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STATUTORY INSTRUMENTS

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**1986 No. 1888**

**The Social Security (Northern Ireland) Order 1986**

PART VIII

MISCELLANEOUS, GENERAL AND SUPPLEMENTARY

*Miscellaneous*

*Arts. 67#70 rep. by 1992 c. 9*

***Child benefit in respect of children educated otherwise than at educational establishments***

*Para. (1) rep. by 1992 c.9*

(2) Regulations purporting to be made under Article 2(2) of that Order and made before the making of this Order shall be treated as validly made.

*Arts. 72, 73 rep. by 1991 NI 17*

*Arts. 74, 75 rep. by 1992 c. 9*

*Art. 76 rep. by 1993 c. 49*

***Amendments relating to forfeiture of benefits***

**77.—**(1) The following paragraphs shall be inserted after paragraph (1) of Article 6 of the Forfeiture (Northern Ireland) Order 1982 (Social Security Commissioner to determine whether forfeiture rule applies to social security benefits)—

“(1A) Where a Commissioner determines that the forfeiture rule has precluded a person (in this Article referred to as “the offender”) who has unlawfully killed another from receiving the whole or part of such benefit or advantage, the Commissioner may make a decision under this paragraph modifying the effect of that rule and may do so whether the unlawful killing occurred before or after the coming into operation of this paragraph.

(1B) The Commissioner shall not make a decision under paragraph (1A) modifying the effect of the forfeiture rule in any case unless he is satisfied that, having regard to the conduct of the offender and of the deceased and to such other circumstances as appear to the Commissioner to be material, the justice of the case requires the effect of the rule to be so modified in that case.

(1C) Subject to paragraph (1D), a decision under paragraph (1A) 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 specified period of time.

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**Changes to legislation:** *The Social Security (Northern Ireland) Order 1986, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 08 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(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 paragraph.

(1E) If the Commissioner thinks it expedient to do so, he may direct that his decision shall apply to any future claim for a benefit or advantage under a relevant enactment, on which a question such as is mentioned in paragraph (1) arises by reason of the same unlawful killing.

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

(1G) For the purpose of obtaining a decision whether the forfeiture rule should be modified the Department of Health and Social Services may refer to a Commissioner for review any determination of a question such as is mentioned in paragraph (1) that was made before the commencement of paragraphs (1A) to (1F) (whether by a Commissioner or not) and shall do so if the offender requests that Department to refer such a determination.

(1H) Paragraphs (1A) and (1F) shall have effect on a reference under paragraph (1G) as if in paragraph (1A) the words “ it has been determined ” were substituted for the words “a Commissioner determines”.”.

(2) In paragraph (2) of that Article, after the words “that paragraph” there shall be inserted the words “ or any decision under paragraph (1A) ”.

(3) In Article 7 (exclusion of murderers) after “Article 5(1)” insert “ or on any decision made under Article 6(1A) ”.

### ***Travelling expenses***

**78.** The Department may pay such travelling expenses as, with the consent of the Department of Finance and Personnel, the Department may determine—

- (a) to persons required by the Department to attend an interview in connection with the operation of any of the benefit Acts;
- (b) to persons attending social security offices of the Department in connection with the operation—
  - (i) of any of the benefit Acts; or
  - (ii) of any prescribed statutory provision.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 9 para. 36 repealed by [S.I. 2003/435 \(N.I.\) art. 49\(2\)Sch. 5](#) (Sch. 9 of this Order is an amending Schedule which is not available on [legislation.gov.uk](#))
- art.9 amended by [S.I. 1999/671 art.3\(1\)Sch.1 para.1](#)