

## SCHEDULES

### SCHEDULE 3

#### LOSS OF BENEFIT PROVISIONS: FURTHER AMENDMENTS

##### PART 1

#### FURTHER AMENDMENTS OF SOCIAL SECURITY FRAUD ACT (NORTHERN IRELAND) 2001

2.—(1) Section 7 of the 2001 Act (effect of offence on joint-claim jobseeker’s allowance) is amended as follows.

(2) In subsection (1)(b), for “the restriction in subsection (2) of section 6” substitute “an offence-related restriction”.

(3) After subsection (1) insert—

“(1A) In this section—

(a) “an offence-related restriction” means the restriction in subsection (5) of section 5B or the restriction in subsection (2) of section 6, and

(b) in relation to an offence-related restriction, any reference to the relevant period is a reference to a period which is the disqualification period for the purposes of section 5B or 6, as the case requires.”.

(4) In subsection (2)—

(a) for “the disqualification period” substitute “the relevant period”,

(b) in paragraph (a), for “the restriction in subsection (2) of section 6” substitute “an offence-related restriction”, and

(c) in paragraph (b), for “that restriction” substitute “an offence-related restriction”.

(5) In subsection (3)—

(a) for “the disqualification period” substitute “the relevant period”, and

(b) in paragraph (b), for “convictions section 6” substitute “conduct section 5B or 6”.

(6) In subsection (4), for “the disqualification period” substitute “the relevant period”.

(7) After subsection (6) add—

“(7) Where, after the agreement of any member of a couple (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section—

- (a) M’s agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision, or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 the overpayment 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 this section that could not have been imposed had M not agreed to pay the penalty.

(8) Where, after the agreement (“the old agreement”) of any member of a couple (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, the amount of the overpayment 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) if there is a new disqualifying event for the purposes of section 5B consisting of M’s agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment or M being cautioned in relation to the offence to which the old agreement relates, the new disqualification period for the purposes of section 5B falls to be determined in accordance with section 5C(4)(a), 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 this section that could not have been imposed had M not agreed to pay the penalty.

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