



2001 CHAPTER 17

Loss of benefit provisions

Power to supplement and mitigate loss of benefit provisions

9.—(1) The Department may by regulations provide for any social security benefit to be treated for the purposes of [^{F1}sections 5A to 8]—

- (a) as a disqualifying benefit but not a sanctionable benefit; or
- (b) as neither a sanctionable benefit nor a disqualifying benefit.

(2) The Department may by regulations provide for any restriction in section [^{F2}5B,] 6, 7 or 8 not to apply in relation to payments of benefit to the extent of any deduction that (if any payment were made) would fall, in pursuance of provision made by or under any statutory provision, to be made from the payments and paid to a person other than the offender or, as the case may be, a member of his family.

(3) In this section “social security benefit” means—

- (a) any benefit under the Contributions and Benefits Act or the Social Security Contributions and Benefits Act 1992 (c. 4);
- (b) any benefit under the Jobseekers Order or the Jobseekers Act 1995 (c. 18); or
- [^{F3}(bb) any benefit under the State Pension Credit Act (Northern Ireland) 2002 or the State Pension Credit Act 2002;]
- [^{F4}(bc) any benefit under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance) or under Part 1 of the Welfare Reform Act 2007;]
- [^{F5}(bd) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit);]

Changes to legislation: *Social Security Fraud Act (Northern Ireland) 2001, Section 9 is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F6}(be) any benefit under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 or Part 4 of the Welfare Reform Act 2012 (personal independence payment);]

[^{F7}(bf) state pension or a lump sum under Part 1 of the Pensions Act (Northern Ireland) 2015 or under Part 1 of the Pensions Act 2014;]

[^{F8}(bg) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 or under section 30 of the Pensions Act 2014;]

(c) any war pension.

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| F1 | Words in s. 9(1) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 19(2)(a), 36(1)(e), Sch. 3 para. 4(2) |
| F2 | Words in s. 9(2) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 19(2)(a), 36(1)(e), Sch. 3 para. 4(3) |
| F3 | 2002 c. 14 (NI) |
| F4 | S. 9(3)(bc) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 28, 60, Sch. 3 para. 14(6) ; S.R. 2008/276, art. 2(2)(d) , Sch. Pt. 2 |
| F5 | S. 9(3)(bd) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), Sch. 2 para. 51 ; S.R. 2016/215, art. 2(2)(c)(v)(ii) |
| F6 | S. 9(3)(be) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), Sch. 9 para. 45 ; S.R. 2016/215, art. 2(5)(h)(vii) |
| F7 | S. 9(3)(bf) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), Sch. 12 para. 37 |
| F8 | S. 9(3)(bg) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), Sch. 16 para. 44 ; S.R. 2017/44, art. 2(2) (with arts. 34) |

Changes to legislation:

Social Security Fraud Act (Northern Ireland) 2001, Section 9 is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 9(2) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A(d)(iii) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 8](#)
- s. 5B(7)(d) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 47\(4\)](#)
- s. 6(4)(d) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 48\(4\)](#)
- s. 7(3)(aa) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 49\(2\)\(b\)](#)
- s. 7(4)(d) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 49\(3\)](#)
- s. 10(d) words inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 52\(3\)](#)