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The Law

The Benefit Fraud Section always works within the legislation relating to the investigation of Housing Benefit Fraud. This includes:

- [Social Security Administration Act](#)
- [Human Rights Act](#)
- [Data Protection Act](#)
- [Theft Act](#)
- [Criminal Attempt Act \(Indictable cases only\)](#)
- [Criminal Law Act](#)
- [Forgery and Counterfeiting Act](#)
- [Magistrates Court Act](#)
- [Accessories and Abettors' Act](#)
- [Criminal Justice Act](#)
- [Regulation of Investigatory Powers Act \(RIPA\)](#)
- [The Criminal Procedures Investigations Act \(CPIA\)](#)
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The Criminal Procedures Investigations Act

The CPIA defines an investigator as being:

"Any police officer (or other person) involved in the conduct of a criminal investigation. All investigators have a responsibility for carrying out the duties imposed on them under this code, including in particular recording information, and retaining records of information and other material."

The code therefore applies to the Benefit Fraud Section, whether or not cases are prosecuted by the Council, the Department of Work and Pensions or Crown Prosecution Service. The Benefit Fraud Section will ensure that standards imposed by the code will apply even if there is no intention to prosecute when a case begins. The collection of evidence and Interviews Under Caution [IUC] are part the prosecution process.

CPIA defines a criminal investigation as:

"An investigation conducted by police officers (and other investigators) with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it."

"Authorised Officers" Powers in connection with Employment, Trade or Business

Appointed Authorised Officers have statutory defined powers:

- of entry to property
- to require the production of documents
- to require people to answer questions

The Human Rights Act (HRA) 1998

This act came into force from 2 October 2000. This incorporated the European Convention into domestic law. To comply with the HRA all criminal investigations must respect individuals' rights to privacy.

Regulation of Investigatory Powers Act (RIPA) 2000

All investigating bodies must prove that any intrusion into an individual's right to privacy is essential to the investigation of fraud. Procedures and guidance are set out in RIPA 2000, which was expressly passed to regulate Human Rights Act issues. RIPA is a legal requirement and therefore a mandatory requirement for local authorities.

There is a number of anti-fraud organisations that we are in contact with, including:

- National Anti Fraud Network (NAFN)
This organisation provides local authorities with intelligence to deter, detect and prevent fraud.
- Department of Work & Pensions
- Audit Commission
This organisation aims to minimise fraud in the Social Security System and boost counter-fraud performance.
- Local Authority Investigation Officers Group (LAIOG)
This is a group of Local Authorities which provide access to published information about fraud.

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