



2000 CHAPTER 4

PART III  
SOCIAL SECURITY

*Loss of benefit*

**Loss of benefit for breach of community order**

**53.—(1)** If—

- (a) a court makes a determination that a person (“the offender”) has failed without reasonable excuse to comply with the requirements of a relevant community order made in respect of him;
- (b) the Department or, as the case may be, the Department of Higher and Further Education, Training and Employment is notified in accordance with regulations under section 55 of the determination; and
- (c) the offender is a person with respect to whom the conditions for any entitlement to a relevant benefit are or become satisfied,

then, even though those conditions are satisfied, the following restrictions shall apply in relation to the payment of that benefit in the offender’s case.

(2) Subject to subsections (3) to (5), the relevant benefit shall not be payable in the offender’s case for the prescribed period.

(3) Where the relevant benefit is income support, the benefit shall be payable in the offender’s case for the prescribed period as if the applicable amount used for the determination under section 123(4) of the Contributions and Benefits Act of the amount of the offender’s entitlement for that period were reduced in such manner as may be prescribed.

(4) The Department may by regulations provide that, where the relevant benefit is jobseeker's allowance, any income-based jobseeker's allowance shall be payable, during the whole or a part of the prescribed period, as if one or more of the following applied—

- (a) the rate of the allowance were such reduced rate as may be prescribed;
- (b) the allowance were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
- (c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.

(5) Where the relevant benefit is a payment under section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29) (under which training allowances are payable), that benefit shall not be payable for the prescribed period except to such extent (if any) as may be prescribed.

(6) Where the determination by a court that was made in the offender's case is quashed or otherwise set aside by the decision of that or any other court, all such payments and other adjustments shall be made in his case as would be necessary if the restrictions imposed by or under this section in respect of that determination had not been imposed.

(7) The length of any period prescribed for the purposes of any of subsections (2) to (5) shall not exceed twenty-six weeks.

(8) In this section—

“income-based jobseeker's allowance” and “joint-claim jobseeker's allowance” have the same meanings as in the [Jobseekers \(Northern Ireland\) Order 1995 \(NI 15\)](#) (in this Act referred to as the “Jobseekers Order”);

“relevant benefit” means—

- (a) income support;
- (b) any jobseeker's allowance other than joint-claim jobseeker's allowance;
- (c) any benefit under the Contributions and Benefits Act (other than income support) which is prescribed for the purposes of this section; or
- (d) any prescribed payment under section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29);

“relevant community order” means—

- (a) a community service order;
- (b) a probation order;
- (c) a combination order;
- (d) such other description of community order within the meaning of the [Criminal Justice \(Northern Ireland\) Order 1996 \(NI 24\)](#) as may be prescribed for the purposes of this section; or

- (e) any order falling in Northern Ireland to be treated as an order specified in paragraphs (a) to (d).

(9) In relation to a relevant benefit falling within paragraph (d) of the definition of that expression in subsection (8), references in this section to the conditions for entitlement to that benefit being or becoming satisfied with respect to any person are references to there having been or, as the case may be, the taking of a decision to make a payment of such benefit to that person.

### **Loss of joint-claim jobseeker's allowance**

**54.—**(1) Subsections (2) and (3) shall have effect, subject to the other provisions of this section, where—

- (a) the conditions for the entitlement of any joint-claim couple to a joint-claim jobseeker's allowance are or become satisfied at any time; and
- (b) the restriction in subsection (2) of section 53 would apply in the case of at least one of the members of the couple if the entitlement were an entitlement of that member to a relevant benefit.

(2) The allowance shall not be payable in the couple's case for so much of the prescribed period as is a period for which—

- (a) in the case of each of the members of the couple, the restriction in subsection (2) of section 53 would apply if the entitlement were an entitlement of that member to a relevant benefit; or
- (b) that restriction would so apply in the case of one of the members of the couple and the other member of the couple is subject to sanctions for the purposes of Article 22A of the Jobseekers Order (denial or reduction of joint-claim jobseeker's allowance).

(3) For any part of the period for which subsection (2) does not apply, the allowance—

- (a) shall be payable in the couple's case as if the amount of the allowance were reduced to an amount calculated using the method prescribed for the purposes of this subsection; but
- (b) shall be payable only to the member of the couple who is not the person in relation to whom the court has made a determination.

