2007 CHAPTER 2

PART 3

SOCIAL SECURITY ADMINISTRATION: GENERAL

Sharing of social security information

Social security information

38.—(1) In the Administration Act, after section 5A (sharing of functions as regards certain claims and information) insert—

"**5B Use of social security information**

(1) A relevant authority may use for a relevant purpose any social security information which it holds.

(2) Regulations may make provision as to the procedure to be followed by a relevant authority for the purposes of any function it has relating to the administration of a specified benefit if the authority holds social security information which—

(a) is relevant for the purposes of anything which may or must be done by the authority in connection with a claim for or an award of the benefit, and

(b) was used by another relevant authority in connection with a claim for or an award of a different specified benefit or was verified by that other authority in accordance with regulations under section 5A(2)(e) above.

Status: *Point in time view as at 17/02/2016. This version of this part contains provisions that are prospective.*
Changes to legislation: *Welfare Reform Act (Northern Ireland) 2007, PART 3 is up to date with all changes known to be in force on or before 05 June 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)*

(3) A relevant purpose is anything which is done in relation to a claim which is made or which could be made for a specified benefit if it is done for the purpose of—

(a) identifying persons who may be entitled to such a benefit;

(b) encouraging or assisting a person to make such a claim;

(c) advising a person in relation to such a claim.

(4) Social security information means—

(a) information relating to social security, child support or war pensions;

(b) evidence obtained in connection with a claim for or an award of a specified benefit.

(5) A specified benefit is a benefit which is specified in regulations for the purposes of this section.

(6) Expressions used in this section and in section 5A have the same meaning in this section as in that section.

(7) This section does not affect any power which exists apart from this section to use for one purpose social security information obtained in connection with another purpose.”.

(2) In section 5A of that Act—

(a) in subsection (2) after paragraph (d) add—

“(e) the verification by a relevant authority of information or evidence supplied to or obtained by the authority in connection with a claim for or an award of a relevant benefit.”;

(b) in subsection (3) for “and (d)” substitute “ , (d) and (e) ”.

Commencement Information

I1 S. 38 wholly in operation at 8.10.2007; s. 38(2) in operation at Royal Assent see s. 60(1)(2)(a); s. 38(1) in operation at 8.10.2007 by S.R. 2007/429, **art. 2(1)(a)**

Information relating to certain benefits

F1 39 . . . . . .

Textual Amendments

F1 S. 39 repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **123(4)** (with s. 123(5)); S.R. 2016/46, art. 3(4)(h)

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Commencement Information

I2 S. 39 wholly in operation at 1.9.2008; s. 39 not in operation at Royal Assent see s. 60(1); s. 39 in operation for certain purposes at 8.8.2008 and wholly in operation at 1.9.2008 by S.R. 2008/339, **art. 2(1)(2)(a)**

Unlawful disclosure of certain information

[F2]40 . . . . . .

Textual Amendments

F2 S. 40 repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **123(4)** (with s. 123(5)); S.R. 2016/46, art. 3(4)(h)

Overpayment recovery

Recovery of overpaid benefit

41.—(1) Section 69 of the Administration Act (overpayments) is amended as follows.

(2) Subsection (5) (recovery of overpayments paid into account not recoverable under regulations under subsection (4) unless determination of amount is reversed on appeal etc. and overpayment is determined on the appeal etc. to be so recoverable) ceases to have effect.

(3) In subsection (5A) (recovery of overpayments paid in consequence of misrepresentation etc. not recoverable under subsection (1) unless determination of amount is reversed on appeal etc.) for "under subsection (1) above" substitute " under subsection (1) above or under regulations under subsection (4) above ".

Benefit fraud

PROSPECTIVE

Housing Executive powers to investigate benefit fraud

42.—(1) Section 104A of the Administration Act (authorisation of investigations by the Housing Executive) is amended as follows.

(2) In subsection (1) for "any one or more of the purposes mentioned in subsection (2) below" substitute " a relevant purpose ".

(3) After subsection (1) insert—

"(1A) Each of the following is a relevant purpose—

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(a) a purpose mentioned in subsection (2) below;

(b) a purpose mentioned in section 103A(2)(a), (c) or (d) above.

