts

DQ-day is as described in B2021.

Note: For guidance on the start date of the disqualification period in UC cases refer to B2238 and B2239.

1 SS (LoB) Regs, reg 1A(2)

B2021 DQ-day is¹

1. for a sanctionable benefit paid in arrears, the day following the first pay day after the end of the period of 28 days beginning with the determination day **and**
2. for a sanctionable benefit paid in advance, the first pay day after the end of the period of 28 days beginning with the determination day.

1 SS (LoB) Regs, reg 1A(3)

B2022 Where B2020 does not apply, DQ-day is the first day after the end of the period of 28 days beginning with the determination day¹.

1 SS (LoB) Regs, reg 1A(6)

B2023 Where on the determination day B2020 applies in the case of an offender or, as the case may be, a member of their family, but that person ceases to be in receipt of a benefit as in B2020 before the first day of the disqualification period as in B2021 **1.** or **2.**, DQ-day is the first day after the end of the period of 28 days beginning with the determination day¹.

1 SS (LoB) Regs, reg 1A(7)

Meaning of determination day

B2024 The determination day¹ is the day on which the Secretary of State determines that a restriction on payment of benefit under specified legislation² is applicable. However, in a case where the disqualifying event is an agreement to pay an administrative penalty, the determination day is the 28th day after that day³.

1 SS (LoB) Regs, reg 1(2); 2 SS Fraud Act 2001, s 6B; s 7; s 8; s 9; 3 SS (LoB) regs, reg 1(2A)

Meaning of family

B2025 Subject to B2026, family means¹

1. a couple **or**
2. a couple and any child or person of a prescribed description who is
 - 2.1 a member of the same household **and**
 - 2.2 the responsibility of either or both members of a couple **or**

3. a person who is not a member of a couple and any child or person of a prescribed description who is
 - 3.1 a member of the same household **and**
 - 3.2 the responsibility of that person.

1 SS Fraud Act 01, s 13; SS CB Act 92, Part 7

SPC cases

B2026 In respect of SPC cases, but only for the purposes of restrictions on payment of benefit, a person of a prescribed description for the purposes of the definition of family as in B2025¹, is a person

1. who is an additional spouse in the case of a polygamous marriage² **or**
2. aged 16 or over who is in F/T education and is treated as a child for CHB purposes³.

*1 SS (LoB) Regs, reg 3A(7); 2 reg 3A(7)(a); SPC Act 02, s 12(1);
3 SS (LoB) Regs, reg 3A(7)(b); SS CB Act 92, s 142*

Meaning of pay day

B2027 Pay day, in relation to a sanctionable benefit, means the day on which benefit is due to be paid¹.

1 SS (LoB) Regs, reg 1(2)

B2028 – B2040

Second or subsequent benefit offences

B2041 Restrictions on the payment of benefit apply if¹

1. the offender or a member of their family is convicted of one or more benefit offences in each of two separate sets of proceedings **and**
2. the later offence is committed within the period of five years, after the date of conviction of the earlier offence **and**
3. the later set of proceedings has not previously been taken into account in applying a restriction on payment for a second or subsequent conviction in relation either to the offender or to a member of the offender's family **and**
4. the earlier set of proceedings has not previously been taken into account as an earlier set of proceedings in applying a restriction on payment for a second or subsequent conviction in relation either to the offender or to a member of the offender's family **and**
5. the offender satisfies the conditions of entitlement for a sanctionable benefit at any time within the disqualification period.

1 SS Fraud Act 01, s 7(1)

Meaning of disqualifying period

B2042 For the purposes of B2041, the disqualification period in relation to the conviction of a person for one or more benefit offences in each of two separate sets of proceedings means a period of 13 weeks beginning with the date, falling after the date of the disqualifying event, as may be determined in specified legislation¹.

1 SS Fraud Act 01, s 7(6); SS (LoB) Regs, reg 2

Start date of disqualification period (“DQ-day”)

B2043 For the purposes of B2042 and where on the determination day (see B2024) the offender¹

1. is in receipt of a sanctionable benefit **or**
2. is a member of a joint-claim couple which is in receipt of joint-claim JSA **or**
3. has a family member who is in receipt of IS, JSA, SPC, ESA or UC on the date on which the disqualification period starts

DQ-day is as described in B2044.

Note: For guidance on the start date of the disqualification period in UC cases refer to B2272 and B2273.

1 SS (LoB) Regs, reg 2(2)

B2044 DQ-day is¹

1. for a sanctionable benefit paid in arrears, the day following the first pay day after the end of the period of 28 days beginning with the determination day **and**
2. for a sanctionable benefit paid in advance, the first pay day after the end of the period of 28 days beginning with the determination day.

1 SS (LoB) Regs, reg 2(3)

B2045 Where B2043 does not apply, DQ-day is the first day after the end of the period of 28 days beginning with the determination day on which the Secretary of State decides to award

1. a sanctionable benefit to the offender **or**
2. a joint-claim JSA to a joint-claim couple of which the offender is a member **or**
3. IS, JSA, SPC, ESA or UC to the offender’s family member¹.

Note: For guidance on the start date of the disqualification period in UC cases refer to B2272 and B2273.

1 SS (LoB) Regs, reg 2(6)

B2046 In B2043 to B2045, DQ-day must be no later than 5 years and 28 days after the date of conviction of the offender for the benefit offence in the later proceedings¹.

B2047 – B2060

Effect of restrictions on the payment of sanctionable benefit

General

- B2061 An offender has a restriction imposed on the payment of any sanctionable benefit payable to them within the disqualification period. However, no restriction is applied to any deduction from the benefit made for or in place of CSM¹.

1 SS (LoB) Regs, reg 20

Supersession

- B2062 The restriction on payment of a sanctionable benefit is brought about by means of supersession¹. The effective date of the supersession is the first day of the disqualification period².

