



2007 CHAPTER 2

PART 3

SOCIAL SECURITY ADMINISTRATION: GENERAL

Benefit fraud

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 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."