



## 2001 CHAPTER 17

### *Loss of benefit provisions*

#### **Effect of offence on benefits for members of offender's family**

**8.—**(1) This section applies to—

- (a) income support;
- (b) jobseeker's allowance; and
- (c) housing benefit.

(2) The Department may by regulations make provision in accordance with the following provisions of this section in relation to any case in which—

- (a) the conditions for entitlement to any benefit to which this section applies are or become satisfied in the case of any person ("the offender's family member");
- (b) that benefit falls to be paid in that person's case for the whole or any part of a period comprised in a period ("the relevant period") which is the disqualification period in relation to restrictions imposed under section 6 in the case of a member of that person's family; or
- (c) that member of that family ("the offender") is a person by reference to whom—
  - (i) the conditions for the entitlement of the offender's family member to the benefit in question are satisfied; or
  - (ii) the amount of benefit payable in the case of the offender's family member would fall (apart from any provision made under this section) to be determined.

(3) In relation to cases in which the benefit is income support, the provision that may be made by virtue of subsection (2) is provision that, in the case of the

offender's family member, the benefit shall be payable for the whole or any part of any period comprised in the relevant 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) In relation to cases in which the benefit is jobseeker's allowance, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender's family member, any income-based jobseeker's allowance shall be payable, during the whole or a part of any period comprised in the relevant 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 or the offender's family member, or both of them, 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) In relation to cases in which the benefit is housing benefit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender's family member, the benefit shall be payable, during the whole or a part of any period comprised in the relevant period, as if one or both of the following applied—

- (a) the rate of the benefit were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if the circumstances are such as may be prescribed.

(6) Where—

- (a) the conviction of any member of a person's family for any offence is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, and
- (b) that conviction is subsequently quashed,

all such payments and other adjustments shall be made in that person's case as would be necessary if no restriction had been imposed that could not have been imposed had the conviction not taken place.