



Forfeiture Act 1982

1982 CHAPTER 34

4 Commissioner to decide whether rule applies to social security benefits.

- (1) Where a question arises as to whether, if a person were otherwise entitled to or eligible for any benefit or advantage under a relevant enactment, he would be precluded by virtue of the forfeiture rule from receiving the whole or part of the benefit or advantage, that question shall (notwithstanding anything in any relevant enactment) be determined by a Commissioner.
- (2) Regulations under this section may make such provision as appears to the Secretary of State to be necessary or expedient for carrying this section into effect; and (without prejudice to the generality of that) the regulations may, in relation to the question mentioned in subsection (1) above or any determination under that subsection—
 - (a) apply any provision of any relevant enactment, with or without modifications, or exclude or contain provision corresponding to any such provision; and
 - (b) make provision for purposes corresponding to those for which provision may be made by regulations under section 115 of the Social Security Act 1975 (matters relating to adjudication).
- (3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Section 166(2) and (3) of the Social Security Act 1975 (provision about extent of power to make regulations) shall apply to the power to make regulations conferred by this section as it applies to the power to make regulations conferred by that Act, but as if for references to that Act there were substituted references to this section.
- (5) In this section—
 - " Commissioner " has the same meaning as in the Social Security Act 1975; and
 - " relevant enactment " means any provision of the following and any instrument made by virtue of such a provision:
 - the Personal Injuries (Emergency Provisions) Act 1939,
 - the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939,

Status: This is the original version (as it was originally enacted).

the Polish Resettlement Act 1947,
the Family Income Supplements Act 1970,
the Social Security Act 1975,
Part II of the Social Security Pensions Act 1975,
the Child Benefit Act 1975,
Part I of the Supplementary Benefits Act 1976,
section 12 of the Social Security (Miscellaneous Provisions) Act 1977,
section 14 of the Social Security Act 1980,
and any other enactment relating to pensions or social security prescribed by
regulations under this section.