

*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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 9: Power to supplement and mitigate loss of benefit provisions

Section 9 contains definitions and further regulation-making powers enabling the scheme of benefit offence sanctions to be modified.

There will be a number of occasions when a claimant will have deductions taken from their benefit to pay for items such as fuel arrears, court fines, and Social Fund loans. Under current arrangements, a claimant has to agree with the Department which payments to third parties should remain 'deductible' during a period of sanction. There will be times when it is either in the claimant's best interests to continue third party payments (i.e. where money is being deducted to pay for essential fuel costs), or where it is in an innocent third party's interest to have the payments maintained (i.e. child maintenance deductions introduced by the Child Support, Pensions and Social Security Act). The provisions will allow a certain amount of flexibility to the current system and the powers in section 9(2) allow the Department to prescribe in regulations which circumstances this may apply to.

Section 9(1) allows the Department to provide by regulations that certain benefits shall be disqualifying but not sanctionable benefits. It is intended to provide the Department with the flexibility to change the scope of the scheme where it is appropriate to do so.

Section 9(2) allows the Department to prescribe in regulations for certain parts of a claimant's benefit to be exempted from restriction, where that part is already being deducted from benefit and paid to a third party. For example, the Child Support reforms brought in under the Child Support, Pensions and Social Security Act introduced compulsory deductions from the benefits of non-resident parents. These are then passed on to the parent with care. In circumstances such as these, the intention is that benefit payment is withdrawn or reduced apart from amounts subject to the amount of compulsory maintenance deductions which are to be paid over to the parents with care in the normal way.

Section 9(3) sets out definitions of the terms used within this provision.