



# Social Security Act 1986

## 1986 CHAPTER 50

### PART VII

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

##### *Miscellaneous*

#### **76 Amendments relating to forfeiture of benefits.**

- (1) The <sup>M1</sup>Forfeiture Act 1982 shall be amended as follows.
- (2) The following subsections shall be inserted after subsection (1) of section 4 (Social Security Commissioner to determine whether forfeiture rule applies to social security benefits)—
  - “(1A) Where a Commissioner determines that the forfeiture rule has precluded a person (in this section referred to as “the offender”) who has unlawfully killed another from receiving the whole or part of any such benefit or advantage, the Commissioner may make a decision under this subsection modifying the effect of that rule and may do so whether the unlawful killing occurred before or after the coming into force of this subsection.
  - (1B) The Commissioner shall not make a decision under subsection (1A) above modifying the effect of the forfeiture rule in any case unless he is satisfied that, having regard to the conduct of the offender and of the deceased and to such other circumstances as appear to the Commissioner to be material, the justice of the case requires the effect of the rule to be so modified in that case.
  - (1C) Subject to subsection (1D) below, a decision under subsection (1A) above may modify the effect of the forfeiture rule in either or both of the following ways—
    - (a) so that it applies only in respect of a specified proportion of the benefit or advantage;
    - (b) so that it applies in respect of the benefit or advantage only for a specified period of time.

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*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1986, Section 76. (See end of Document for details)*

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- (1D) Such a decision may not modify the effect of the forfeiture rule so as to allow any person to receive the whole or any part of a benefit or advantage in respect of any period before the commencement of this subsection.
- (1E) If the Commissioner thinks it expedient to do so, he may direct that his decision shall apply to any future claim for a benefit or advantage under a relevant enactment, on which a question such as is mentioned in subsection (1) above arises by reason of the same unlawful killing.
- (1F) It is immaterial for the purposes of subsection (1E) above whether the claim is in respect of the same or a different benefit or advantage.
- (1G) For the purpose of obtaining a decision whether the forfeiture rule should be modified the Secretary of State may refer to a Commissioner for review any determination of a question such as is mentioned in subsection (1) above that was made before the commencement of subsections (1A) to (1F) above (whether by a Commissioner or not) and shall do so if the offender requests him to refer such a determination.
- (1H) Subsections (1A) to (1F) above shall have effect on a reference under subsection (1G) above as if in subsection (1A) the words “it has been determined” were substituted for the words “a Commissioner determines”.
- (3) In subsection (2) of that section, after the words “that subsection” there shall be inserted the words “or any decision under subsection (1A) above”.
- (4) In section 5 (exclusion of murderers) after the word “Act”, in the second place where it occurs, there shall be inserted the words “or in any decision made under section 4(1A) of this Act”.

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**Modifications etc. (not altering text)**

- C1** The text of ss. 76, 77 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

- M1** 1982 c. 34.

**Changes to legislation:**

There are currently no known outstanding effects for the Social Security Act 1986, Section 76.