1 SS CS (D&A) Regs, reg 6(2)(j); 2 reg 7(28)

Sanctionable benefits other than IS, JSA, SPC, ESA and UC

- B2063 Sanctionable benefits are not payable to the offender for any period during the disqualification period¹. However, there are special rules for IS, JSA, SPC, ESA and UC².

1 SS Fraud Act 01, s 6B(5); s 7(2); 2 s 6B(5A); s 6B(6); s 6B(7); s 6B(8); s 6B(9); s 7(2A); s 7(3); s 7(4); s 7(4A); s 7(4B); s 9(2A)

- B2064 Subject to the special rules for IS, JSA, SPC, ESA and UC where more than one sanctionable benefit is involved none is payable for any period during the disqualification period.

Amount payable – IS and ESA(IR)

- B2065 The amount of IS or ESA(IR) payable to an offender or an offender's family member will be reduced by 40% of a single claimant's personal allowance rate during the disqualification period¹ except that the reduction will be 20% if

1. the offender or a member of the offender's family is pregnant or seriously ill²
or
2. in the case of IS, the offender's applicable amount has been reduced pending the outcome of an appeal against a decision incorporating an IfW determination that they are not incapable of work (whether or not the appeal is successful)³.

1 SS (LoB) Regs, reg 3(1)(c); SS (LoB)(Amdt)Regs 13, reg 7(6); 2 reg 3(1)(a); 3 reg 3(1)(b)

B2066 Payment of IS or ESA(IR) shall not be reduced as in B2065 to below 10 pence per week¹.

1 SS (LoB) Regs, reg 3(2)

Amount payable – SPC

B2067 SPC is payable at the rate described in B2068

1. in the case of an offender, for any week comprised in the disqualification period **or**
2. in the case of an offender's family member, for any week comprised in the relevant period¹.

1 SS (LoB) Regs, reg 3A(1)

B2068 The rate of reduction of SPC for the purposes of B2067 is

1. where the offender or the offender's family member is pregnant or seriously ill, 20% of the relevant sum **or**
2. 40% in all other cases¹.

1 SS (LoB) Regs, reg 3A(1)(a) & (b)

Meaning of relevant sum

B2069 For the purposes of B2068, the relevant sum is the applicable amount¹

1. except where **2.** applies, in respect of a single person aged not less than 25 under specified legislation² **or**
2. if the claimant's family member is the offender and the offender has not reached the age of 25, the amount applicable under specified legislation³

on the first day of the disqualification period or, as the case may be, on the first day of the relevant period.

1 SS (LoB) Regs, reg 3A(2); 2 IS Regs, Sch 2, para 1(1); 3 IS Regs, Sch 2, Part 1, para 1(1)

B2070 Payment of SPC shall not be reduced as in B2068 to below 10 pence per week¹.

1 SS (LoB) Regs, reg 3A(3)

Rounding

B2071 A reduction under B2065 or B2068 shall, if it is¹

1. not a multiple of five pence, be rounded to the nearest such multiple **or**
2. a multiple of two and half pence but not of five pence

be rounded to the next lower multiple of five pence.

1 SS (LoB) Regs, reg 3(3); reg 3A(4)

Meaning of benefit week

B2072 When considering reductions of IS, ESA(IR) and SPC, benefit week¹ has the same meaning as in the relevant benefit regulations².

1 SS (LoB) Regs, reg 3(6); reg 3A(6); 2 IS Regs, reg 2(1); ESA Regs, reg 2(1); SPC Regs, reg 1(2)

Changes in rate of benefit payable – IS, ESA(IR) and SPC

B2073 The rate of benefit payable to an offender, or an offender's family member, may change. In such a case

1. the rules for reduction in the benefit payable should be applied to the new rate **and**
2. any adjustment to the reduction will take effect from the first day of the first benefit week to start after the date of change¹.

1 SS (LoB) Regs, reg 3(5); reg 3A(5)

Amount payable – JSA

B2074 JSA is not payable to offenders during the disqualification period¹. However they may have access to hardship payments.

Note: DMG Chapter 35 and ADM Chapter L1 contain guidance on hardship.

1 SS Fraud Act 01, s 6B(5); s 6B(7); s 7(2); s 7(4); SS (LoB) Regs, reg 5

Amount payable – joint-claim JSA – single offender

B2075 Payment restrictions apply to any offender who is a member of a joint-claim couple during the disqualification period¹. In these cases, unless the couple qualify for hardship recoverable payments, the other member of the couple who is not the offender may receive either

1. JSA(Cont), if they satisfy the conditions for it **or**
2. JSA(IB) at a rate equivalent to a single person's applicable amount as long as they are not subject to any labour market sanctions².

1 SS (LoB) Regs, reg 4; 2 SS Fraud Act 01, s 8(2)

Amount payable – joint-claim JSA – both offenders

B2076 No joint-claim JSA will be payable¹ where both members of the couple would be subject to a sanction for a benefit offence, or one member would be subject to a sanction for a benefit offence and the other is subject to a labour market sanction. But they will have access to hardship payments.

1 SS Fraud Act 01, s 8(2); s 8(4); SS (LoB) Regs, reg 11

Amount payable – UC

B2077 Where B2011 applies and UC is in payment to an offender or a member of their family ("O") in respect of an assessment period wholly or partly within a

disqualification period, those payments are to be reduced in accordance with B2077 or B2081¹.

1 SS (LoB) Regs, reg 3ZB(1)

Calculating the reduction

B2078 Except where B2081 applies and subject to B2082 and B2085, the amount of the reduction is to be calculated by multiplying the daily reduction rate by the number of days in the assessment period or, if lower, the number of days in the assessment period to which the reduction is to relate¹.

1 SS (LoB) Regs, reg 3ZB(2)

Daily reduction rate

B2079 The daily reduction rate for the purposes of B2078 is, unless B2080 applies, an amount equal to the amount of the standard allowance applicable to the award multiplied by 12 and divided by 365¹.

