

*These notes refer to the Social Security Fraud Act (Northern Ireland)  
2001 (c.17) which received Royal Assent on 15 November 2001*

# Social Security Fraud Act (Northern Ireland) 2001

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 10: Loss of benefit regulations*

*Section 10* contains provisions about the making of regulations by the Department.

*Section 10(1)* defines the term ‘prescribed’ to mean prescribed by, or in accordance with, regulations made by the Department.

*Section 10(2)* provides for all regulations under these provisions, other than those regulations referred to in subsection (3), to be made subject to negative resolution.

*Section 10(3)* lists the regulations that are subject to the confirmatory procedure. These are:

- regulations that prescribe any additional benefits that are to be treated as disqualifying but not sanctionable benefits for the purposes of section 6;
- regulations to prescribe a reduced amount of IS to be paid to a claimant, or a member of the offender's family, who is subject to a fraud sanction;
- regulations prescribing the circumstances in which reduced hardship payments are to be made, and the amount, where the sanction applies to a single claimant on JSA, or where both members of a joint-claim couple are subject to a sanction. This subsection also applies to regulations prescribing a reduced amount of JSA to be paid to a member of the offender’s family and to regulations prescribing a reduced amount of HB to be paid to a claimant, or member of the offender’s family, who is subject to a fraud sanction;
- regulations prescribing a reduced amount of a joint-claim JSA where one member of a couple is subject to sanction.

*Section 10(4)* applies technical provisions of the Social Security (Northern Ireland) Order 1998 to the regulation-making powers in sections 6 to 9, for example, to enable the regulations to include incidental, consequential and transitional provisions.

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*Section 10(5)* provides that regulations under these measures can include different provision for different areas.