

False Representation to Obtain Benefit

Someone is guilty of an offence if she dishonestly, with a view to obtaining benefit, makes a false representation.

dishonestly Did the defendant act dishonestly? You should decide whether something is dishonest by the standards of ordinary decent people. If you find what was done was dishonest by those standards, then you should also decide whether the defendant must herself have realised that what she was doing was dishonest by those standards.

made a false representation Did the defendant make a false representation?

with a view to obtaining benefit for herself or another Did D** intend to obtain benefit when she returned the forms? This is not in dispute.

The prosecution case in relation to Count * is that D** pretended to be X** and dishonestly completed the Housing Benefit and Council Tax claim form (at page ** in the bundle) in her name, giving her details so that she could obtain benefit to which she was not entitled. D** accepts that she wrote out the application form, but says that she did so only to help her cousin, X**. She denies that she signed the form.

So, the key question for you to answer, having regard to all the evidence and the directions which I give you, is

Did D** dishonestly complete and sign the form, pretending to be X**?

If the answer is “yes”, she is guilty of Count *. If the answer is “no” she is not guilty.