1 SS (LoB) Regs, reg 3ZB(3)

B2080 The daily reduction rate for the purposes of B2078 is 40% of the rate calculated in accordance with B2079 if, at the end of the assessment period¹

1. O, or where O is a joint claimant, the other joint claimant (“J”), falls within specified legislation² because they are
 - 1.1 not subject to work-related requirements³ **or**
 - 1.2 an adopter, within 11 weeks before or 15 weeks after, confinement or a responsible foster parent of a child under the age of 1⁴ **or**
 - 1.3 subject to work-focused interview only⁵.

*1 SS (LoB) Regs, reg 3ZB(4); 2 WR Act 12, s 19; 3 s 19(2)(c); 4 UC Regs, reg 89(1)(c), (d) & (f);
5 WR Act 12, s 20*

B2081 Where the disqualification period ends during an assessment period, the amount of the reduction for that assessment period is to be calculated by multiplying the daily reduction rate as in B2079 or, as the case may be, B2080 by the number of days in that assessment period which are within the disqualification period¹.

1 SS (LoB) Regs, reg 3ZB(5)

B2082 The amount of the reduction in B2078 in respect of any assessment period must not exceed the amount of the standard allowance which is applicable to O in respect of that period¹.

1 SS (LoB) Regs, reg 3ZB(7)

Changes in the rate of benefit payable – UC

B2083 Where the rate of UC payable to O or, as the case may be O and J, changes, the rules set out in B2077 to B2082 for a reduction in the UC payable are to be applied to the new rate and any adjustment to the reduction is to take effect from the first day of the assessment period to start after the date of change¹.

1 SS (LoB) Regs, reg 3ZB(8)

Joint claimants

B2084 In the case of joint claimants

1. each joint claimant is considered individually for the purpose of determining the rate applicable under B2079 or B2080 **and**
2. half of any applicable rate is applied to each joint claimant accordingly¹.

1 SS (LoB) Regs, reg 3ZB(9)

Rounding

B2085 The amount of the UC daily reduction rate in B2079 and B2080 is to be rounded down to the nearest 10 pence¹.

1 SS (LoB) Regs, reg 3ZB(6)

Meaning of standard allowance

B2086 Standard allowance¹ means the amount of UC which is set out in specified legislation².

1 SS (LoB) Regs, reg 3ZB(10); 2 UC Regs, reg 36

B2087 – B2100

Court decision quashed

B2101 Where a court quashes a conviction which had resulted in a decision that a restriction on the payment of benefit was to be imposed

1. that decision may be revised at any time **and**
2. payments and other adjustments made as if no restriction had been imposed¹.

1 SS Fraud Act 01, s 6C(1); s 7(7); s 8(6); s 9(6); SS CS (D&A) Regs, reg 3(8B)

Right of appeal

B2102 There is no right of appeal against a decision that a sanctionable benefit is not payable or is to be reduced following convictions for benefit offences where the only ground of appeal is that

1. any of the convictions were wrong **or**
2. the offender did not commit the benefit offence in respect of which
 - 2.1 there has been agreement to pay an administrative penalty **or**
 - 2.2 a caution has been accepted¹.

1 SS CS (D&A) Regs, Sch 2, para 27

Changes following administrative penalty agreement

B2103 This applies to the offender who may be

1. the claimant **or**
2. in the case of a joint-claim JSA, any member of a couple **or**
3. a family member.

B2104 Where

1. the offender withdraws their agreement to pay the administrative penalty **or**
2. it is decided that the overpayment to which the agreement relates is not recoverable or due

any decision that a restriction on the payment of benefit was to be imposed may be revised at any time and payments and other adjustments made as if no restriction had been imposed¹.

1 SS Fraud Act 01, s 6C(2); s 8(7); s 9(7); SS CS (D&A) Regs, reg 3(8B)

B2105 If, after the offender has agreed to pay an administrative penalty, the amount of the overpayment to which it relates

1. is revised on appeal **or**
2. is revised in accordance with a decision¹

the restrictions imposed following the agreement cease but new restrictions must be considered².

1 SSA 98; 2 SS Fraud Act 01, s 6C(3); s 8(8); s 9(8)

B2106 If the restrictions cease as in B2105 and there is a new disqualifying event consisting of any person listed in B2103

1. agreeing to pay an administrative penalty in relation to the revised overpayment **or**
2. being cautioned in relation to the offence to which the old agreement relates

the disqualification period relating to the new disqualifying event is reduced by the number of days in the old disqualification period which had expired before the restrictions imposed following the old agreement ceased. In any other case any

decision that a restriction on the payment of benefit was to be imposed may be revised at any time and payments and other adjustments made as if no restriction had been imposed¹.

1 SS Fraud Act 01, s 6C(4); s 8(8); s 9(8)d

B2107 – B2200

Chapter B2: Restrictions on payment of benefit – benefit offences

Introduction to Part 2

B2201 The guidance in paragraphs B2202 to B2327 applies to restrictions on the payment of benefit following

1. conviction for a first benefit offence **or**
2. conviction for a repeated (formerly known as a second or subsequent) benefit offence **or**
3. acceptance of a penalty as an alternative to prosecution (administrative penalty or caution) **or**
4. conviction for a relevant offence

and relates to benefit offences committed on or wholly after 1.4.13.

Note: For benefit offences committed up to and including 31.3.13, the guidance in (Part 1) B2003 to B2106 should be followed.

Disqualifying and sanctionable benefits

B2202 See B2003 and Appendix 1 Column A.

Disqualifying benefits which are not sanctionable benefits

B2203 See B2004 and Appendix 1 Column B.

Neither disqualifying nor sanctionable benefits

B2204 See B2005 and Appendix 1 Column C.

B2205 – B2220

Conditions for restrictions on payment

First benefit offence

- B2221 Restrictions on the payment of benefit apply where the offender is entitled to a sanctionable benefit at any time within the disqualifying period **and**¹
1. is convicted of one or more benefit offences in any proceedings **or**
 2. after proper notice agrees to accept an administrative penalty in respect of a benefit offence **or**
 3. is cautioned in respect of one or more benefit offences after admitting the offence **or**
 4. conviction for a relevant offence.