(4) The Department may by regulations provide in relation to cases to which subsection (2) would otherwise apply that joint-claim jobseeker's allowance shall be payable in a couple's case, during the whole or a part of so much of the prescribed period as falls within paragraph (a) or (b) of that subsection, as if one or more of the following applied—

- (a) the rate of the allowance were such reduced rate as may be prescribed;

(b) the allowance were payable only if there is compliance by each of the members of the couple with such obligations with respect to the provision of information as may be imposed by the regulations;

(c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.

(5) Paragraph (6) of Article 22A of the Jobseekers Order shall apply for the purposes of subsection (3) as it applies for the purposes of paragraph (5) of that Article.

(6) Subsection (6) of section 53 shall apply for the purposes of this section in relation to any determination relating to one or both members of the joint-claim couple as it applies for the purposes of that section in relation to the determination relating to the offender.

(7) The length of any period prescribed for the purposes of subsection (2) or (3) shall not exceed twenty-six weeks.

(8) In this section—

“joint-claim couple” and “joint-claim jobseeker’s allowance” have the same meanings as in the Jobseekers Order;

“relevant benefit” has the same meaning as in section 53.

### **Information provision**

**55.—**(1) A court in Northern Ireland shall, before making a relevant community order in relation to any person, explain to that person in ordinary language the consequences by virtue of sections 53 and 54 of a failure to comply with the order.

(2) The Department may by regulations require the Chief Probation Officer for Northern Ireland, or such other person as may be prescribed, to notify the Department or, as the case may be, the Department of Higher and Further Education, Training and Employment, at the prescribed time and in the prescribed manner—

(a) of the making by a member of the staff of the Probation Board of a complaint that a person has failed to comply with the requirements of a relevant community order;

(b) of any such determination as is mentioned in section 53(1);

(c) of such information about the offender, and in the possession of the person giving the notification, as may be prescribed; and

(d) of any circumstances by virtue of which any payment or adjustment might fall to be made by virtue of section 53(6) or 54(6).

(3) Where it appears to the Department or, as the case may be, the Department of Higher and Further Education, Training and Employment, that the making of any complaint could result in a determination the making of which would result

in the imposition by or under one or both of sections 53 and 54 of any restrictions, it shall be the duty of that Department to notify the person in whose case those restrictions would be imposed, or (as the case may be) the members of any joint-claim couple in whose case they would be imposed, of the consequences under those sections of such a determination in the case of that person, or couple.

(4) A notification required to be given by the Department or, as the case may be, the Department of Higher and Further Education, Training and Employment, under subsection (3) must be given as soon as reasonably practicable after it first appears to that Department as mentioned in that subsection.

(5) The Department may by regulations make such provision as it thinks fit for the purposes of sections 53 to 56 about—

- (a) the use by a person within subsection (6) of information relating to community orders or social security;
- (b) the supply of such information by a person within that subsection to any other person (whether or not within that subsection); and
- (c) the purposes for which a person to whom such information is supplied under the regulations may use it.

(6) The persons within this subsection are—

- (a) the Department or, as the case may be, the Department of Higher and Further Education, Training and Employment;
- (b) a person providing services to either of those Departments;
- (c) a member of the staff of the Probation Board.

(7) Regulations under subsection (5) may, in particular, authorise information supplied to a person under the regulations—

- (a) to be used for the purpose of amending or supplementing other information held by that person; and
- (b) where so used, to be supplied to any other person to whom, and used for any purpose for which, the information amended or supplemented could be supplied or used.

(8) In this section—

“member of the staff of the Probation Board” has the same meaning as in the [Probation Board \(Northern Ireland\) Order 1982 \(NI 10\)](#);

“the Probation Board” means the Probation Board for Northern Ireland;

“relevant community order” has the same meaning as in section 53.

### **Loss of benefit regulations**

**56.—**(1) In the loss of benefit provisions “prescribed” means prescribed by or determined in accordance with regulations made by the Department.

(2) Regulations prescribing a period for the purposes of any of the loss of benefit provisions may contain provision for determining the time from which the period is to run.

(3) Subject to subsection (4), regulations under any of the loss of benefit provisions shall be subject to negative resolution.

(4) Regulations containing (whether alone or with other provisions) a provision—

- (a) prescribing the manner in which the applicable amount is to be reduced for the purposes of section 53(3);
- (b) prescribing the manner in which an amount of joint-claim jobseeker's allowance is to be reduced for the purposes of section 54(3)(a);
- (c) the making of which is authorised by section 53(4) or 54(4);
- (d) prescribing benefits under the Contributions and Benefits Act as benefits that are to be relevant benefits for the purposes of section 53; or
- (e) that any description of order is to be a relevant community order for the purposes of that section,

shall be laid before the Assembly after being made and shall take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations have been approved by a resolution of the Assembly.

