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Committee Stage: Tuesday 18 March 2025

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# Public Authorities (Fraud, Error and Recovery) Bill

## (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage.

A glossary with key terms can be found at the end of this document.

First to Twelfth Sittings

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### *First and Second Sittings*

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Andrew Western

Agreed to

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 25 February) meet—
  - (a) at 2.00 pm on Tuesday 25 February;
  - (b) at 11.30 am and 2.00 pm on Thursday 27 February;
  - (c) at 9.25 am and 2.00 pm on Tuesday 4 March;
  - (d) at 11.30 am and 2.00 pm on Thursday 6 March;
  - (e) at 9.25 am and 2.00 pm on Tuesday 11 March;
  - (f) at 11.30 am and 2.00 pm on Thursday 13 March;
  - (g) at 9.25 am and 2.00 pm on Tuesday 18 March;
  - (h) at 11.30 am and 2.00 pm on Thursday 20 March;
2. the Committee shall hear oral evidence in accordance with the following Table:

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 25 February	Until no later than 10.10 am	Professor Mark Button, University of Portsmouth; Dr Rasha Kassem, Aston University; Professor Michael Levi, Cardiff University
Tuesday 25 February	Until no later than 10.30 am	Cifas
Tuesday 25 February	Until no later than 11.00 am	Kristin Jones; NHS Counter Fraud Authority
Tuesday 25 February	Until no later than 11.25 am	Money and Pensions Service
Tuesday 25 February	Until no later than 2.30 pm	National Audit Office; HM Revenue & Customs
Tuesday 25 February	Until no later than 2.50 pm	John Smart
Tuesday 25 February	Until no later than 3.10 pm	UK Finance
Tuesday 25 February	Until no later than 3.30 pm	JUSTICE
Tuesday 25 February	Until no later than 3.50 pm	Public Sector Fraud Authority
Tuesday 25 February	Until no later than 4.10 pm	Big Brother Watch
Tuesday 25 February	Until no later than 4.40 pm	Campaign for Disability Justice; Greater Manchester Coalition of Disabled People
Tuesday 25 February	Until no later than 5.00 pm	Department for Work and Pensions; Cabinet Office

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 7; Schedule 1; Clauses 8 to 69; Schedule 2; Clauses 70 to 74; Schedule 3; Clauses 75 to 77; Schedule 4; Clauses 78 to 90; Schedule 5; Clause 91; Schedule 6; Clauses 92 to 98; new Clauses; new Schedules; Clauses 99 to 104; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 20 March.

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 Andrew Western

Agreed to

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

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**Andrew Western**

**Agreed to**

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

**The following Witnesses gave oral evidence:**

**Professor Mark Button**, Director, Centre for Cybercrime and Economic Crime at the School of Criminology and Criminal Justice, University of Portsmouth,

**Dr Rasha Kassem**, Senior Lecturer in Accounting, Leader of the Fraud Research Group, Aston University,

**Professor Michael Levi**, Professor of Criminology, Cardiff University,

**Helena Wood**, Director of Public Policy and Strategic Engagement, CIFAS and Fellow at the Centre for Financial Crime and Security Studies, The Royal United Services Institute,

**Kristin Jones**, formerly Serious Fraud Office and Crown Prosecution,

**Alex Rothwell**, Chief Executive, NHS Counter Fraud Authority,

**Anna Hall**, Corporate Director for Debt, Money and Pensions Service,

**Christy McAleese**, Debt Advice Strategy and Policy lead, Money and Pensions Service,

**Joshua Reddaway**, Director of Fraud and Propriety, National Audit Office,

**Richard Las**, Chief Investigation Officer, Director Fraud Investigation Service, HM Revenue & Customs,

**John Smart**, Formerly Partner, Forensics Ernst & Young, and Member of the Public Sector Fraud Authority advisory panel,