1 SS Fraud Act 01, s 6B(1); s 6B(4); s 6B(14)

Meaning of administrative penalty (post 8.5.12)

- B2222 Administrative penalty means an arrangement, instigated by the Secretary of State and with the agreement of the offender, to pay an administrative penalty as an alternative to prosecution¹.

1 SS Fraud Act, 01, s 6B(2); SS A Act 92, s 115A

Meaning of benefit offence

- B2223 Subject to B2223, benefit offence means¹
1. any offence in connection with a claim for a disqualifying benefit **or**
 2. any offence in connection with the
 - 2.1 receipt **or**
 - 2.2 paymentof any disqualifying benefit **or**
 3. any offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence **or**
 4. any offence consisting of an attempt or conspiracy to commit a benefit offence.

1 SS Fraud Act 01, s 6B(13); s 7(8)

- B2224 The definition in B2223 relates to benefit offences committed on or after 1.4.13¹.

1 SS Fraud Act 01, s 6B(13); s 7(8)

Meaning of date of conviction

- B2225 The date of conviction in any proceedings relating to a benefit offence is¹
1. the date on which the offender is found guilty of that benefit offence in those proceedings (whenever the person was sentenced) **or**
 2. on the case of B2226 2., the date of the order for absolute discharge.

1 SS Fraud Act 01, s 6C(5)(a); s 7(9)(a)

B2226 Conviction¹ includes

1. a conviction where the court makes an order for absolute discharge or conditional discharge **or**
2. an order for absolute discharge made by a court of summary jurisdiction in Scotland under specified legislation² without proceeding to a conviction **or**
3. a conviction in Northern Ireland.

1 SS Fraud Act 01, s 6C(5)(b); s 7(9)(b); 2 Criminal Procedure (Scotland) Act 1995, s 246(3)

Meaning of disqualifying period

B2227 For the purposes of B2221, the disqualification period means the period in which the restrictions on payment of benefit applies¹. The disqualifying period in relation to any disqualifying event means the relevant period beginning with the date, falling after the date of the disqualifying event, as may be determined in specified legislation².

1 SS (LoB) Regs reg 1(2); 2 SS Fraud Act 01, s 6B(11); SS (LoB) Regs, reg 1A

Meaning of disqualifying event

B2228 Disqualifying event means

1. a conviction falling within B2221 **1. or**
2. the agreement falling within B2221 **2. or**
3. the caution falling within B2221 **3..**

1 SS Fraud Act 01, s 6B(13)

Meaning of relevant period

B2229 For the purposes of B2227, the relevant period is¹

1. a period of 3 years where a case falls within B2221 **1.** and the benefit offence, or one of them, is a relevant offence **or**
2. a period of 13 weeks where the case falls within B2221 **1.** but not within **1.** above **or**
3. a period of 4 weeks where the case falls within B2221 **2. or 3..**

1 SS Fraud Act 01, s 6B(11A)

Meaning of relevant offence

B2230 For the purposes of B2229, relevant offence means¹

1. in England and Wales, the common law offence of conspiracy to defraud **or**
2. a prescribed offence which, in the offender's case, is committed in such circumstances as may be prescribed and which, on conviction

- 2.1** is found by the court to relate to an overpayment as defined in legislation² of at least £50,000 **or**
- 2.2** is punished by a custodial sentence of at least one year, including a suspended sentence as defined in legislation³ **or**
- 2.3** is found by the court to have been committed over a period of at least 2 years.

1 SS Fraud Act 01, s 6B(14); 2 SS A Act 92, s 115A(8); 3 Criminal Justice Act 2003, s 189(7)(b)

Prescribed offences which are relevant offences

B2231 For the purposes of B2230 **2.1**, **2.2** and **2.3** prescribed offences are¹

- 1. in England and Wales, offences under specified legislation²
- 2. in England, Wales or Scotland, offences under specified legislation³
- 3. in Scotland only, the common law offences of
 - 3.1** conspiracy to defraud
 - 3.2** embezzlement
 - 3.3** fraud
 - 3.4** fraudulent scheme
 - 3.5** uttering
- 4. in Scotland only, offences under specified legislation⁴
- 5. in Scotland only, offences to which specified legislation applies⁵.

1 SS (LoB) Regs, reg 2A(1), (2), (3) & (4); 2 Accessories & Abettors Act 1861, s 8; Criminal Law Act 1977, s 1; Forgery & Counterfeiting Act 1981, s 1, s 3, s 4 & s 5; Fraud Act 2006, s 6 & s 7; Serious Crime Act 2007, s 44, s 45 & s 46; 3 SS A Act 92, s 182; Proceeds of Crime Act 2002, s 327, s 328 & s 329; Identity Documents Act 2010, s 4, s 5 & s 6; 4 Criminal Law (Consolidation) Scotland Act 1995, s 44; Criminal Justice and Licensing (Scotland) Act 2010, s 28 & s 30; 5 Criminal Justice and Licensing (Scotland) Act 2010, s 29

B2232 Prescribed offences which are relevant offences for the purposes of B2230 **2.1** or **2.2** only are¹

- 1. in England and Wales², offences under specified legislation³
- 2. in England, Wales and Scotland⁴, offences under specified legislation⁵.

1 SS (LoB) Regs, reg 2A(5); 2 reg 2A(6); 3 Fraud Act 2006, s 1; 4 SS (LoB) Regs, reg 2A(7); 5 SS A Act 92, s 111A; Tax Credits Act 2002, s 35

Meaning of offender

B2233 Offender¹ means the person who is subject to the restriction in the payment of his benefit in accordance with specified legislation².

1 SS (LoB) Regs, reg 1(2); 2 SS Fraud Act 01, s 6B & s 7

Start date of disqualification period (“DQ-day”)

B2234 For the purposes of B2227 and where on the determination day the offender¹

1. is in receipt of a sanctionable benefit other than a benefit to which B2237 applies or UC **or**
2. is a member of a joint-claim couple which is in receipt of joint-claim JSA **or**
3. has a family member who is in receipt of IS, JSA, SPC, ESA or UC on the date on which the disqualification period starts

DQ-day is as described in B2235.

