

Status: Point in time view as at 01/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Cross Heading: Deductions from benefits. (See end of Document for details)



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

Deductions from benefits

Application for deduction from benefits

14.—(1) An application for deduction from benefits, in relation to a debtor, is an application to the Department for Social Development for it to deduct sums from amounts payable to the debtor by way of a relevant benefit for the purpose of securing payment of the outstanding amount.

(2) The application may be made only in the case of a debtor who, at the time of the application, is an individual aged 18 or over.

(3) Each of the following is a relevant benefit—

- (a) income support;
- (b) jobseekers' allowance;
- (c) state pension credit;
- (d) employment and support allowance.

(4) If the Department for Social Development grants the application, it must—

- (a) deduct sums from amounts payable to the debtor by way of a relevant benefit, and

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(b) pay the sums deducted to the responsible court for them to be applied towards satisfaction of the outstanding amount.

(5) The application fails, and sections 5 and 6 apply as they would if the debtor had failed to comply with the collection order, if—

- (a) the application is withdrawn,
- (b) the Department for Social Development rejects the application,
- (c) an appeal against the grant of the application succeeds, or
- (d) the Department for Social Development ceases to make deductions at a time when the debtor remains liable to pay any part of the sum due.

(6) A decision by the Department for Social Development for the purposes of this section is to be treated for the purposes of the Social Security (Northern Ireland) Order 1998 as if it were a decision to which Article 13 of that Order (appeals) applies.

(7) The Department of Justice may by order amend this section so as to add a benefit to the list of relevant benefits or remove a benefit from the list.

Commencement Information

- I1** S. 14(1)-(6) in operation at 1.6.2018 by S.R. 2018/99, **art. 2(a)**
- I2** S. 14(7) in operation at 3.10.2016 for specified purposes by S.R. 2016/248, **art. 4(c)**
- I3** S. 14(7) in operation at 1.6.2018 in so far as not already in operation by S.R. 2018/99, **art. 2(a)**

Deduction from benefits: further provision in regulations

15.—(1) Regulations may make further provision about applications for deductions from benefits; and the regulations may in particular make provision—

- (a) as to the circumstances and manner in which, and the times at which, the Department for Social Development may make deductions and payments for the purposes of section 14;
- (b) as to the calculation of the amounts to be deducted and paid and, in particular, to ensure that sums payable to the debtor by way of relevant benefits do not fall below such limit as is specified;
- (c) as to the priority between the payment of sums under the collection order and the payment of other sums from the amounts deducted;
- (d) as to the circumstances in which the Department for Social Development is to cease to make deductions;

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- (e) requiring the Department for Social Development to notify the debtor in such manner and at such time as is specified of the total amount of the deductions made up to the time of the notification.
- (2) Regulations may—
 - (a) make provision as to the contents of an application for deduction from benefits;
 - (b) make provision that, where the amount to which the application relates has been paid, the court must notify the Department for Social Development and the debtor accordingly.

Commencement Information

I4 S. 15 in operation at 3.10.2016 by S.R. 2016/248, art. 4(d)

Enquiries into debtor's means

16.—(1) Before exercising the power under section 4(1)(a) or 9(1)(c) to order a collection officer to make an application for deduction from benefits, the court must inquire into the debtor's means; and for that purpose the court may require the debtor to provide—

- (a) his or her full name, address, date of birth and National Insurance number, and
- (b) details of any relevant benefit which the debtor receives.

(2) A person commits an offence if the person fails, without reasonable excuse, to provide information required under subsection (1).

(3) A person commits an offence if, in providing information in response to a requirement under subsection (1), the person—

- (a) provides information which the person knows to be false in a material particular,
- (b) recklessly provides information which is false in a material particular, or
- (c) knowingly fails to disclose a material fact.

Commencement Information

I5 S. 16 in operation at 1.6.2018 by S.R. 2018/99, art. 2(a)

Disclosure of information

17.—(1) The Department for Social Development, or a person providing services to that Department, may disclose social security information to a court or a collection officer for the purpose of—

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- (a) facilitating a decision by the court or officer whether or not to make an application for deduction from benefits, or
 - (b) facilitating the making of the application by the court or officer.
- (2) In subsection (1), “social security information” means—
- (a) information which is held by the Department for the purposes of functions relating to social security,
 - (b) information which is held by a person providing services to the Department in connection with the provision of those services, or
 - (c) information which is held with information of the description given in paragraph (a) or (b).
- (3) A person to whom information is disclosed under this section commits an offence if the person—
- (a) discloses the information to another person, or
 - (b) uses the information for a purpose other than a purpose referred to in subsection (1).
- (4) It is not an offence under subsection (3)—
- (a) to disclose any information in accordance with a statutory provision or with an order of a court or of a tribunal established by or under a statutory provision or for the purposes of any proceedings before a court,
 - (b) to disclose or use any information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it, or
 - (c) to disclose or use any information which has previously been lawfully disclosed to the public.
- (5) It is a defence for a person charged with an offence under subsection (3) to prove that the person reasonably believed that the disclosure or use was lawful.
- (6) A person guilty of an offence under subsection (3) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both.
- (7) Nothing in this section authorises the making of a disclosure which contravenes the [F1the data protection legislation] .
- (8) In this section [F2—
- “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]
- “information” means information held in any form.

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Textual Amendments

- F1** Words in s. 17(7) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 208\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#) (but this amendment could not take effect until the commencement of 2016 c. 21 (N.I), s. 17(7) on 1.6.2018)
- F2** Words in s. 17(8) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 208\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#) (but this amendment could not take effect until the commencement of 2016 c. 21 (N.I), s. 17(8) on 1.6.2018)

Commencement Information

- I6** S. 17(1)-(5) in operation at 1.6.2018 by [S.R. 2018/99, art. 2\(a\)](#)
- I7** S. 17(7)(8) in operation at 1.6.2018 by [S.R. 2018/99, art. 2\(a\)](#)

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