STATUTORY INSTRUMENTS

2026 No. 371 (C. 32)

SOCIAL SECURITY
PUBLIC SECTOR FRAUD, ENGLAND AND WALES

The Public Authorities (Fraud, Error and Recovery) Act 2025 (Commencement No. 2) Regulations 2026

Made - - - - 25th March 2026

The Secretary of State makes these Regulations in exercise of the powers conferred by section 109(1) of the Public Authorities (Fraud, Error and Recovery) Act 2025(**1**).

Citation

1. These Regulations may be cited as the Public Authorities (Fraud, Error and Recovery) Act 2025 (Commencement No. 2) Regulations 2026.

Commencement

2. The following provisions of the Public Authorities (Fraud, Error and Recovery) Act 2025 come into force, in so far as they are not already in force(**2**), on 1st April 2026—

(a) sections 1 to 72 (functions exercisable on behalf of public authorities);

(b) section 74 (interpretation);

(c) section 75 (regulations);

(d) section 93 (enforcement of non-benefit payments);

(e) section 101 (offences: non-benefit payments);

(f) section 102 (penalty as alternative to prosecution: extension to non-benefit payments);

(g) section 103 (amendments to the Social Security Fraud Act 2001(**3**): loss of benefits following penalty);

(**1**) 2025 c. 28.
(**2**) See section 109(2)(b) of the Public Authorities (Fraud, Error and Recovery) Act 2025 which provides for certain provisions, namely those that confer power to make regulations or are necessary to enable the exercise of such a power, to come into force on the day on which the Act is passed.
(**3**) 2001 c. 11.

(h) Schedule 1 (fraud against public authorities: Police and Criminal Evidence Act 1984(**4**) powers).

Signed by authority of the Secretary of State for Work and Pensions

Andrew Western
Parliamentary Under Secretary of State
Department for Work and Pensions

25th March 2026

(**4**) 1984 c. 60.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These are the second set of commencement regulations made under the Public Authorities (Fraud, Error and Recovery) Act 2025 (c. 28) ("the Act").

Regulation 2 brings certain provisions of the Act into force, in so far as they are not already in force, on 1st April 2026.

Sections 1 to 72 of the Act introduce new powers to enable the Minister for the Cabinet Office to investigate public sector fraud outside of tax and social security on behalf of public authorities. The provisions include investigatory powers (including an information gathering power and powers of entry, search and seizure); rights to recover (including recovery of recoverable amounts or other amounts); methods of recovery (including recovery as if payable under a court order, recovery from bank accounts etc and deduction from earnings); civil penalties; general (including oversight and independent review).

Section 74 of the Act sets out definitions for key terms within Part 1 of the Act, such as "authorised officer" and "core functions".

Section 75 of the Act makes provision in relation to the making of regulations under Part 1 of the Act.

Section 93 of the Act sets out provisions concerning enforcement of non-benefit payments that are inserted in the Social Security Administration Act 1992 (c. 5) ("the SSAA"). Section 93 of the Act inserts three new sections after section 71ZH of the SSAA that are section 71ZI, relating to overview and recovery; section 71ZJ, relating to the overpayment decision and notice; section 71ZK, relating to reviews and appeals.

Section 101 amends the SSAA so that non-benefit payment fraud can be prosecuted. Section 101(2) of the Act amends section 111A of the SSAA and expands the offence of dishonest representation to include a non-benefit payment. Section 101(3) of the Act amends section 112 of the SSAA and sets out that it is an offence to make false representation (or to produce false information or documents) to obtain a non-benefit payment. Section 101(4) of the Act amends section 121DA(5) of the SSAA and inserts what constitutes a "non-benefit payment".

Section 102 of the Act amends sections 115A and 115B of the SSAA. Section 115A concerns penalty as an alternative to prosecution, and section 115B concerns penalty as an alternative to prosecution for colluding employers. Section 102(2) to (6) of the Act expands the definition of the types of overpayments to which section 115A applies to include a non-benefit payment. Section 102(7) of the Act amends section 115B of the SSAA to include an offence for an overpayment of a non-benefit payment to ensure that provision applies where the sums are recoverable under new section 71ZI.

Section 103 of the Act amends the Social Security Fraud Act 2001 (c. 11) to remove the loss of benefit provisions where an administrative penalty has been accepted as an alternative to prosecution.

Schedule 1 to the Act extends certain provisions of the Police and Criminal Evidence Act 1984 (c. 60) ("PACE") to criminal investigations of fraud offences against public authorities carried out by investigators, authorised by the Minister. These officers may use the PACE powers in the same way as police officers, with some modifications.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Public Authorities (Fraud, Error and Recovery) Act 2025 have been brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Section 98	4th December 2025	2025/1265
Section 78 (remainder)	2nd February 2026	2025/1265
Section 79 (remainder)	2nd February 2026	2025/1265
Schedule 3 (remainder)	2nd February 2026	2025/1265