



## 2001 CHAPTER 17

### *Loss of benefit provisions*

#### **[<sup>F1</sup>Section 5B: supplementary provisions**

**5C.—(1) Where—**

- (a) the conviction of any person of any offence is taken into account for the purposes of the application of section 5B in relation to that person, and
- (b) that conviction is subsequently quashed,

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 5B that could not have been imposed if the conviction had not taken place

(2) Where, after the agreement of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of section 5B in relation to that person—

- (a) P's agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision, or
- (b) it is decided on an appeal or in accordance with regulations under the Social Security (Northern Ireland) Order 1998 or the Social Security Act 1998 that [<sup>F2</sup>any overpayment made] to which the agreement relates is not recoverable or due,

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 5B that could not have been imposed if P had not agreed to pay the penalty.

(3) Where, after the agreement (“the old agreement”) of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of section 5B in relation to P, the amount of

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**Changes to legislation:** *Social Security Fraud Act (Northern Ireland) 2001, Section 5C is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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[<sup>F3</sup>any overpayment made] to which the penalty relates is revised on an appeal or in accordance with regulations under the Social Security (Northern Ireland) Order 1998 or the Social Security Act 1998—

- (a) section 5B shall cease to apply by virtue of the old agreement, and
- (b) subsection (4) shall apply.

(4) Where this subsection applies—

- (a) if there is a new disqualifying event consisting of—
  - (i) P's agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment, or
  - (ii) P being cautioned in relation to the offence to which the old agreement relates,

the disqualification period relating to the new disqualifying event shall be reduced by the number of days in so much of the disqualification period relating to the old agreement as had expired when section 5B ceased to apply by virtue of the old agreement, and

- (b) in any other case, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 5B that could not have been imposed if P had not agreed to pay the penalty.

(5) For the purposes of section 5B—

- (a) the date of a person's conviction in any proceedings of a benefit offence shall be taken to be the date on which the person was found guilty of that offence in those proceedings (whenever the person was sentenced); and
- (b) references to a conviction include references to a conviction in relation to which the court makes an order for absolute or conditional discharge and to a conviction in Great Britain (including a conviction in relation to which a court in Scotland makes a probation order or an order for absolute discharge without proceeding to a conviction).

(6) In this section “the appropriate penalty provision” has the meaning given by section 5B(2)(a).]

**F1** Ss. 5A-5C inserted (13.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 19**, 36(1)(e)

**F2** Words in s. 5C(2)(b) substituted (4.4.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2)**, **115(8)(b)**; S.R. 2016/46, art. 4(b)

**F3** Words in s. 5C(3) substituted (4.4.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2)**, **115(8)(b)**; S.R. 2016/46, art. 4(b)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 5C(4)(a)(ii) and word repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 11](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A(d)(iii) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 8](#)
- s. 5B(7)(d) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 47\(4\)](#)
- s. 6(4)(d) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 48\(4\)](#)
- s. 7(3)(aa) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 49\(2\)\(b\)](#)
- s. 7(4)(d) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 49\(3\)](#)
- s. 10(d) words inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 52\(3\)](#)