**Eric Leenders**, Managing Director, Retail Finance, UK Finance,

**Daniel Cichocki**, Director, Economic Crime Policy and Strategy, UK Finance,

**Ellen Lefley**, Senior Lawyer, JUSTICE,

**Mark Cheeseman OBE**, Chief Executive, Public Sector Fraud Authority,

**Jasleen Chaggar**, Legal and Policy Officer, Big Brother Watch,

**Geoff Fimister**, Head of Policy, Campaign for Disability Justice,

**Rick Burgess**, Outreach and Development Lead, Greater Manchester Coalition of Disabled People,

**Andrew Western MP**, Minister for Transformation, Department of Work and Pensions,  
**Georgia Gould MP**, Parliamentary Secretary, Cabinet Office

*Third and Fourth Sitings*

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**Clause 1 agreed to.**

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**Clause 2 agreed to.**

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**Rebecca Smith**

**Withdrawn after debate 11**

Mike Wood

Clause 3, page 2, line 36, at end insert—

- (c) the information is likely to relate to the suspected fraud, and
- (d) the cost involved in recovering the required information is likely to be reasonable and proportionate.”

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**Rebecca Smith**

**Not called 10**

Mike Wood

Clause 3, page 2, line 36, at end insert—

- “(1A) The Minister has reasonable grounds to suspect a person has committed fraud against a public authority if—
  - (a) there is an objective basis for the Minister’s suspicion based on facts, verifiable information or intelligence, and
  - (b) a reasonable person would be entitled to reach same conclusion based on the same facts, information or intelligence.
- (1B) The Minister does not have reasonable grounds to suspect a person has committed fraud against a public authority if the Minister’s suspicion—
  - (a) is based in any way on—
    - (i) the person’s physical appearance,
    - (ii) any protected characteristic under the Equality Act 2010 that a person may have or appear to the Minister to have, or
  - (b) is based solely on any generalisation or stereotype giving rise to a belief that certain groups or categories of people are more likely to be involved in criminal activity.”

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**Rebecca Smith**

**Not called 14**

Mike Wood

Clause 3, page 3, line 10, delete "10" and insert "28"

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**Rebecca Smith**

**Not called 9**

Mike Wood

Clause 3, page 3, line 30, at end insert—

""reasonable" means the Minister must have formed a genuine suspicion in their own mind, and the suspicion that fraudulent activity has taken place must be reasonable. This means that there must be an objective basis for that suspicion based on facts, verifiable information and or intelligence which indicate that fraudulent activity will be found, so that a reasonable person would be entitled to reach the same conclusion based on the same facts and information, and or intelligence."

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**Clause agreed to.**

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**Rebecca Smith**

**Negated on division 15**

Mike Wood

Clause 4, page 3, line 33, leave out "Minister" and insert "First Tier Tribunal"

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**Rebecca Smith**

**Withdrawn after debate 12**

Mike Wood

Clause 4, page 3, line 33, at end insert—

"or of the duration of the period mentioned in section 3(4)(a)"

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**Rebecca Smith**

**Not called 16**

Mike Wood

Clause 4, page 3, line 36, leave out "Minister" and insert "First Tier Tribunal"

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**Rebecca Smith**

**Not called 17**

Mike Wood

Clause 4, page 3, line 38, leave out “Minister” and insert “First Tier Tribunal”

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Rebecca Smith

Not called 13

Mike Wood

Clause 4, page 4, line 2, at end insert—

“, including by extending the duration of the period mentioned in section 3(4)(a) where satisfied that the person is reasonably unable to comply with the requirement to provide the information within the time required by the notice”

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Rebecca Smith

Not called 18

Mike Wood

Clause 4, page 4, line 3, leave out “Minister” and insert “First Tier Tribunal”

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Clause agreed to.

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Clause 5 agreed to.

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Georgia Gould

Agreed to Gov 1

Clause 6, page 4, line 28, in column 1, after “Office” insert “, so far as relating to the Public Sector Fraud Authority”

**Member's explanatory statement**

This amendment limits the designation of the Cabinet Office as a relevant public authority for the purposes of Part 3 of the Investigatory Powers Act 2016 so that it is designated only so far as relating to the Public Sector Fraud Authority.

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Clause, as amended, agreed to.

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Clause 7 agreed to.

