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## SCHEDULES

### SCHEDULE 6

#### SOCIAL SECURITY INVESTIGATION POWERS

##### *Consequential amendments*

4. In section 105 (delay, obstruction etc. of inspector)—
  - (a) in subsection (3), for “section 104(5)” there shall be substituted “an authorisation granted under section 103A or 104A”; and
  - (b) in subsection (4)—
    - (i) for “section 104(5) above any power conferred by section 104 above” there shall be substituted “an authorisation granted under section 103A or 104A above, any power conferred by section 103B or 103C above”; and
    - (ii) for the words “section 104”, where they occur at the end of the subsection, there shall be substituted “sections 103B and 103C”.
5. In section 105A(1) (dishonest representations for obtaining benefit etc.), before “social security legislation” there shall be inserted “relevant”.
6. In section 106(1) (false representations for obtaining benefit etc.), before “social security legislation” there shall be inserted “relevant”.
- 7.—(1) In section 107(1) (breach of regulations) for “section 104 above” there shall be substituted “this section”.
  - (2) After that subsection there shall be inserted—
    - “(1A) The legislation to which this section applies is—
      - (a) the relevant social security legislation; and
      - (b) the statutory provisions specified in section 115CA(1) so far as relating to contributions, statutory sick pay or statutory maternity pay.”.
8. After section 115C (but still in Part VI) there shall be inserted—

##### **“115CA Interpretation of Part VI**

- (1) In this Part “the relevant social security legislation” means the provisions of any of the following, except so far as relating to contributions,

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working families' tax credit, disabled person's tax credit, statutory sick pay or statutory maternity pay, that is to say—

- (a) the Contributions and Benefits Act;
- (b) this Act;
- (c) the Pensions Act, except Part III;
- (d) Article 9 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994;
- (e) the Jobseekers (Northern Ireland) Order 1995;
- (f) the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997;
- (g) Parts II and V of the Social Security (Northern Ireland) Order 1998;
- (h) Part VI of the Welfare Reform and Pensions (Northern Ireland) Order 1999;
  - (i) the Social Security Pensions (Northern Ireland) Order 1975;
- (j) the Social Security Act 1973;
- (k) any statutory rule or statutory instrument made, or having effect as if made, under any statutory provision specified in paragraphs (a) to (j) above.

(2) In this Part “authorised officer” means a person acting in accordance with any authorisation for the purposes of this Part which is for the time being in force in relation to him.

(3) For the purposes of this Part—

- (a) references to a document include references to anything in which information is recorded in electronic or any other form;
- (b) the requirement that a notice given by an authorised officer be in writing shall be taken to be satisfied in any case where the contents of the notice—
  - (i) are transmitted to the recipient of the notice by electronic means; and
  - (ii) are received by him in a form that is legible and capable of being recorded for future reference.

(4) In this Part “premises” includes—

- (a) moveable structures and vehicles, vessels, aircraft and hovercraft;
- (b) installations that are offshore installations for the purposes of the Mineral Workings (Offshore Installations) Act 1971; and
- (c) places of all other descriptions whether or not occupied as land or otherwise,

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and references in this Part to the occupier of any premises shall be construed, in relation to premises that are not occupied as land, as references to any person for the time being present at the place in question.

(5) In this Part—

“benefit” includes any allowance, payment, credit or loan;

“benefit offence” means a criminal offence committed in connection with a claim for benefit under a provision of the relevant social security legislation, or in connection with the receipt or payment of such a benefit; and

“compensation payment” has the same meaning as in the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997.

(6) In this Part—

(a) any reference to a person authorised to carry out any function relating to housing benefit shall include a reference to a person providing services relating to that benefit directly or indirectly to the Housing Executive; and

(b) any reference to the carrying out of a function relating to housing benefit shall include a reference to the provision of any services relating to it.”.

9. In Schedule 7 to the Administration Act (supplementary benefits, etc.), in paragraph 4 for the words before sub-paragraph (a) there shall be substituted “Part VI of this Act shall have effect as if the following statutory provisions were included in the statutory provisions comprised in the relevant social security legislation”.