Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, Section 115 is up to date with all changes known to be in force on or before 26 April 2024. 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

STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 6

Social security: general

Penalties as alternative to prosecution

Penalty in respect of benefit fraud not resulting in overpayment

115.—(1) Section 109A of the Administration Act (penalty as alternative to prosecution) is amended as follows.

(2) After subsection (1) insert—

"(1A) This section also applies where—

(a) it appears to the Department or the Housing Executive that there are grounds for instituting proceedings against a person for an offence (under this Act or any other statutory provision) relating to an act or omission on the part of that person in relation to any benefit, and

(b) if an overpayment attributable to the act or omission had been made, the overpayment would have been recoverable from the person by, or due from the person to, the Department or the Housing Executive under or by virtue of section 69, 69ZB, 69A or 73."

(3) In subsection (2)(a) for "such proceedings" substitute " proceedings referred to in subsection (1) or (1A) ".

(4) In subsection (4)—

(a) in paragraph (a), after "is" insert " or would have been ";

(b) in paragraph (b), at the end insert " or to the act or omission referred to in subsection (1A) (a). "

(5) In subsections (6) and (7), at the beginning insert " In a case referred to in subsection (1) ".

(6) In subsection (7B)(a), after "is", in both places, insert " or would have been ".

(7) In subsection (8) after "subsection (1)(a)" insert " or (1A)(b) ".

(8) In the Social Security Fraud Act (Northern Ireland) 2001—

(a) in section 5B(1)(b), the words "by reference to an overpayment" are repealed and for "the offence mentioned in subsection (1)(b) of the appropriate penalty provision" substitute " the offence to which the notice relates ";

(b) in sections 5C(2)(b) and (3), 7(7)(b) and (8) and 8(7)(b) and (8), for "the overpayment" substitute " any overpayment made ".

Commencement Information

I1   Art. 115 in operation at 4.4.2016 by S.R. 2016/46, **art. 4(b)**

Changes and effects yet to be applied to :
- specified provision(s) amendment to earlier commencing S.R. 2009/4 by S.R. 2019/107 art. 2
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by S.R. 2019/4 art. 5
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by S.R. 2019/7 art. 3
- specified provision(s) amendment to earlier commencing S.R. 2017/216 by S.R. 2018/1 art. 7
- specified provision(s) amendment to earlier commencing SR 2016/46, art. 5(a) by S.R. 2016/166 art. 3

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):
- Pts. 25 modified by S.R. 2019/212 art. 2(2)(g) (This amendment not applied to legislation.gov.uk SR 2019/212 revoked (19.12.2020) by SR 2020/348, art. 1(2)(2))
- art. 56(1) repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1