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Schedule 1 agreed to.

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**Clauses 8 to 12 agreed to.**

*Fifth and Sixth Sittings*

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**Clauses 13 to 21 agreed to.**

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Rebecca Smith

**Withdrawn after debate 19**

Mike Wood

Clause 22, page 14, line 27, leave out from "applies," to "and" in line 28 and insert "the amounts credited to the account in the relevant period,"

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**Clause agreed to.**

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**Clauses 23 to 33 agreed to.**

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Georgia Gould

**Agreed to Gov 2**

Clause 34, page 20, line 30, leave out from "review" to end of line 35

**Member's explanatory statement**

This amendment leaves out provision that is not needed; clause 29(5), (6) and (8) makes the necessary provision.

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**Clause, as amended, agreed to.**

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**Clauses 35 to 40 agreed to.**

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Rebecca Smith

**Withdrawn after debate 20**

Mike Wood

Clause 41, page 25, line 16, leave out "40% of"

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**Clause agreed to.**

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**Clauses 42 to 55 agreed to.**

*Seventh and Eighth Sittings*

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**Clauses 56 to 63 agreed to.**

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**Steve Darling**

**Negatived on division 31**

John Milne

Clause 64, page 34, line 23, at end insert—

“(1A) Prior to appointing an independent person, the Minister must consult the relevant committee of the House of Commons.

(1B) For the purposes of subsection (1A), “the relevant committee” means a committee determined by the Speaker of the House of Commons.”

**Member's explanatory statement**

This amendment would ensure Parliamentary oversight of the appointment of the “Independent person”.

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**Clause agreed to.**

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**Clauses 65 and 66 agreed to.**

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**Georgia Gould**

**Agreed to Gov 3**

Clause 67, page 36, line 10, leave out “disclosure, obtaining or use” and insert “processing”

**Member's explanatory statement**

This amendment clarifies that clause 67(3) applies in relation to all processing of information and makes it consistent with clause 67(1) and (2).

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**Clause agreed to.**

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**Clauses 68 and 69 agreed to.**



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**Schedule 2 agreed to.**

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**Clauses 70 to 73 agreed to.**

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**Clause 74 agreed to on division.**

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**Steve Darling**

**Not selected 27**

John Milne

Page 41, line 8, leave out Clause 74

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**Steve Darling**

**Negated on division 30**

John Milne

Schedule 3, page 84, leave out line 12

**Member's explanatory statement**

This amendment would remove pension credit from being a 'relevant benefit' for the purposes of the Act.

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**Rebecca Smith**

**Not called 25**

Mike Wood

Schedule 3, page 84, line 12, at end insert "(d) housing benefit"

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**Steve Darling**

**Negated on division 29**

John Milne

Schedule 3, page 84, leave out lines 13 to 17

**Member's explanatory statement**

This amendment would mean remove the provision for regulations to change the list of qualifying benefits.

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**Siân Berry**

**Negated on division 35**

Schedule 3, page 84, line 13, leave out from "to" to end of line 17 and insert "remove types of benefit from the definition of "relevant benefit"".

**Member's explanatory statement**

This amendment would mean that benefits could not be added to the list of “relevant benefits” by regulations.

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**Rebecca Smith**

**Not called 24**

Mike Wood

Schedule 3, page 84, line 25, at end insert—

“or such an account which is held by a person appointed to receive benefits on behalf of another person.”

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**Steve Darling**

**Not selected 28**

John Milne

Page 73, line 6, leave out Schedule 3

**Schedule agreed to.**

*Ninth and Tenth Sittings*

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**Steve Darling**

**Withdrawn after debate 37**

John Milne

Clause 75, page 41, line 25, at end insert—

“(1A) Prior to appointing an independent person, the Minister must consult the relevant committee of the House of Commons.

(1B) For the purposes of subsection (1A), “the relevant committee” means a committee determined by the Speaker of the House of Commons.”

**Member's explanatory statement**

This amendment would ensure further oversight into the appointment of the “Independent person”.

