

*These notes refer to the Social Security Fraud Act (Northern Ireland)  
2001 (c.17) which received Royal Assent on 15 November 2001*

# Social Security Fraud Act (Northern Ireland) 2001

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 8: Effect of offence on benefits for members of offender's family*

*Section 8* allows the Department to prescribe in regulations that certain benefits shall be lost or reduced where a member of an offender's family claims benefit in respect of the offender during the period of disqualification.

The provisions for members of an offender's family only apply when one of the specified income-related benefits is to be sanctioned - IS, income-based JSA and HB as these are the only benefits where it is possible for a couple to choose which of them makes the claim.

With JSA, the effect of the sanction, as prescribed in regulations, would be to reduce the level of JSA by removing the element of personal allowance paid in respect of the offender. The partner may receive any allowances and premiums in respect of themselves and their dependants. Hardship provisions similar to those which currently apply with joint-claim JSA will also be put in place to protect families in vulnerable circumstances.

*Section 8(1)* prescribes the income-related benefits to which the section relates.

*Section 8(2)* prescribes the cases in respect of which such regulations may be made under this section. These are cases where a member of the offender's family becomes entitled to, and would be paid, one of the benefits listed in subsection (1) during the disqualification period and entitlement to, or the amount of that benefit, is determined by reference to the offender.

*Section 8(3)*, as in section 6(3), prescribes that where the offender's family member is entitled to IS, regulations may be made reducing his applicable amount in the prescribed manner. The intention is that the reduction will be similar to that which will apply in JSA cases where hardship is established.

*Section 8(4)* prescribes that where the offender's family member is entitled to JSA, regulations may be made reducing the rate of the allowance providing that it shall only be payable on compliance with certain obligations in relation to the provision of information. The broad intent is that the partner may receive

any allowances in respect of themselves and their dependants but any personal allowance payable for the offender will be withdrawn during the prescribed period.

*Section 8(5)*, as in section 6(5), prescribes that where the offender's family member is entitled to HB, regulations may be made reducing the rate of the benefit and providing that benefit shall only be payable in prescribed circumstances. The intention is that where an underlying entitlement to JSA or IS remains, either for the offender, partner or any dependants, full HB will remain payable. Where these benefits are not payable, the HB entitlement will be reduced by a sum specified in regulations.

*Section 8(6)* provides that in the event of a successful appeal against either of the convictions that resulted in the imposition of a sanction, then all payments that would have been made but for the sanction are to be made.