

**2002 No. 408**

**SOCIAL SECURITY**

**The Social Security Administration (Northern Ireland) Act  
1992 (Amendment) Order (Northern Ireland) 2002**

*Made* - - - - - *23rd December 2002*

*Coming into operation* *24th February 2003*

The Department for Social Development, in exercise of the powers conferred by sections 103B(6) and 165(4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 and shall come into operation on 24th February 2003.

**Amendment of the Social Security Administration Act**

**2.—(1)** Section 103B of the Social Security Administration (Northern Ireland) Act 1992 (power to require information) shall be amended in accordance with paragraphs (2) to (4) of this Article.

(2) In subsection (2A)(c) –

(a) after paragraph (a) there shall be inserted the following paragraph –

“(aa) the Director of National Savings;”;

(b) for paragraph (c) there shall be substituted the following paragraph –

“(c) any insurer;”;

(c) for paragraph (g) there shall be substituted the following paragraph –

“(g) any person who is the holder of a licence under Article 8(1) of the Gas (Northern Ireland) Order 1996(d) which relates to the conveyance or supply of gas through pipes;”;

and

(d) for paragraph (h) there shall be substituted the following paragraph –

“(h) any person who is the holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992(e) which relates to the transmission or supply of electricity;”.

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(a) 1992 c. 8; sections 103A to 103C were substituted for section 104 by paragraph 2 of Schedule 6 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and section 103B(6) is added by section 1(4) of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17 (N.I.))

(b) See Article 8(b) of S.R. 1999 No. 481

(c) Subsection (2A) is inserted by section 1(2) of the Social Security Fraud Act (Northern Ireland) 2001

(d) S.I. 1996/275 (N.I. 2)

(e) S.I. 1992/231 (N.I. 1)

- (3) In subsection (7)(a) –
- (a) for the definition of “bank” there shall be substituted the following definition –
- “ “bank” means –
- (a) a person who has permission under Part IV of the Financial Services and Markets Act 2000<sup>(b)</sup> to accept deposits;
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits or other repayable funds from the public; or
- (c) a person who does not require permission under that Act to accept deposits, in the course of his business in the United Kingdom;” and
- (b) after the definition of “credit” there shall be inserted the following definition –
- “ “insurer” means –
- (a) a person who has permission under Part IV of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance;”.
- (4) After subsection (7) there shall be added the following subsection –
- “(7A) The definitions of “bank” and “insurer” in subsection (7) above must be read with –
- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

Sealed with the Official Seal of the Department for Social Development on 23rd December 2002.

(L.S.)

*John O'Neill*  
Senior Officer of the Department for Social Development

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(a) Subsection (7) is added by section 1(4) of the Social Security Fraud Act (Northern Ireland) 2001

(b) 2000 c. 8

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

The Social Security Fraud Act (Northern Ireland) 2001 (“the Fraud Act”) provides for officers authorised under sections 103A and 104A of the Social Security Administration (Northern Ireland) Act 1992 (“the Administration Act”) to require information about individuals from specified private and public sector organisations listed under section 103B(2A) of the Administration Act. Information may be obtained where it is reasonable for the purposes of fraud investigation as mentioned in sections 103A(2) and 104A(2) of the Administration Act.

This Order amends the list under section 103B(2A) of the Administration Act by –

- inserting a new paragraph (aa) to include a reference to “the Director of National Savings” (Article 2(2)(a));
- substituting paragraph (c) to refer to “insurer” instead of “insurance company” (Article 2(2)(b));
- substituting paragraph (g) to include reference to gas distributors as well as gas suppliers (Article 2(2)(c)); and
- substituting paragraph (h) to include reference to electricity distributors as well as electricity suppliers (Article 2(2)(d)).

The Order also amends section 103B(7) of the Administration Act by substituting the definition of “bank” and inserting a definition of “insurer” and adds a new subsection (7A) which expands upon those definitions (Article 2(3) and (4)).

Section 103B(6) of the Administration Act, one of the enabling provisions under which this Order is made, is inserted by section 1(4) of the Fraud Act. Section 1(4) of the Fraud Act is brought into operation, for the purpose only of authorising the making of an order on 23rd December 2002 and for all other purposes on 24th February 2003 by virtue of the Social Security Fraud (2001 Act) (Commencement No. 5) Order (Northern Ireland) 2002 (S.R. 2002 No. 406 (C. 34)).

Copies of the Regulatory Impact Assessment in relation to the Fraud Act may be obtained, free of charge, from Social Security Policy and Legislation Division, Block 5, Stormont Estate, Belfast BT4 3SJ.

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