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**Steve Darling**

**Not called 38**

John Milne

Clause 75, page 41, line 29, leave out “person” and insert “board”

**Member's explanatory statement**

This amendment would replace the "independent person" with an independent board.

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**Steve Darling**

**Not called 39**

John Milne

Clause 75, page 41, line 32, leave out "person" and insert "board"

**Member's explanatory statement**

This amendment is consequential on Amendment 38.

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**Steve Darling**

**Not called 40**

John Milne

Clause 75, page 42, line 19, leave out subsection (7) and insert—

"The Secretary of State may by regulations appoint persons to, and confer functions upon, an independent board for the purposes of securing compliance with subsections (1) to (6)."

**Member's explanatory statement**

This amendment is related to Amendment 38.

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**Steve Darling**

**Not called 41**

John Milne

Clause 75, page 42, line 23, leave out first "person" and insert "board"

**Member's explanatory statement**

This amendment is consequential on Amendment 38.

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**Steve Darling**

**Not called 42**

John Milne

Clause 75, page 42, line 24, leave out "person" and insert "board"

**Member's explanatory statement**

This amendment is consequential on Amendment 38.

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**Clause agreed to.**

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**Andrew Western**

**Agreed to Gov 34**

Clause 76, page 43, line 38, leave out from “the individual” to end of line 1 on page 44 and insert “is an official of a government department and—”

**Member's explanatory statement**

This amendment clarifies that to be an authorised investigator an individual must be an official of a government department and be of the specified grade.

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**Clause, as amended, agreed to.**

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**Clause 77 agreed to.**

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**Andrew Western**

**Agreed to Gov 4**

Schedule 4, page 91, line 28, after “item” insert “or material”

**Member's explanatory statement**

This amendment clarifies that paragraph 2(3) of new Schedule 3ZD of the Social Security Administration Act 1992 (as inserted by Schedule 4 of the Bill) applies in relation to any item or material.

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**Andrew Western**

**Agreed to Gov 5**

Schedule 4, page 91, line 31, after “item” insert “or material”

**Member's explanatory statement**

This amendment clarifies that paragraph 2(4) of new Schedule 3ZD of the Social Security Administration Act 1992 (as inserted by Schedule 4 of the Bill) applies in relation to any item or material.

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**Andrew Western**

**Agreed to Gov 33**

Schedule 4, page 93, line 32, leave out from “individual” to end of line 33 and insert “is an official of a government department and—”

**Member's explanatory statement**

This amendment clarifies that to be an authorised investigator an individual must be an official of a government department and be of the specified grade.

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**Schedule, as amended, agreed to.**

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**Clauses 78 to 88 agreed to.**

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**Neil Duncan-Jordan****Not moved 45**

Clause 89, page 54, line 35, at end insert “except where such amounts have been paid to a person as a result of error on the part of the paying party.”

**Member's explanatory statement**

This amendment would mean that overpayments made as a result of error by the Department of Work and Pensions do not count as recoverable amounts.

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**Siân Berry****Withdrawn after debate 7**

Clause 89, page 55, line 6, leave out from “unless” to the end of line 14 and insert—

- “(a) the liable person agrees, or
- (b) there has been a final determination by a court or tribunal that it is necessary and proportionate to exercise a power under Schedule 3ZA.”

**Member's explanatory statement**

This amendment would mean that the Secretary of State can only exercise powers to recover amounts from a person where the person agrees or where a court or tribunal has determined that such recovery is necessary and appropriate.

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**Clause agreed to.**

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**Clause 90 agreed to.**

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**Siân Berry****Withdrawn after debate 8**

Schedule 5, page 98, line 10, leave out from beginning to end of line 24 on page 99

**Member's explanatory statement**

This amendment would remove the requirement for banks to provide information to the Secretary of State for the purposes of making a direct deduction order.