(1B) If the Department prescribes conditions for the purposes of this section, the Housing Executive must not proceed under this section for a purpose mentioned in section 103A(2)(a), (c) or (d) above unless any such condition is satisfied.

(1C) An authorisation made for a purpose mentioned in section 103A(2)(a), (c) or (d) above—

(a) is subject to such restrictions as may be prescribed;

(b) is not valid in such circumstances as may be prescribed.”.

(4) In subsection (2) for “Those purposes” substitute “ The purposes in this subsection ”.

(5) In subsection (7) after paragraph (c) add— “ but paragraphs (a) and (b) above do not apply in any case where the relevant purpose is as mentioned in subsection (1A)(b) above. ”.

PROSPECTIVE

Housing Executive powers to prosecute benefit fraud

43 After section 110 of the Administration Act (legal proceedings) insert—

“**110A Housing Executive powers to prosecute benefit fraud**

(1) This section applies if the Housing Executive has power to bring proceedings for a benefit offence relating to housing benefit.

(2) The Housing Executive may bring proceedings for a benefit offence relating to any other relevant social security benefit unless—

(a) the proceedings relate to any benefit or circumstances or any description of benefit or circumstances which the Department prescribes for the purposes of this paragraph, or

(b) the Department has directed that the Housing Executive must not bring the proceedings,

and a direction under paragraph (b) above may relate to the Housing Executive or to particular proceedings or any description of proceedings.

(3) If the Department prescribes conditions for the purposes of this section the Housing Executive must not bring proceedings under this section unless any such condition is satisfied.

(4) The Department may continue proceedings which have been brought by the Housing Executive under this section as if the proceedings

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had been brought in the Department's name or it may discontinue the proceedings if—

(a) it makes provision under subsection (2)(a) above, such that the Housing Executive would no longer be entitled to bring the proceedings under this section,

(b) it gives a direction under subsection (2)(b) above in relation to the proceedings, or

(c) a condition prescribed under subsection (3) above ceases to be satisfied in relation to the proceedings.

(5) The Housing Executive must not bring proceedings for a benefit offence which does not relate to housing benefit otherwise than in accordance with this section.

(6) In subsection (2) above, "relevant social security benefit" has the same meaning as in section 115CA below.".

PROSPECTIVE

Housing Executive functions relating to benefit: information

44.—(1) Section 116C of the Administration Act (supply of information to the Housing Executive) is amended as follows—

(a) in subsection (2) at the end add " or for the purposes of anything the Housing Executive is permitted to do in relation to any other benefit by virtue of section 104A or 110A above ";

(b) in subsection (3)(a) for "offences relating to housing benefit" substitute " benefit offences (within the meaning of Part 6 above) ".

(2) Section 116D of that Act (supply of information by the Housing Executive) is amended as follows—

(a) in subsection (1), for "benefit administration information" substitute " relevant benefit information ";

(b) in subsection (2A), after "subsection (2)" insert " , in addition to any other purpose for which the information may be used, ";

(c) for subsection (4) substitute—

"(4) In subsection (1) above "relevant benefit information", in relation to the Housing Executive or other person, means any information which is relevant to the exercise of any function relating to a relevant social security benefit by the Housing Executive or other person.";

(d) in subsection (5), in each place where it occurs, for "housing benefit" substitute " any relevant social security benefit ";

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(e) in subsection (6), after the definition of "private pensions policy" insert—

""relevant social security benefit" has the same meaning as in section 115CA above;".

(3) In section 119A of that Act (power to require information from landlords and agents), in subsection (8) for "benefit administration information" substitute " relevant benefit information ".

Loss of benefit for commission of benefit offences

45.—(1) In section 6 of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17) (loss of benefit for commission of benefit offences) in subsection (1)(b) (period within which later offence must be committed), for "three years" substitute " five years ".

(2) The amendment made by subsection (1) shall be disregarded insofar as the application of section 6(1)(b) of that Act involves considering whether an offence committed before the day on which this section comes into operation was committed within the relevant period.

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