

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY INVESTIGATION POWERS (ARRANGEMENTS WITH
NORTHERN IRELAND) REGULATIONS 2007

2007 No. 271

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before the House of Commons by Command of Her Majesty.
2. **Description**
 - 2.1 The Regulations give effect in Great Britain to arrangements made between the Secretary of State for Work and Pensions and the Department for Social Development in Northern Ireland (“the Arrangements”). The Arrangements, which are set out in a memorandum reproduced in Schedule 1 to the Regulations, provide for a single system of social security investigation powers in Great Britain (“GB”) and Northern Ireland (“NI”).
3. **Matters of special interest to the Select Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 The Arrangements are made under section 87(2) of the Northern Ireland Act 1998 (the 1998 Act) which provides for arrangements to be made by the Secretary of State and the relevant Northern Ireland Department for co-ordinating the operation of legislation, with a view to providing single social security systems in GB and NI . The Treasury (in GB) and the Department for Finance and Personnel (in NI) must give consent to the arrangements.
 - 4.2 The Memorandum setting out the Arrangements has been signed on behalf of the Secretary of State for Work and Pensions and the Department for Social Development in NI, and the Treasury and the Department of Finance and Personnel have given their consent.
 - 4.3 The Regulations are made under section 87(4) and (9) of the 1998 Act. They give legal effect in GB to the Arrangements, in particular by providing for the adaptation of various fraud-related provisions in the Social Security Administration Act 1992. The Social Security Investigation Powers (Arrangements with Great Britain) Regulations (Northern Ireland) 2007 give effect to the Arrangements in NI.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to all of Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Provisions in the Social Security Administration Act 1992 allow the Secretary of State to appoint authorised officers in GB to investigate various fraud-related issues in social security benefits. Local authorities administering housing benefit and council tax benefit have similar powers in relation to those benefits.
- 7.2 Existing arrangements allow for officers authorised in NI to make certain types of enquiries in GB (and vice-versa), but they do not apply to income-related benefits. The new Arrangements and Regulations will remedy this, and more generally will clarify the basis on which an officer authorised in one territory may exercise powers in the other territory.
- 7.3 So where, for example, an officer authorised in NI suspects that a GB based organisation such as a bank holds information regarding a NI benefit recipient, the officer – on the basis of the Arrangements and Regulations – may require the bank to provide information regarding that recipient.
- 7.4 The overall intention of the Regulations and Arrangements is to facilitate fraud detection in social security benefits (including housing and council tax benefits), and to deter benefit fraud, across the UK as a whole.

Consultation

- 7.5 As we envisage that the impact of these regulations on the private sector will be limited, no consultation has been undertaken before introducing them. The Regulations do not fall to be considered by the Social Security Advisory Committee.

Guidance and Consolidation

- 7.6 Any officer authorised in NI who invokes the GB legislation when seeking information from employers will be required to cite the legislation under which the information is required. So no general guidance or publicity is required.
- 7.7 These Regulations give effect to a new and free-standing set of arrangements between GB and NI dealing with social security investigation powers, so the question of consolidation does not arise.

8. Impact

8.1 The Regulations give effect to amendments to an existing regulatory regime and have only a negligible impact on business, charities and the voluntary sector, so a full regulatory impact assessment is unnecessary.

8.2 The impact on the public sector is also negligible.

9. Contact

Carole Jones at the Department for Work and Pensions Tel: +44 (0)20 7712 2885 or e-mail: carole.jones@dwp.gsi.gov.uk can answer any queries regarding the instrument.