(5) Article 74(3) to (6) of the 1998 Order (regulations and orders) shall apply to any power to make regulations under the loss of benefit provisions as it applies to any power to make regulations under that Order.

(6) In this section “the loss of benefit provisions” means sections 53 to 55.

### **Appeals relating to loss of benefit**

**57.** In paragraph 3 of Schedule 3 to the 1998 Order (decisions against which an appeal lies), after sub-paragraph (d) there shall be added “; or

- (e) section 53 or 54 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000.”.

### *Investigation powers*

### **Investigation powers**

**58.** Schedule 6 (which amends the enforcement provisions contained in Part VI of the Administration Act) shall have effect.

### *Housing benefit*

#### **Housing benefit: revisions and appeals**

**59.** Schedule 7 (which makes provision for the revision of decisions made in connection with claims for housing benefit and for appeals against such decisions) shall have effect.

#### **Discretionary financial assistance with housing**

**60.—(1)** The Department may by regulations make provision conferring a power on relevant authorities to make payments by way of financial assistance (“discretionary housing payments”) to persons who—

- (a) are entitled to housing benefit; and
  - (b) appear to such an authority to require some further financial assistance (in addition to the benefit to which they are entitled) in order to meet housing costs.
- (2) Regulations under this section may include provision—
- (a) prescribing the circumstances in which discretionary housing payments may be made under the regulations;
  - (b) conferring (subject to any provision made by virtue of paragraph (c) or (d)) a discretion on a relevant authority—
    - (i) as to whether or not to make discretionary housing payments in a particular case; and
    - (ii) as to the amount of the payments and the period for or in respect of which they are made;
  - (c) imposing a limit on the amount of the discretionary housing payment that may be made in any particular case;
  - (d) restricting the period for or in respect of which discretionary housing payments may be made;
  - (e) about the form and manner in which claims for discretionary housing payments are to be made and about the procedure to be followed by relevant authorities in dealing with and disposing of such claims;
  - (f) imposing conditions on persons claiming or receiving discretionary housing payments requiring them to provide a relevant authority with such information as may be prescribed;
  - (g) entitling a relevant authority that is making or has made a discretionary housing payment, in such circumstances as may be prescribed, to cancel the making of further such payments or to recover a payment already made;
- or

- (h) requiring or authorising a relevant authority to review decisions made by the authority with respect to the making, cancellation or recovery of discretionary housing payments.
- (3) Regulations under this section shall be subject to negative resolution.
- (4) Article 74(3) to (6) of the 1998 Order (regulations and orders) shall apply to any power to make regulations under this section as it applies to any power to make regulations under that Order.
- (5) Any power to make regulations under this section shall include power to make different provision for different areas or different relevant authorities.
- (6) In this section—
  - “prescribed” means prescribed by or determined in accordance with regulations made by the Department;
  - “relevant authority” means the Housing Executive or the Department of Finance and Personnel, as the case may be.

#### **Grants towards cost of discretionary housing payments**

- 61.**—(1) The Department may make to the Housing Executive payments in respect of—
- (a) the cost to the Housing Executive of the making of discretionary housing payments; and
  - (b) the expenses involved in the administration by the Housing Executive of any scheme for the making of discretionary housing payments.
- (2) Section 127(2) and (3) of the Administration Act shall apply in relation to payments under this section as it applies in relation to grants under that section.
- (3) In this section “discretionary housing payment” means any payment made by virtue of regulations under section 60.

#### **Recovery of housing benefit**

- 62.** For subsection (3) of section 73 of the Administration Act (overpayments of housing benefit) there shall be substituted—
- “(3) An amount recoverable under this section shall be recoverable—
- (a) except in such circumstances as may be prescribed, from the person to whom it was paid; and
  - (b) where regulations so provide, from such other person (as well as, or instead of, the person to whom it was paid) as may be prescribed.”.



*Child benefit*

**Child benefit disregards**

**63.** In section 139(3)(c) of the Contributions and Benefits Act (meaning of “person responsible for child”) for “Article 7” there shall be substituted “Article 15 or 36”.

*Social Security Advisory Committee*

**Social Security Advisory Committee**

**64.** In section 149(5) of the Administration Act (functions of Social Security Advisory Committee in relation to legislation and regulations), in the definition of “the relevant enactments”, after paragraph (ae) there shall be inserted—

“(af) sections 38, 53 to 56 and 59 to 61 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and Schedule 7 to that Act; and”.