1 SS (LoB) Regs, reg IA(1) & (2)

B2235 DQ-day is¹

1. for a sanctionable benefit paid in arrears, the day following the first pay day after the end of the period of 28 days beginning with the determination day **and**
2. for a sanctionable benefit paid in advance, the first pay day after the end of the period of 28 days beginning with the determination day.

1 SS (LoB) Regs, reg IA(3)

B2236 In cases where

1. B2237 applies **or**
2. where there is no sanctionable benefit payable on the determination day

DQ-day is the first day after the end of the 28 days beginning with the determination day¹.

1 SS (LoB) Regs, reg IA(6)

B2237 The cases referred to in B2236 are where on the determination day the offender or, as the case may be, the offender's family member is in receipt of a sanctionable benefit which is neither payable wholly in advance nor wholly in arrears and no other sanctionable benefit¹.

1 SS (LoB) Regs, reg IA(5A)

B2238 B2239 applies where, where on the determination day, the offender or, as the case may be, the offender's family member is in receipt of UC¹.

1 SS (LoB) Regs, reg IA(6A)

B2239 In this case, DQ-day is¹

1. if the first day after the end of the period of 28 days beginning with the determination day is the first day of an assessment period, that day **or**
2. if the first day after the end of the period of 28 days beginning with the determination day is not the first day of an assessment period, the first day of the next assessment period after that day.

1 SS (LoB) Regs, reg IA(6B)

B2240 Where on the determination day

1. B2234 or B2238 applies in the case of an offender or, as the case may be, the offender's family member **but**

2. that person ceases to be in receipt of a benefit referred to B2234 or B2238 before the first day of the disqualification period that would apply as in B2235 or B2239,

DQ-day is the first day after the end of the period of 28 days beginning with the determination day¹.

1 SS (LoB) Regs, reg 1A(7)

Meaning of determination day

B2241 The determination day¹ is the day on which the Secretary of State determines that a restriction on payment of benefit under specified legislation² is applicable.

1 SS (LoB) Regs, reg 1(2); 2 SS Fraud Act 2001, s 6B; s 7; s 8; s 9

Meaning of family

B2242 Subject to B2243, family means¹

1. a couple **or**
2. a couple and any child or person of a prescribed description who is
 - 2.1 a member of the same household **and**
 - 2.2 the responsibility of either or both members of a couple **or**
3. a person who is not a member of a couple and any child or person of a prescribed description who is
 - 3.1 a member of the same household **and**
 - 3.2 the responsibility of that person.

1 SS Fraud Act 01, s 13; SS CB Act 92, Part 7

SPC cases

B2243 In respect of SPC cases, but only for the purposes of restrictions on payment of benefit, a person of a prescribed description for the purposes of the definition of family as in B2242¹, is a person

1. who is an additional spouse in the case of a polygamous marriage² **or**
2. who is a qualifying young person for the purposes of specified legislation³.

1 SS (LoB) Regs, reg 3A(7); 2 reg 3A(7)(a); SPC Act 02, s 12(1); 3 SS (LoB) Regs, reg 3A(7)(b); SS CB Act 92, s 142(2)

Meaning of pay day

B2244 Pay day, in relation to a sanctionable benefit, means the day on which benefit is due to be paid¹.

B2245 – B2260

Repeated benefit offences

- B2261 Subject to B2262, restrictions on the payment of benefit apply if¹
1. the offender or a member of their family is convicted of one or more benefit offences in a set of proceedings (the current set of proceedings) **and**
 2. within the period of 5 years ending on the date on which the benefit offence was, or any of them were, committed, one or more disqualifying events occurred in relation to the offender (the event, or the most recent of them, being referred to as the earlier disqualifying event) **and**
 3. the current set of proceedings has not previously been taken into account in applying a restriction on payment for a repeated conviction in relation either to the offender or to a member of the offender's family **and**
 4. the earlier disqualifying event has not previously been taken into account as an earlier disqualifying event in applying a restriction on payment for a repeated conviction in relation either to the offender or to a member of the offender's family **and**
 5. the offender satisfies the conditions of entitlement for a sanctionable benefit or becomes satisfied at any time within the disqualification period.

1 SS Fraud Act 01, s 7(1)

- B2262 Restrictions on payment as in B2231 and B2232 do not apply if the benefit offence referred to in B2261 1., or any of them, is a relevant offence¹.

1 SS Fraud Act 01, s 7(1A)

Meaning of disqualifying period

- B2263 In an offender's case, the disqualification period¹ means the relevant period beginning with a prescribed date falling after the date of the conviction in the current set of proceedings².

1 SS (LoB) Regs, reg 2; 2 SS Fraud Act 01, s 7(6)

Meaning of relevant offence

- B2264 For the purposes of B2262, relevant offence means¹
1. in England and Wales, the common law offence of conspiracy to defraud **or**
 2. a prescribed offence which, in the offender's case, is committed in such circumstances as may be prescribed and which, on conviction
 - 2.1 is found by the court to relate to an overpayment as defined in legislation² of at least £50,000 **or**

2.2 is punished by a custodial sentence of at least one year, including a suspended sentence as defined in legislation³ **or**

2.3 is found by the court to have been committed over a period of at least 2 years.

1 SS Fraud Act 01, s 6B(14); 2 SS A Act 92, s 115A(8); 3 Criminal Justice Act 2003, s 189(7)(b)

Meaning of relevant period

B2265 For the purposes of B2263 the relevant period is¹

1. in a case where, within the period of 5 years ending on the date on which the earlier disqualifying event occurred, a previous disqualifying event occurred in relation to the offender, the period of 3 years **or**
2. in any other case, 26 weeks.

1 SS Fraud Act 01, s 7(6A)

Meaning of disqualifying event

B2266 Disqualifying event has the same meaning as in B2228¹.

