
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 79

**The Social Security (Loss of Benefit)
Regulations (Northern Ireland) 2002**

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002 and shall come into operation on 1st April 2002.

(2) In these Regulations—

“the Act” means the Social Security Fraud Act (Northern Ireland) 2001;

“the Employment and Training Act” means the Employment and Training Act (Northern Ireland) 1950⁽¹⁾;

“the Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾;

“the Children Order” means the Children (Northern Ireland) Order 1995⁽³⁾;

“the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995⁽⁴⁾;

“an authority” has the same meaning as in Article 2 of the Children Order;

“claimant” in a regulation means the person claiming the sanctionable benefit referred to in that regulation;

“disqualification period” means the period in respect of which the restrictions on payment of a relevant benefit apply in respect of an offender in accordance with section 6(6) of the Act and shall be interpreted in accordance with regulation 2;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987⁽⁵⁾;

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987⁽⁶⁾;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996⁽⁷⁾; and

(1) 1950 c. 29 (N.I.)

(2) 1992 c. 7

(3) S.I.1995/755 (N.I. 2)

(4) S.I. 1995/2705 (N.I. 15)

(5) S.R. 1987 No. 461; relevant amending rules are S.R. 1998 No. 73 and S.R. 2001 No. 41

(6) S.R. 1987 No. 459; relevant amending rules are S.R. 1988 No. 318, S.R. 1990 No. 213, S.R. 1993 No. 149, S.R. 1996 No. 199, S.R. 1999 No. 371 (C. 28), S.R. 2000 Nos. 4 and 105 and S.R. 2001 No. 41

(7) S.R. 1996 No. 198; relevant amending rules are S.R. 1996 No. 503, S.R. 1999 No. 385, S.R. 2000 No. 350 and S.R. 2001 Nos. 41 and 120

“offender” means the person who is subject to the restriction in the payment of his benefit in accordance with section 6 of the Act.

(3) Expressions used in these Regulations which are defined either for the purposes of the Jobseekers Order or the Jobseeker’s Allowance Regulations shall have the same meaning as for the purposes of that Order or, as the case may be, those Regulations.

Disqualification period

2.—(1) Subject to paragraph (2), the first day of the disqualification period for the purposes of section 6(6) of the Act shall be—

- (a) subject to sub-paragraph 6 where, on the determination day—
 - (i) the offender is in receipt of a sanctionable benefit;
 - (ii) the offender is a member of a joint-claim couple which is in receipt of a joint-claim jobseeker’s allowance, or
 - (iii) the offender’s family member is in receipt of income support, jobseeker’s allowance or housing benefit,
 the day which is 28 days after the determination day;
- (b) where sub-paragraph (a) does not apply, the day which is 28 days after the first day after the determination day on which the Department decides to award—
 - (i) a sanctionable benefit to the offender;
 - (ii) a joint-claim jobseeker’s allowance to a joint-claim couple of which the offender is a member, or
 - (iii) income support or jobseeker’s allowance ;
- (c) where the only sanctionable benefit which the offender or, as the case may be, the offender’s family member, is in receipt of is housing benefit, the day which is 28 days after the first day after the determination day on which the Department is notified by the relevant authority that the offender or an offender’s family member is in receipt of that benefit or, as the case may be, has been awarded that benefit and in this sub-paragraph “relevant authority” means the relevant authority administering the offender’s or the offender’s family member’s housing benefit.

(2) For the purposes of paragraph (1), the first day of the disqualification period shall be no later than 3 years and 28 days after the date of the conviction of the offender for the benefit offence in the later proceedings referred to in section 6(1) of the Act and section 6(9) of the Act (date of conviction and references to conviction) shall apply for the purposes of this paragraph as it applies for the purposes of section 6 of the Act.

(3) In this regulation, “the determination day” means the day on which the Department determines that a restriction under—

- (a) section 6 of the Act would be applicable to the offender were he in receipt of a sanctionable benefit;
- (b) section 7 of the Act would be applicable to the offender were he a member of a joint-claim couple which is in receipt of a joint-claim jobseeker’s allowance; or
- (c) section 8 of the Act would be applicable to the offender’s family member were that member in receipt of income support, jobseeker’s allowance or housing benefit.