STATUTORY INSTRUMENTS

2015 No. 202

SOCIAL SECURITY

The Social Security (Penalty as Alternative to Prosecution) (Maximum Amount) Order 2015

Made - - - - 10th February 2015

Coming into force - - 1st April 2015

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 115A(3B)(b) and 189(4) of the Social Security Administration Act 1992 (**1**) .

A draft of this order has been laid before Parliament in accordance with section 190(1) of that Act (**2**) , and approved by resolution of each House of Parliament.

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Social Security (Penalty as Alternative to Prosecution) (Maximum Amount) Order 2015 and comes into force on 1st April 2015.

(2) In this Order "the 1992 Act" means the Social Security Administration Act 1992.

(3) The amendment made by article 2 applies only in relation to an act or omission referred to in paragraph (a) of section 115A(1) of the 1992 Act (**3**) which appears, to the Secretary of State or the authority mentioned in that subsection, to have occurred wholly on or after 1st April 2015.

Amended amount of maximum penalty

2. In section 115A(3)(b) of the 1992 Act (penalty as alternative to prosecution), for "£2000" substitute "£5000".

(**1**) 1992 c.5. Section 115A is inserted by section 15 of the Social Security Administration (Fraud) Act 1997 (c.47). Subsection (3) is substituted and subsections (3A) and (3B) inserted by section 114(1) of the Welfare Reform Act 2012 (c.5) ("the 2012 Act"). Section 189(4) is amended by paragraph 109(a) and (c) of Schedule 7, and Schedule 8, to the 1998 Act, and by S.I. 2013/252.

(**2**) Section 190(1)(zza) is inserted by section 114(2) of the 2012 Act.

(**3**) References in section 115A(1) to an authority (which refer to a local authority administering housing benefit or council tax benefit) are repealed by Part 1 of Schedule 14 to the 2012 Act, but those repeals are not yet fully in force.