
STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 6

Social security: general

Investigation and prosecution of offences

Powers to require information relating to investigations

112. In section 103B of the Administration Act (power to require information), in subsection (2)

- (a) after paragraph (i) (but before the final “and”) insert—
 - “(ia) a person of a prescribed description;”;
- (b) in paragraph (j), for “(i)” substitute “(ia)”.

Commencement Information

I1 Art. 112 in operation at 17.2.2016 by S.R. 2016/46, art. 3(4)(c)

Time limits for legal proceedings

113. In section 110 of the Administration Act (legal proceedings), in subsection (2)—

- (a) in paragraph (a), for “other than an offence relating to housing benefit” substitute “(other than proceedings to which paragraph (b) applies)”;
- (b) in paragraph (b), after “proceedings” insert “brought by the Department of Finance and Personnel or the Housing Executive”.

Commencement Information

I2 Art. 113 in operation at 17.2.2016 by S.R. 2016/46, art. 3(4)(d)

PROSPECTIVE

Prosecution powers of the Housing Executive

- 114.—**(1) The Administration Act is amended as follows.
(2) After section 110 insert—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Investigation and prosecution of offences is up to date with all changes known to be in force on or before 25 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) View outstanding changes

“110ZA Housing Executive powers to prosecute housing benefit fraud

(1) The Housing Executive may not bring proceedings against a person for a benefit offence relating to housing benefit unless—

- (a) the Housing Executive has already started an investigation in relation to that person in respect of the offence,
- (b) the proceedings arise in prescribed circumstances or are of a prescribed description, or
- (c) the Department has directed that the Housing Executive may bring the proceedings.

(2) The Department may direct that in prescribed circumstances the Housing Executive may not bring proceedings by virtue of subsection (1)(a) despite the requirements in that provision being met.

(3) A direction under subsection (1)(c) or (2) may relate to particular proceedings or any description of proceedings.

(4) If the Department prescribes conditions for the purposes of this section, the Housing Executive may bring proceedings in accordance with this section only if any such condition is satisfied.

(5) The Department may continue proceedings which have been brought by the Housing Executive in accordance with this section as if the proceedings had been brought in the Department's name or it may discontinue the proceedings if—

- (a) the proceedings were brought by virtue of subsection (1)(a),
- (b) the Department makes provision under subsection (1)(b) which has the effect that the Housing Executive would no longer be entitled to bring the proceedings in accordance with this section,
- (c) the Department withdraws a direction under subsection (1)(c) in relation to the proceedings, or
- (d) a condition prescribed under subsection (4) ceases to be satisfied in relation to the proceedings.

(6) In exercising a power to bring proceedings in accordance with this section, the Housing Executive must have regard to the code of practice for prosecutors published by the Director of Public Prosecutions for Northern Ireland under section 37 of the Justice (Northern Ireland) Act 2002—

- (a) in determining whether the proceedings should be instituted;
- (b) in determining what charges should be preferred;
- (c) in considering what representations to make to a magistrates' court about mode of trial;
- (d) in determining whether to discontinue proceedings.

(7) Regulations shall define “an investigation in respect of a benefit offence” for the purposes of this section.”

(3) Section 110A (Housing Executive powers to prosecute benefit fraud) (as inserted by section 43 of the Welfare Reform Act (Northern Ireland) 2007) is amended as follows.

(4) In the heading, after “prosecute” insert “ other ”.

(5) In subsection (2)—

- (a) for “unless” substitute “ only if ”;
- (b) in paragraph (b), for “must not”, substitute “ may ”.

Status: *This version of this cross heading contains provisions that are prospective.*

Changes to legislation: *The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Investigation and prosecution of offences is up to date with all changes known to be in force on or before 25 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) [View outstanding changes](#)*

(6) In subsection (4)(b), for “gives” substitute “ withdraws ”.

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Investigation and prosecution of offences is up to date with all changes known to be in force on or before 25 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.

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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](#)