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Neil Duncan-Jordan

Not moved 43

Schedule 5, page 100, line 3, at end insert—

*“Investigation of direct deduction orders*

- 4A (1) Before making a direct deduction order, the Secretary of State must give the liable person the opportunity to request mandatory reconsideration of the decision to make such an order.
- (2) The mandatory reconsideration process must review whether it is appropriate that the order be made.
- (3) Where the mandatory reconsideration process concludes that the order should be made, the liable person is able, within two months of the completion of the mandatory reconsideration process, to appeal to the First Tier Tribunal.
- (4) On appeal by the liable person, the tribunal must review whether it is appropriate that the order be made.
- (5) The Secretary of State may not make a direct deduction order where—
- (a) the mandatory reconsideration process has not concluded;
  - (b) the period within which the liable person can appeal has not concluded;
  - (c) an appeal against the decision of the mandatory reconsideration process has not been concluded; or
  - (d) a decision that the order should not be made has been determined by either the mandatory reconsideration process or the tribunal.”

**Member's explanatory statement**

This amendment would enable a liable person to request mandatory reconsideration of a decision to make a direct deduction order, and to appeal any further decision.

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Rebecca Smith

Withdrawn after debate 48

Mike Wood

Schedule 5, page 101, line 17, leave out from “exceed” to the end of line 18 and insert—

- “(a) in a case to which sub-paragraph (3A) applies, the amounts credited to the account in the relevant period, or
  - (b) in any other case, 20% of the amounts credited to the account in the relevant period.
- (3A) This subsection applies in a case where the Minister is satisfied, on the balance of probabilities, that the payable amount to which the regular direct deduction order related is recoverable from the liable person because the liable person committed fraud.”

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**Neil Duncan-Jordan**

**Not moved 47**

Schedule 5, page 102, line 11, leave out from “may” to the end of line 13 and insert “only deduct the costs to which they are entitled under a direct deduction order once—

- (a) the ability of the liable person to meet these costs has been verified, and
- (b) a final decision as to whether to make the order has been reached, by virtue of—
  - (i) the liable person not requesting mandatory reconsideration of the decision to make the order;
  - (ii) the elapsing of any period within which the liable person can appeal a decision to make the order; or
  - (iii) an appeal against a decision to make the order has been concluded with a decision that the order should be made.”

**Member's explanatory statement**

This amendment would mean that a bank can only recover its administrative costs after the ability of the liable person to meet such costs has been verified.

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**Neil Duncan-Jordan**

**Not moved 46**

Schedule 5, page 102, line 16, at end insert—

- “(4) Where recoverable amounts have been paid to a person as a result of error on the part of the paying party, the bank’s administrative costs—
- (a) may not be recovered from the account of the liable person; and
  - (b) must only be recovered by the bank from the paying party.”

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**Andrew Western**

**Agreed to Gov 6**

Schedule 5, page 107, line 2, leave out from “review” to end of line 7

**Member's explanatory statement**

This amendment leaves out provision that is not needed; paragraph 13(5), (6) and (8) of new Schedule 3ZA of the Social Security Administration Act 1992 (as inserted by Schedule 5 of the Bill) makes the necessary provision.

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**Rebecca Smith**

**Not called 22**

Mike Wood

Schedule 5, page 110, line 29, at end insert “to which paragraph 6(3A) does not apply”

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**Schedule, as amended, agreed to.**

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**Clause 91 agreed to.**

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**Schedule 6 agreed to.**

*Eleventh Sitting*

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**Gerald Jones**

**Agreed to**

That the Order of the Committee of 25 February 2025 be varied as follows—  
in paragraph 1(f), leave out "and 2.00 pm".

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**Clauses 92 to 97 agreed to.**

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**Andrew Western**

**Agreed to Gov 36**

Clause 98, page 61, line 21, leave out from "(a)" to end of line and insert"—

- (i) omit the words from "section 115A" to "or", and
- (ii) for the words "the corresponding provision for Northern Ireland" substitute "penalty as alternative to prosecution in Northern Ireland", and"

**Member's explanatory statement**

This amendment updates a parenthetical description in section 6B(2)(a) of the Social Security Fraud Act 2001.