1 SS Fraud Act 01, s 7(8)

Multiple convictions

B2267 Where a person is convicted of more than one benefit offence in the same set of proceedings, there is to be only one disqualifying event in respect of that set of proceedings for the purposes of a repeated benefit offence **and**¹

1. B2261 **2.** is satisfied if any of the convictions take place in the 5 year periods mentioned there **or**
2. the event is taken into account for the purposes of B2261 **4.** if any of the convictions have been taken into account as mentioned there **or**
3. in the case of the earlier disqualifying event mentioned in B2265 **1.**, there reference there to the date on which the earlier disqualifying event occurred is a reference to the date on which any of the convictions take place **or**
4. in the case of the previous disqualifying event mentioned in B2265 **1.**, that provision is satisfied if any of the convictions take place in the 5 year period mentioned there.

1 SS Fraud Act 01, s 7(8A)

Start date of disqualification period (“DQ-day”)

B2268 For the purposes of B2263 and where on the determination day the offender¹

1. is in receipt of a sanctionable benefit other than a benefit to which B2271 applies or UC **or**
2. is a member of a joint-claim couple which is in receipt of joint-claim JSA **or**

3. has a family member who is in receipt of IS, JSA, SPC, ESA or UC on the date on which the disqualification period starts

DQ-day is as described in B2269.

1 SS (LoB) Regs, reg 2(1) & (2)

B2269 DQ-day is¹

1. for a sanctionable benefit paid in arrears, the day following the first pay day after the end of the period of 28 days beginning with the determination day **and**
2. for a sanctionable benefit paid in advance, the first pay day after the end of the period of 28 days beginning with the determination day.

1 SS (LoB) Regs, reg 2(3)

B2270 In cases where

1. B2271 applies **or**
2. where there is no sanctionable benefit payable on the determination day

DQ-day is the first day after the end of the 28 days beginning with the determination day¹.

1 SS (LoB) Regs, reg 2(6)

B2271 The cases referred to in B2270 are where on the determination day the offender or, as the case may be, the offender's family member is in receipt of a sanctionable benefit which is neither payable wholly in advance nor wholly in arrears and no other sanctionable benefit¹.

1 SS (LoB) Regs, reg 2(5A)

B2272 B2273 applies where, where on the determination day, the offender or, as the case may be, the offender's family member is in receipt of UC¹.

1 SS (LoB) Regs, reg 2(6A)

B2273 In this case, DQ-day is¹

1. if the first day after the end of the period of 28 days beginning with the determination day is the first day of an assessment period, that day **or**
2. if the first day after the end of the period of 28 days beginning with the determination day is not the first day of an assessment period, the first day of the next assessment period after that day.

1 SS (LoB) Regs, reg 2(6B)

B2274 In B2268 to B2273, except where B2275 applies, DQ-day must be no later than 5 years and 28 days after the date of conviction of the offender for the benefit offence in the later proceedings¹.

1 SS (LoB) Regs, reg 2(7)

B2275 Where the date of the conviction of the offender for the benefit offence in the later proceedings is on or after 1.4.13 and on the determination day

1. B2268 or B2272 applies in the case of an offender, or as the case may be, an offender's family member, **but**
2. that person ceases to be in receipt of a benefit referred to in B2268 or B2272 before the first day of the disqualification period that would apply as in B2269 or B2273

DQ-day is the day after the end of the period of 28 days beginning with the determination day¹.

1 SS (LoB) Regs, reg 2(8)

B2276 – B2290

Effect of restrictions on the payment of sanctionable benefit

General

- B2291 An offender has a restriction imposed on the payment of any sanctionable benefit payable to them within the disqualification period. However, no restriction is applied to any deduction from the benefit made for or in place of CSM¹.

1 SS (LoB) Regs, reg 20

Supersession

- B2292 The restriction on payment of a sanctionable benefit is brought about by means of supersession¹. The effective date of the supersession is the first day of the disqualification period².

1 UC, PIP JSA & ESA (D&A) Regs, reg 28; 2 reg 35(12)

Sanctionable benefits other than IS, JSA, SPC, ESA and UC

- B2293 Sanctionable benefits are not payable to the offender for any period during the disqualification period¹. However, there are special rules for IS, JSA, SPC, ESA and UC.

1 SS Fraud Act 01, s 6B(5); s 7(2); 2 s 6B(5A); s 6B(6); s 6B(7); s 6B(8); s 6B(9); s 7(2A); s 7(3); s 7(4); s 7(4A); s 7(4B); s 9(2A)

- B2294 Subject to the special rules for IS, JSA, SPC, ESA and UC where more than one sanctionable benefit is involved none is payable for any period during the disqualification period.

Amount payable – IS

- B2295 The amount of IS payable to an offender or an offender's family member will be reduced by 40% of a single claimant's personal allowance rate during the disqualification period¹ except that the reduction will be 20% if

1. the offender or a member of the offender's family is pregnant or seriously ill²
or
2. in the case of IS, the offender's applicable amount has been reduced pending the outcome of an appeal against a decision incorporating an IfW determination that they are not incapable of work (whether or not the appeal is successful)³.

1 SS (LoB) Regs, reg 3(1)(c); 2 reg 3(1)(a); 3 reg 3(1)(b)

Amount payable – SPC

B2296 SPC is payable at the rate described in B2297

1. in the case of an offender, for any week comprised in the disqualification period **or**
2. in the case of an offender's family member, for any week comprised in the relevant period¹.

1 SS (LoB) Regs, reg 3A(1)

B2297 The rate of reduction of SPC for the purposes of B2296 is

1. where the offender or the offender's family member is pregnant or seriously ill, 20% of the relevant sum **or**
2. 40% in all other cases¹.

1 SS (LoB) Regs, reg 3A(1)(a) & (b)

Meaning of relevant sum

B2298 For the purposes of B2297, the relevant sum is the applicable amount¹

1. except where **2.** applies, in respect of a single person aged not less than 25 under specified legislation² **or**
2. if the claimant's family member is the offender and the offender has not reached the age of 25, the amount applicable under specified legislation³

on the first day of the disqualification period or, as the case may be, on the first day of the relevant period.

