



2007 CHAPTER 2

PART 3

SOCIAL SECURITY ADMINISTRATION: GENERAL

*Benefit fraud*

**Housing Executive powers to investigate benefit fraud**

**42.—(1)** Section 104A of the Administration Act (authorisation of investigations by the Housing Executive) is amended as follows.

(2) In subsection (1) for “any one or more of the purposes mentioned in subsection (2) below” substitute “a relevant purpose”.

(3) After subsection (1) insert—

“(1A) Each of the following is a relevant purpose—

- (a) a purpose mentioned in subsection (2) below;
- (b) a purpose mentioned in section 103A(2)(a), (c) or (d) above.

(1B) If the Department prescribes conditions for the purposes of this section, the Housing Executive must not proceed under this section for a purpose mentioned in section 103A(2)(a), (c) or (d) above unless any such condition is satisfied.

(1C) An authorisation made for a purpose mentioned in section 103A(2)(a), (c) or (d) above—

- (a) is subject to such restrictions as may be prescribed;
- (b) is not valid in such circumstances as may be prescribed.”.

(4) In subsection (2) for “Those purposes” substitute “The purposes in this subsection”.

(5) In subsection (7) after paragraph (c) add—  
“but paragraphs (a) and (b) above do not apply in any case where the relevant purpose is as mentioned in subsection (1A)(b) above.”.

### **Housing Executive powers to prosecute benefit fraud**

**43.** After section 110 of the Administration Act (legal proceedings) insert—

#### **“110A Housing Executive powers to prosecute benefit fraud**

(1) This section applies if the Housing Executive has power to bring proceedings for a benefit offence relating to housing benefit.

(2) The Housing Executive may bring proceedings for a benefit offence relating to any other relevant social security benefit unless—

(a) the proceedings relate to any benefit or circumstances or any description of benefit or circumstances which the Department prescribes for the purposes of this paragraph, or

(b) the Department has directed that the Housing Executive must not bring the proceedings,

and a direction under paragraph (b) above may relate to the Housing Executive or to particular proceedings or any description of proceedings.

(3) If the Department prescribes conditions for the purposes of this section the Housing Executive must not bring proceedings under this section unless any such condition is satisfied.

(4) The Department may continue proceedings which have been brought by the Housing Executive under this section as if the proceedings had been brought in the Department’s name or it may discontinue the proceedings if—

(a) it makes provision under subsection (2)(a) above, such that the Housing Executive would no longer be entitled to bring the proceedings under this section,

(b) it gives a direction under subsection (2)(b) above in relation to the proceedings, or

(c) a condition prescribed under subsection (3) above ceases to be satisfied in relation to the proceedings.

(5) The Housing Executive must not bring proceedings for a benefit offence which does not relate to housing benefit otherwise than in accordance with this section.

(6) In subsection (2) above, “relevant social security benefit” has the same meaning as in section 115CA below.”.

### **Housing Executive functions relating to benefit: information**

**44.**—(1) Section 116C of the Administration Act (supply of information to the Housing Executive) is amended as follows—

- (a) in subsection (2) at the end add “or for the purposes of anything the Housing Executive is permitted to do in relation to any other benefit by virtue of section 104A or 110A above”;
- (b) in subsection (3)(a) for “offences relating to housing benefit” substitute “benefit offences (within the meaning of Part 6 above)”.

(2) Section 116D of that Act (supply of information by the Housing Executive) is amended as follows—

- (a) in subsection (1), for “benefit administration information” substitute “relevant benefit information”;
- (b) in subsection (2A), after “subsection (2)” insert “, in addition to any other purpose for which the information may be used.”;
- (c) for subsection (4) substitute—

“(4) In subsection (1) above “relevant benefit information”, in relation to the Housing Executive or other person, means any information which is relevant to the exercise of any function relating to a relevant social security benefit by the Housing Executive or other person.”;
- (d) in subsection (5), in each place where it occurs, for “housing benefit” substitute “any relevant social security benefit”;
- (e) in subsection (6), after the definition of “private pensions policy” insert—

““relevant social security benefit” has the same meaning as in section 115CA above.”.

(3) In section 119A of that Act (power to require information from landlords and agents), in subsection (8) for “benefit administration information” substitute “relevant benefit information”.

### **Loss of benefit for commission of benefit offences**

**45.**—(1) In section 6 of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17) (loss of benefit for commission of benefit offences) in subsection (1) (b) (period within which later offence must be committed), for “three years” substitute “five years”.

(2) The amendment made by subsection (1) shall be disregarded insofar as the application of section 6(1)(b) of that Act involves considering whether an

offence committed before the day on which this section comes into operation was committed within the relevant period.