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**Clause, as amended, agreed to.**

*Twelfth Sitting*

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**Siân Berry**

**Withdrawn after debate NC1**

To move the following Clause—

**"Overpayments made as a result of official error**

- (1) Section 71ZB of the Social Security Administration Act 1992 is amended as follows.
- (2) In subsection (1), for "The" substitute "Subject to subsection (1A), the".



(3) After subsection (1) insert—

“(1A) The amount referred to in subsection (1) shall not include any overpayment that arose in consequence of an official error where the claimant or a person acting on the claimant’s behalf or any other person to whom the payment is made could not, at the time of receipt of the payment or of any notice relating to that payment, reasonably have been expected to realise that it was an overpayment.””

**Member's explanatory statement**

This new clause would provide that, where universal credit overpayments have been caused by official error, they can only be recovered where the claimant could reasonably have been expected to realise that there was an overpayment.

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Rebecca Smith

Negatived on division NC2

Mike Wood

To move the following Clause—

**“Offence of fraud against a public authority**

- (1) A person who—
- (a) commits,
  - (b) assists or conspires in the committal of, or
  - (c) encourages the committal of
- fraud against a public authority commits an offence.
- (2) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.”

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Rebecca Smith

Not moved NC3

Mike Wood

To move the following Clause—

**“Application of the Police and Criminal Evidence Act 1984 to investigations conducted by the Department for Work and Pensions**

- (1) The Secretary of State must, within six months of the passing of this Act, introduce regulations for the purpose of applying certain powers of the Police and Criminal Evidence Act 1984, subject to such modifications as the order may specify, to investigations of offences conducted by the Department for Work and Pensions.
- (2) The powers to be applied must include—

- (a) the power of arrest;
  - (b) any other such powers that the Secretary of State considers appropriate.
- (3) Regulations made under this section shall be made by statutory instrument.”

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Rebecca Smith

Withdrawn after debate NC5

Mike Wood

To move the following Clause—

**“Publication of results of pilot schemes**

Within three months of this Act coming into force, the Secretary of State must publish the results of any pilot schemes run with banks to test the provisions in Chapter 1 of Part 2.”

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Rebecca Smith

Not moved NC6

Mike Wood

To move the following Clause—

**“Report on cost implications for banks**

The Secretary of State must, within three months of the passing of this Act, publish a report on the expected cost implications of the provisions of this Act for banks.”

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Rebecca Smith

Withdrawn after debate NC7

Mike Wood

To move the following Clause—

**“Annual reporting of amounts recovered**

- (1) The Secretary of State must publish an annual report detailing the amount of money which has been recovered under the provisions of this Act.
- (2) A first report must be published no later than 12 months after the passing of this Act with subsequent reports published at intervals of no more than 12 months.”

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Rebecca Smith

Withdrawn after debate NC8

Mike Wood

To move the following Clause—

**“Publication of an Anti-Fraud and Error Technology Strategy**

- (1) The Secretary of State must, within six months of the passing of this Act, publish an Anti-Fraud and Error Technology Strategy.
- (2) An Anti-Fraud and Error Technology Strategy published under this section must set out—
  - (a) how the Government intends to use automated technologies or artificial intelligence to tackle fraud against public authorities and the making of erroneous payments by public authorities, and
  - (b) a series of safeguards to provide for human oversight of decision making that meet the aims set out in subsection (3);
  - (c) how rights of appeal will be protected;
  - (d) a framework for privacy and data sharing.
- (3) The aims of the safeguards in subsection (2)(b) are—
  - (a) to ensure that grounds for decision making can only be reasonable if they are the result of a process in which there has been meaningful human involvement by a human of adequate expertise to scrutinise any insights or recommendations made by automated systems,
  - (b) to make clear that grounds cannot be reasonable if they are the result of an entirely automated process, and
  - (c) to ensure that any information notice issued is accompanied by a statement—
    - (i) setting out the reasonable grounds for suspicion that have been relied on, and
    - (ii) confirming that the conclusion has been formed on the basis of human involvement.”

