

Officers authorised under section 110A of the Social Security Administration Act 1992 have powers under section 109C as far as they relate to housing benefit and council tax benefit to:-

* enter at all reasonable times, either alone or accompanied by other persons, any premises:-

- i. where a person or persons are employed
- ii. where a trade or business is being carried on
- iii. where documents relating to the carrying on of a trade or business are kept
- iv. where a personal or occupational pension scheme is being administered or where documents relating to the administration of such a scheme are kept
- v. where the compensator in relation to certain accidents, injuries or diseases is to be found;

* question any person on the premises referred to;

* require information and documents or copies of, or copies of extracts from, such documents as he may reasonably require for any of the purposes set out in section 109A(2) of the Social Security Administration Act 1992;

* take possession of and remove or copy such documents as may be necessary for these purposes.

Premises include moveable structures and vehicles, vessels, aircraft and hovercraft, offshore installations and places of all other descriptions.

2. Officers authorised under section 110A of the Social Security Administration Act 1992 have powers under section 109B as far as they relate to housing benefit and council tax benefit to issue a written notice to a person requiring him to provide, in such reasonable time and form specified in the notice, any information which he has possession of or which he has access to which it is reasonable for the authorised officer to require for any of the following purposes:-

* ascertaining whether a benefit is or was payable in any case

* investigating the circumstances of certain accidents, injuries or diseases

* ascertaining whether provisions of the relevant Social Security legislation are being complied with or are likely to be contravened (whether by particular persons or more generally)

* preventing, detecting, and securing evidence of the commission (whether by particular persons or more generally) of, benefit offences.

Persons required to provide information include any person who:-

- * is or has been treated as an employer, employee or self-employed earner
- * is or has been carrying on a business for the supply of goods for sale by individuals not operating from retail premises
- * is or has been carrying on a business for the supply of goods or services by persons who are not his employees
- * is carrying on or has carried on an agency business for the introduction or supply of labour
- * is a local authority responsible for the granting of any licence
- * is or has been the trustee or manager of a personal or occupational pension scheme
- * is or has been liable to make a compensation payment
- * is the servant or agent of any of the above.

The duty to provide information includes the duty to produce and deliver up such documents as are specified and if necessary to create copies of, or copies of extracts from, such documents.

Under section 111 of the Social Security Administration Act 1992, it is a criminal offence for a person to intentionally delay or obstruct an authorised officer in the exercise of any power under the Act or refuse or neglect to answer any question or furnish any information or to produce any document when required to do so.

NO PERSON IS REQUIRED TO ANSWER ANY QUESTION OR TO GIVE ANY EVIDENCE WHICH WILL INCRIMINATE THEMSELVES OR, IN THE CASE OF A MARRIED PERSON, THEIR SPOUSE.

This document gives general guidance only and should not be regarded as a complete and authoritative statement of the law.