1 SS (LoB) Regs, reg 3A(2); 2 IS Regs, Sch 2 para 1(1); 3 IS Regs, Sch 2 Part 1 para 1(1)

B2299 Payment of SPC shall not be reduced as in B2297 to below 10 pence per week¹.

1 SS (LoB) Regs, reg 3A(3)

Rounding

B2300 A reduction under B2295 or B2297 shall, if it is¹

1. not a multiple of five pence, be rounded to the nearest such multiple **or**

2. a multiple of two and half pence but not of five pence

be rounded to the next lower multiple of five pence.

1 SS (LoB) Regs, reg 3(3); reg 3A(4)

Changes in rate of benefit payable – IS and SPC

B2301 The rate of benefit payable to an offender, or an offender's family member, may change. In such a case

1. the rules for reduction in the benefit payable should be applied to the new rate **and**
2. any adjustment to the reduction will take effect from the first day of the first benefit week to start after the date of change¹.

1 SS (LoB) Regs, reg 3(5); reg 3A(5)

Meaning of benefit week

B2302 When considering reductions in IS and SPC benefit week has the same meaning as in the relevant benefit regulations¹.

1 SS (LoB) Regs, reg 3(6); reg 3A(6)

Amount payable – ESA(IR)

B2303 Subject to B2306 and B2307, ESA(IR) is payable at the reduced rate described in B2304

1. in the case of an offender, in respect of any week in the disqualification period **or**
2. in the case of an offender's family member, in respect of any week in the relevant period¹.

1 SS (LoB) Regs, reg 3ZA(1)

B2304 The rate of reduction of ESA(IR) for the purposes of B2303 is¹

1. where the offender or the offender's family member is pregnant or seriously ill, a sum equivalent to 20% **or**
2. where the offender or, as the case may be, the offender's family member is subject to no work-related requirements for the purposes of specified legislation², a sum equivalent to 40% **or**
3. a sum equivalent to 100% in all other cases

of the applicable amount for a single claimant specified in legislation on the day specified in B2305³.

1 SS (LoB) Regs, reg 3Z(2); 2 WR Act 07, s 11D; 3 ESA Regs, reg Sch 4 para 1(1)

Meaning of specified day

B2305 For the purposes of B2304, the specified day is¹

1. where a payment to the offender falls to be reduced, on the first day of the disqualification period **or**
2. where a payment to the offender's family member falls to be reduced, on the first day of the relevant period.

1 SS (LoB) Regs, reg 3ZA(3)

B2306 Payments of ESA(IR) must not be reduced under B2304 to below 10 pence a week¹.

1 SS (LoB) Regs, reg 3ZA(4)

Rounding

B2307 A reduction under B2304 must, if it is¹

1. not a multiple of five pence, be rounded to the nearest such multiple **or**
2. a multiple of two and a half pence but not five pence

be rounded to the next lower multiple of five pence.

1 SS (LoB) Regs, reg 3ZA(5)

Changes in the rate of benefit payable – ESA(IR)

B2308 Where the rate of ESA(IR) paid to an offender or an offender's family member changes, the rules set out in B2303 to B2307 for a reduction are to be applied to the new rate and any adjustment to the reduction shall take effect from the first day of the benefit week to start after the date of change¹.

1 SS (LoB) Regs, reg 3ZA(6)

Meaning of benefit week

B2309 Benefit week¹ has the same meaning as in specified legislation.

1 SS (LoB) Regs, reg 3ZA(7)

Amount payable – JSA

B2310 JSA is not payable to offenders during the disqualification period¹. However they may have access to hardship payments.

Note: DMG Chapter 35 and ADM Chapter L1 contain guidance on hardship.

1 SS Fraud Act 01, s 6B(5); s 6B(7); s 7(2); s 7(4); SS (LoB) Regs, reg 5

Amount payable – joint-claim JSA – single offender

B2311 Payment restrictions apply to any offender who is a member of a joint-claim couple during the disqualification period¹. In these cases, unless the couple qualify for hardship payments, the other member of the couple who is not the offender may receive either

1. JSA(Cont), if they satisfy the conditions for it **or**

2. JSA(IB) at a rate equivalent to a single person's applicable amount as long as they are not subject to any labour market sanctions².

1 SS (LoB) Regs, reg 4; 2 SS Fraud Act 01, s 8(2)

Amount payable – joint-claim JSA – both offenders

- B2312 No joint-claim JSA will be payable¹ where both members of the couple would be subject to a sanction for a benefit offence, or one member would be subject to a sanction for a benefit offence and the other is subject to a labour market sanction. But they will have access to hardship payments.

1 SS Fraud Act 01, s 8(2); s 8(4); SS (LoB) Regs, reg 11

Amount payable – UC

- B2313 UC payments made to an offender or a member of their family ("O") in respect of an assessment period wholly or partly within a disqualification period are to be reduced in accordance with B2314 or B2317¹.

1 SS (LoB) Regs, reg 3ZB(1)

Calculation of reduction

- B2314 Except where B2317 applies and subject to B2318 and B2319, the amount of the reduction is to be calculated by multiplying the daily reduction rate by the number of days in the assessment period or, if lower, the number of days in the assessment period to which the reduction is to relate¹.

1 SS (LoB) Regs, reg 3ZB(2)

Daily reduction rate

- B2315 The daily reduction rate for the purposes of B2314 is, unless B2316 applies, an amount equal to the amount of the standard allowance applicable to the award multiplied by 12 and divided by 365¹.

1 SS (LoB) Regs, reg 3ZB(3)

- B2316 The daily reduction rate for the purposes of B2314 is 40% of the rate calculated in accordance with B2315 if, at the end of the assessment period¹

1. O, or where O is a joint claimant, the other joint claimant ("J"), falls within specified legislation² because they are
 - 1.1 not subject to work-related requirements³ **or**
 - 1.2 an adopter, within 11 weeks before or 15 weeks after, confinement or a responsible foster parent of a child under the age of 1⁴ **or**
 - 1.3 subject to work-focused interview only⁵.