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Rebecca Smith

Withdrawn after debate NC9

Mike Wood

To move the following Clause—

**“Impact of Act on vulnerable customers**

- (1) The Secretary of State must, within six months of the passing of this Act, lay before Parliament an assessment of the expected impact of the Act on vulnerable customers.
- (2) For the purposes of this section, “vulnerable customers” means someone who, due to their personal circumstances, is especially susceptible to harm, particularly when a firm is not acting with appropriate levels of care.”

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Steve Darling

Withdrawn after debate NC10

John Milne

To move the following 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 new clause would delay any payments being taken from people who the Government may think owe repayments on Carer’s Allowance until the independent review into Carer’s Allowance overpayments has been published and fully implemented.

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**Steve Darling**

**Not moved NC11**

John Milne

To move the following Clause—

**“Audit of algorithmic systems used in relation to Carer’s Allowance overpayments**

- (1) An independent audit of algorithmic systems used in the assessment, detection or recovery of Carer’s Allowance overpayments must be conducted at least once every six months.
- (2) Any audit under subsection (1) must be conducted by persons with relevant expertise in data science, ethics and social policy who have no direct affiliation with—
  - (a) the Department for Work and Pensions, or
  - (b) any person or body involved in the development or operation of the algorithmic systems under review.
- (3) An audit conducted under this section must consider—
  - (a) the accuracy of the algorithmic systems in identifying overpayments, and
  - (b) the fairness of the systems’ design, application and operation, including any disproportionate impact on particular groups.
- (4) After every audit a report on its findings must be—
  - (a) published;
  - (b) laid before both Houses of Parliament within 14 days of publication; and

- (c) made publicly available in an accessible format.
- (5) If any audit identifies significant inaccuracies, unfairness or biases in any algorithmic systems, the Secretary of State must, within 30 days of the publication of the report outlining these findings, present an action plan to Parliament which outlines the steps which the Government intends to take to address the identified issues.”

**Member's explanatory statement**

This new clause would provide for an audit of algorithmic systems used in relation to Carer's Allowance overpayments.

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**Steve Darling**

**Not moved NC12**

John Milne

To move the following Clause—

**“Impact of Act on people facing financial exclusion**

- (1) The independent person appointed under section 64(1) of this Act must carry out an assessment of the impact of this Act on the number of people facing financial exclusion.
- (2) The independent person must, after 12 months of the passing of the Act—
  - (a) prepare a report on the review, and
  - (b) submit the report to the Minister.
- (3) On receiving a report the Minister must—
  - (a) publish it, and
  - (b) lay a copy before Parliament.”

**Member's explanatory statement**

This new clause would look into the impact of the Act on people facing financial exclusion.

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**Rebecca Smith**

**Withdrawn after debate NC13**

Mike Wood

To move the following Clause—

**“Liability orders**

- (1) Where—
  - (a) a person has been found guilty of an offence under section 1 or section 11 of the Fraud Act 2006, or the offence at common law of conspiracy to defraud,
  - (b) that offence relates to fraud committed against a public authority, and
  - (c) the person has not paid the required penalties or not made the required repayments,

the Secretary of State may apply to a magistrates' court or, in Scotland, to the sheriff, for an order ("a liability order") against the liable person.

- (2) Where the Secretary of State applies for a liability order, the magistrates' court or (as the case may be) sheriff shall make the order if satisfied that the payments in question have become payable by the liable person and have not been paid.
- (3) The Secretary of State may make regulations in relation to England and Wales—
  - (a) prescribing the procedure to be followed in dealing with an application by the Secretary of State for a liability order;
  - (b) prescribing the form and contents of a liability order; and
  - (c) providing that where a magistrates' court has made a liability order, the person against whom it is made shall, during such time as the amount in respect of which the order was made remains wholly or partly unpaid, be under a duty to supply relevant information to the Secretary of State.
- (4) Where a liability order has been made against a person ("the liable person"), the Secretary of State may use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) to recover the amount in respect of which the order was made, to the extent that it remains unpaid."

