
STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 6

Social security: general

Loss of benefit

Benefit offences: period of sanction

117.—(1) The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

(2) Section 5B (loss of benefit in case of conviction, penalty or caution for benefit offence) is amended as follows.

(3) In subsection (11), for “the period of four weeks” substitute “ the relevant period ”.

(4) After subsection (11) insert—

“(11A) For the purposes of subsection (11) the relevant period is—

- (a) in a case falling within subsection (1)(a) where the benefit offence, or one of them, is a relevant offence, the period of three years,
- (b) in a case falling within subsection (1)(a) (but not within paragraph (a) above), the period of 13 weeks, or
- (c) in a case falling within subsection (1)(b) or (c), the period of four weeks.”

(5) After subsection (13) insert—

“(14) In this section and section 6 “relevant offence” means—

- (a) the common law offence of conspiracy to defraud, or
- (b) a prescribed offence which, in the offender's case, is committed in such circumstances as may be prescribed, and which, on conviction—
 - (i) is found by the court to relate to an overpayment (as defined in section 109A(8) of the Administration Act) of at least £50,000,
 - (ii) is punished by a custodial sentence of at least one year (including a suspended sentence as defined in section 33(1) of the Treatment of Offenders Act (Northern Ireland) 1968), or
 - (iii) is found by the court to have been committed over a period of at least two years.”

(6) After subsection (14) (inserted by paragraph (5)) insert—

“(15) The Department may by order amend subsection (11A)(a), (b) or (c), or (14)(b) (i), (ii) or (iii) to substitute a different period or amount for that for the time being specified there.”

Changes to legislation: *The Welfare Reform (Northern Ireland) Order 2015, Section 117 is up to date with all changes known to be in force on or before 19 April 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*

(7) In section 6 (loss of benefit for second or subsequent conviction of benefit offence), after subsection (1) insert—

“(1A) The following restrictions do not apply if the benefit offence referred to in subsection (1)(a), or any of them, is a relevant offence.”

(8) In section 10 (loss of benefit regulations)—

(a) in the heading, after “benefit” insert “ orders and ”;

(b) in subsection (3) after paragraph (d) insert—

“or

(e) a provision prescribing an offence under section 5B(14)(b),”;

(c) after subsection (3) insert—

“(3A) An order under section 5B(15) shall be subject to the confirmatory procedure.

(3B) In this section “the confirmatory procedure” means the procedure described in subsection (3).”;

(d) in subsection (4) after “make”, in both places, insert “ an order or ”.

Commencement Information

I1 [Art. 117](#) in operation at 2.5.2016 for specified purposes by [S.R. 2016/215](#), [art. 2\(6\)\(d\)](#)

I2 [Art. 117](#) in operation at 9.9.2016 in so far as not already in operation by [S.R. 2016/325](#), [art. 2\(3\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.R. 2009/4 by [S.R. 2019/107 art. 2](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by [S.R. 2019/4 art. 5](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by [S.R. 2019/7 art. 3](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/216 by [S.R. 2018/1 art. 7](#)
- specified provision(s) amendment to earlier commencing SR 2016/46, art. 5(a) by [S.R. 2016/166 art. 3](#)

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

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

- Pts. 25 modified by [S.R. 2019/212 art. 2\(2\)\(g\)](#) (This amendment not applied to [legislation.gov.uk SR 2019/212](#) revoked (19.12.2020) by SR 2020/348, art. 1(2)(2))
- art. 56(1) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)