*1 SS (LoB) Regs, reg 3ZB(4); 2 WR Act 12, s 19; 3 s 19(2)(c); 4 UC Regs, reg 89(1)(c), (d) & (f);
5 WR Act 12, s 20*

B2317 Where the disqualification period ends during an assessment period, the amount of the reduction for that assessment period is to be calculated by multiplying the daily reduction rate as in B2315 or, as the case may be, B2316 by the number of days in that assessment period which are within the disqualification period¹.

1 SS (LoB) Regs, reg 3ZB(5)

B2318 The amount of the daily reduction rate in B2315 and B2316 is to be rounded down to the nearest 10 pence¹.

1 SS (LoB) Regs, reg 3ZB(6)

B2319 The amount of the reduction in B2314 in respect of any assessment period must not exceed the amount of the standard allowance which is applicable to O in respect of that period¹.

1 SS (LoB) Regs, reg 3ZB(7)

Changes in rate of benefit payable – UC

B2320 Where the rate of UC payable to O or, as the case may be, O and J, changes, the rules set out in B2313 to B2319 for a reduction in the UC payable are to be applied to the new rate and any adjustment to the reduction is to take effect from the first day of the assessment period to start after the date of change¹.

1 SS (LoB) Regs, reg 3ZB(8)

Joint claimants

B2321 In the case of joint claimants

1. each joint claimant is considered individually for the purpose of determining the rate applicable under B2315 or B2316 **and**
2. half of any applicable rate is applied to each joint claimant accordingly¹.

1 SS (LoB) Regs, reg 3ZB(9)

Rounding

B2322 The amount of the UC daily reduction rate in B2315 and B2316 is to be rounded down to the nearest 10 pence¹.

1 SS (LoB) Regs, reg 3ZB(6)

Meaning of standard allowance

B2323 Standard allowance¹ means the amount of UC which is set out in specified legislation².

1 SS (LoB) Regs, reg 3ZB(10); 2 UC Regs, reg 36

Court decision quashed

B2324 Where a court quashes a conviction which had resulted in a decision that a restriction on the payment of benefit was to be imposed

1. that decision may be revised at any time **and**
2. payments and other adjustments made as if no restriction had been imposed¹.

1 SS Fraud Act 01, s 6C(1); s 7(7); s 8(6); s 9(6); SS CS (D&A) Regs, reg 3(8B)

Right of appeal

B2325 There is no right of appeal against a decision that a sanctionable benefit is not payable or is to be reduced following convictions for benefit offences where the only ground of appeal is that

1. any of the convictions were wrong **or**
2. the offender did not commit the benefit offence in respect of which
 - 2.1 there has been agreement to pay an administrative penalty **or**
 - 2.2 a caution has been accepted¹.

1 SS CS (D&A) Regs, Sch 2, para 27

Changes following administrative penalty agreement

B2326 B2327 applies where, after the agreement of any person ("P") to pay an administrative penalty is taken into account for the purposes of a repeated benefit offence in relation to that person¹

1. P's agreement to pay the penalty is withdrawn **or**
2. it is decided on appeal or in accordance with specified legislation² that any overpayment to which the agreement relates is not recoverable or due **or**
3. the amount of any overpayment to which the penalty relates is revised on appeal or in accordance with specified legislation³ and there is no new agreement by P to pay a penalty in relation to the revised overpayment.

1 SS Fraud Act 01, s 7(7A); 2 SS Act 98; 3 SS Act 98

B2327 In the circumstances described in B2326, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed in the case of a repeated benefit offence that could not have been imposed if P had not agreed to pay the penalty¹.

1 SS Fraud Act 01, s 7(7B)

B2328 – B2999

Appendix 1

Column A = Benefits which are both disqualifying and sanctionable

Column B = Benefits which are disqualifying but not sanctionable

Column C = Benefits which are neither sanctionable or disqualifying

A	B	C
Income Support	Retirement Pension	Maternity Allowance
Jobseeker's Allowance (single person and non-joint claim couples)	State Pension	Statutory Maternity Pay
Standard Housing/Council Tax Benefit	Jobseeker's Allowance (joint- claim couples)	Statutory Sick Pay
Incapacity Benefit	Graduated Retirement Pension	Statutory Adoption Pay
Carer's Allowance	Disability Living Allowance	Statutory Paternity Pay
Widow's Pension/Bereavement Allowance	Attendance Allowance	Health in Pregnancy Grant
Widowed Mothers/Parents Allowance	Child Benefit	Pneumoconiosis (Worker's Compensation) 1979
Industrial Injuries Disablement Pension	Guardian's Allowance	2008 Diffuse Mesothelioma Scheme
Industrial Death Benefit	Social Fund Payments	
Reduced Earnings Allowance	Christmas Bonus	
Retirement Allowance	Industrial Injuries (incl. Old Cases) Constant Attendance Allowance	
Unemployability Supplement	Industrial Injuries Exceptionally Severe Disablement Allowance	
Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme	War Pensions Exceptionally Severe Disablement Allowance	
Workmen's Compensation (Supplementation) Scheme 1982	War Pensions Constant Attendance Allowance	
State Pension Credit	War Pensions Mobility Supplement	
Employment and Support Allowance (Contributory)	Bereavement Support Payment	

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Severe Disablement Allowance	Linked Housing Benefit/Council Tax Benefit	
Working Tax Credit	Working Tax Credit	
Universal Credit	Child Tax Credit	
War Pension (War Disablement Pension)	Personal Independence Payment	
War Widow's Pension		
War Pensioners Mobility Supplement		
War Pension Unemployability Supplement		
War Pension Constant Attendance Allowance		
War Pension Allowance for Lower Standard of Occupation		

The content of the examples in this document (including use of imagery) is for illustrative purposes only