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Steve Darling

Withdrawn after debate NC14

John Milne

To move the following Clause—

**"Inclusion of systems within the Algorithmic Transparency Reporting Standard**

- (1) For the purposes of this section, "system" means—
  - (a) algorithms, algorithmic tools, and systems; and
  - (b) artificial intelligence, including machine learning
 provided that they are used in fulfilling the purposes of this Act.
- (2) Where at any time after the passage of this Act, the use of any system is—
  - (a) commenced;
  - (b) amended; or
  - (c) discontinued

the Minister must, as soon as reasonably practicable, accordingly include information about the system in the Algorithmic Transparency Reporting Standard."

**Member's explanatory statement**

This new clause would require the use of algorithms, algorithmic tools, and systems, and artificial intelligence, including machine learning, to be included within the Algorithmic Transparency Reporting Standard.

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Rebecca Smith

Negatived on division NC15

Mike Wood

To move the following Clause—

**“Offence of encouraging or assisting others to commit fraud**

- (1) The Social Security Administration Act 1992 is amended as follows.
- (2) In section 111A (Dishonest representation for obtaining benefit etc), after subsection (1G) insert—

“(1H) A person commits an offence if they—

- (a) encourage or assist another person to commit an offence under this section, or
- (b) provide guidance on how to commit an offence under this section.”

- (3) In section 112 (False representations for obtaining benefit etc), after subsection (1F) insert—

“(1G) A person commits an offence if they—

- (a) encourage or assist another person to commit an offence under this section, or
- (b) provide guidance on how to commit an offence under this section.””

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Rebecca Smith

Withdrawn after debate NC16

Mike Wood

To move the following Clause—

**“Review of whistleblowing processes in relation to public sector fraud**

- (1) The Secretary of State must, within one year of the passing of this Act, conduct a review of whistleblowing processes in relation to fraud in the public sector.
- (2) A review conducted under this section must consider—
  - (a) the appropriateness and efficacy of existing whistleblowing processes;
  - (b) barriers to reporting fraud and reasons for underreporting of fraud; and
  - (c) recommendations for change.
- (3) The Secretary of State must publish a report containing—
  - (a) the findings and conclusions of the review, and
  - (b) a timetable for the delivery of any recommendations for change within six months of the completion of the review.”

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**Steve Darling**

**Negatived on division NC17**

John Milne

To move the following Clause—

**“Duty to consider domestic abuse risk to holders of joint accounts**

- (1) Before any direct deduction order under Schedule 5 is made, the Secretary of State has a duty to consider its effect on any person (“P”) who—
  - (a) is a victim of domestic abuse, or
  - (b) the Secretary of State reasonably believes to be at risk of domestic abuse,

where P shares a joint account with a liable person believed to be the perpetrator or potential perpetrator of domestic abuse.
- (2) In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021.”

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**Steve Darling**

**Not called 32**

John Milne

Clause 103, page 63, line 26, leave out from start to “following” in line 29 and insert—

“Subject to subsections (1A) and (2), this Act comes into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations appoint.

- (1A) No part of this Act may come into force until the recommendations of a report commissioned under section [*Recovery of overpayments of Carer’s Allowance*] have been implemented.
- (2) Subject to subsection (1A), the”

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**Rebecca Smith**

**Not moved 23**

Mike Wood

Clause 103, page 63, line 35, at end insert—

“(3A) Before bringing into force any of the provisions of Part 1 of this Act, the Secretary of State must consult with banks as to the costs which will be incurred by banks upon application of the provisions of Part 1.

- (3B) Where consultation finds that the expected costs to banks are at a disproportionate level, the Secretary of State may not bring into force the provisions which are expected to result in such disproportionate costs.”

Bill, as amended, to be reported.



## Glossary

**Added:** New Clause agreed without a vote and added to the Bill.

**Agreed to:** agreed without a vote.

**Agreed to on division:** agreed following a vote.

**Negated:** rejected without a vote.

**Negated on division:** rejected following a vote.

**Not called:** debated in a group of amendments, but not put to a decision.

**Not moved:** not debated or put to a decision.

**Not selected:** not chosen for debate by the Chair.

**Question proposed:** debate underway but not concluded.

**Withdrawn after debate:** moved and debated but then withdrawn, so not put to a decision.