



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.