



Forfeiture Act 1982

1982 CHAPTER 34

4 [F¹Upper Tribunal] to decide whether rule applies to social security benefits.

- (1) Where a question arises as to whether, if a person were otherwise entitled to or eligible for any benefit or advantage under a relevant enactment, he would be precluded by virtue of the forfeiture rule from receiving the whole or part of the benefit or advantage, that question shall (notwithstanding anything in any relevant enactment) be determined by [F²the Upper Tribunal].
- [F³(1A) Where [F⁴the Upper Tribunal] determines that the forfeiture rule has precluded a person (in this section referred to as “the offender”) who has unlawfully killed another from receiving the whole or part of any such benefit or advantage, [F⁵the Upper Tribunal] may make a decision under this subsection modifying the effect of that rule and may do so whether the unlawful killing occurred before or after the coming into force of this subsection.
- (1B) [F⁶The Upper Tribunal] shall not make a decision under subsection (1A) above modifying the effect of the forfeiture rule in any case unless [F⁷it] is satisfied that, having regard to the conduct of the offender and of the deceased and to such other circumstances as appear to [F⁶the Upper Tribunal] to be material, the justice of the case requires the effect of the rule to be so modified in that case.
- (1C) Subject to subsection (1D) below, a decision under subsection (1A) above may modify the effect of the forfeiture rule in either or both of the following ways—
- (a) so that it applies only in respect of a specified proportion of the benefit or advantage;
 - (b) so that it applies in respect of the benefit or advantage only for a specified period of time.
- (1D) Such a decision may not modify the effect of the forfeiture rule so as to allow any person to receive the whole or any part of a benefit or advantage in respect of any period before the commencement of this subsection.
- (1E) If [F⁸the Upper Tribunal] thinks it expedient to do so, [F⁹the Upper Tribunal] may direct that its] decision shall apply to any future claim for a benefit or advantage under a

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relevant enactment, on which a question such as is mentioned in subsection (1) above arises by reason of the same unlawful killing.

(1F) It is immaterial for the purposes of subsection (1E) above whether the claim is in respect of the same or a different benefit or advantage.

(1G) For the purpose of obtaining a decision whether the forfeiture rule should be modified the Secretary of State may refer to [^{F10}the Upper Tribunal] for review any determination of a question such as is mentioned in subsection (1) above that was made before the commencement of subsections (1A) to (1F) above (whether by [^{F10}the Upper Tribunal] or not) and shall do so if the offender requests him to refer such a determination.

(1H) Subsections (1A) to (1F) above shall have effect on a reference under subsection (1G) above as if in subsection (1A) the words “it has been determined” were substituted for the words “[^{F11}the Upper Tribunal] determines”.]

(2) [^{F12}Tribunal Procedure Rules may make provision] for carrying this section into effect; and (without prejudice to the generality of that) [^{F13}the rules] may, in relation to the question mentioned in subsection (1) above or any determination under that subsection [^{F14}or any decision under subsection (1A) above]—

(a) apply any provision of any relevant enactment, with or without modifications, or exclude or contain provision corresponding to any such provision; ^{F15}...

^{F15}(b)

^{F16}(3)

^{F16}(4)

(5) In this section—

^{F17}...

“relevant enactment” means any provision of the following and any instrument made by virtue of such a provision:

the ^{M1}Personal Injuries (Emergency Provisions) Act 1939,

[^{F18}the Pension Schemes Act 1993]

[^{F19}Part 1 of the Pensions Act 2014, [^{F20}section 30 of that Act,]]

the ^{M2}Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939,

the ^{M3}Polish Resettlement Act 1947,

^{F21}... , [^{F22}the Social Security Acts 1975 to 1991],

[^{F23}the Social Security Contributions and Benefits Act 1992,]

[^{F24}section 1 of the Armed Forces (Pensions and Compensation) Act 2004,]

and any other enactment relating to pensions or social security prescribed by regulations under this section.

Subordinate Legislation Made

P1 S. 4: power conferred by s. 4 exercised by [S.I. 1982/1732](#); 1984/451; 1987/214

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Textual Amendments

- F1** Words in s. 4 substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(a)**
- F2** Words in s. 4(1) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(b)**
- F3** S. 4(1A)–(1H) inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), **s. 76(1)(2)**
- F4** Words in s. 4(1A) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(b)**
- F5** Words in s. 4(1A) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(c)**
- F6** Words in s. 4(1B) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(c)**
- F7** Word in s. 4(1B) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(d)**
- F8** Words in s. 4(1E) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(c)**
- F9** Words in s. 4(1E) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(e)**
- F10** Words in s. 4(1G) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(b)**
- F11** Words in s. 4(1H) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(b)**
- F12** Words in s. 4(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(f)(i)**
- F13** Words in s. 4(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(f)(ii)**
- F14** Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), **s. 76(1)(3)**
- F15** S. 4(2)(b) and word omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(f)(iii)**
- F16** S. 4(3)(4) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(g)**
- F17** Words in s. 4(5) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 38(h)**
- F18** Words in the definition of "relevant enactment" in s. 4(5) inserted (7.2.1994) by [1993 c. 48, s. 190, Sch. 8 para. 15; S.I. 1994/86, art. 2](#)
- F19** Words in s. 4(5) inserted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 1**
- F20** Words in s. 4(5) inserted (6.4.2017) by [Pensions Act 2014 \(c. 19\)](#), s. 56(1), **Sch. 16 para. 1**; [S.I. 2017/297, art. 3\(2\)](#) (with arts. 45)
- F21** In s. 4(5), entry relating to the Child Benefit Act 1975 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), **Sch. 1** (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992 \(c. 14\)](#), s. 118)
- F22** Words substituted by virtue of [Statutory Sick Pay Act 1991 \(c. 3, SIF 113:1\)](#), **s. 3(1)**
- F23** Entry in the definition of "relevant enactment" in s. 4(5) added (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), **Sch. 2 para. 63(3)(b)**
- F24** Words in s. 4(5) inserted (6.4.2005) by [Armed Forces \(Pensions and Compensation\) Act 2004 \(c. 32\)](#), **ss. 7(1), 8**; [S.I. 2005/356, art. 2\(2\)](#), **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 4: certain functions of the Secretary of State transferred to the Lord Chancellor by [S.I. 1984/1818, art. 2\(c\)](#), **Sch.**

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Marginal Citations

M1 1939 c. 82.

M2 1939 c. 83.

M3 1947 c. 19.

Status:

Point in time view as at 06/04/2017.

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