



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART VI

ENFORCEMENT

Legal proceedings

110 Legal proceedings.

- (1) Any person authorised by the Department, the Department of the Environment or the Housing Executive in that behalf may conduct any proceedings [^{F1}under any provision of this Act other than section 108 or under any provision of] [^{F2}the Jobseekers (Northern Ireland) Order 1995] before a magistrates' court, although not a barrister or solicitor.
- (2) Notwithstanding anything in any statutory provision—
 - (a) proceedings for an offence under this Act other than an offence relating to housing benefit [^{F3}, for an offence under the Jobseekers (Northern Ireland) Order 1995,] may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Department to justify a prosecution for the offence, comes to its knowledge or within a period of 12 months from the commission of the offence, whichever period last expires; and
 - (b) proceedings for an offence under this Act relating to housing benefit may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Department of the Environment or the Housing Executive to justify a prosecution for the offence, comes to its knowledge or within a period of 12 months from the commission of the offence, whichever period last expires.

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Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Cross Heading: Legal proceedings is up to date with all changes known to be in force on or before 14 July 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)

[^{F4}(2A) Subsection (2) above shall not be taken to impose any restriction on the time when proceedings may be begun for an offence under section 105A above.]

(3) For the purposes of subsection (2) above—

- (a) a certificate purporting to be signed by or on behalf of the Head or a secretary, under secretary or assistant secretary of the Department or of the Department of the Environment as to the date on which such evidence as is mentioned in paragraph (a) or (b) of that subsection came to its knowledge shall be conclusive evidence of that date; and
- (b) a certificate purporting to be signed by a member of the Housing Executive or by an officer of the Executive authorised by it to act for the purposes of this section as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to the Executive's knowledge shall be conclusive evidence of that date.

[^{F5F6}(4) Any proceedings in respect of any act or omission of an adjudication officer which, apart from this subsection, would fall to be brought against a person appointed by virtue of section 36(1) above who is resident in Great Britain, other than proceedings for an offence, may instead be brought against the Chief Adjudication Officer; and, for the purposes of any proceedings so brought, the acts or omissions of the adjudication officer shall be treated as the acts or omissions of the Chief Adjudication Officer.]

(5) Subject to subsection (6) below, in proceedings for an offence under this Act, the wife or husband of the accused is competent to give evidence, whether for or against the accused.

[^{F5}(5A) In relation to proceedings for an offence under section 108 above—

- (a) the reference in subsection (2)(a) above to the Department, and
 - (b) the reference in subsection (3)(a) above to the Head or a secretary, under secretary or assistant secretary of the Department,
- shall have effect as references to the Inland Revenue.]

(6) The wife or husband is not compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.

Textual Amendments

- F1** Words in s. 110(1) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 24(2)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)
- F2** Words in s. 110(1) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 38(2)**; S.R. 1996/285, art. 2, **Sch.**
- F3** Words in s. 110(2) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 38(3)**; S.R. 1996/285, art. 2, **Sch.**
- F4** S. 110(2A) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1**, para. 4; S.R. 1997/316, art. 2, **Sch.**
- F5** S. 110(5A) substituted (11.11.1999) by 1999 c. 30, ss. 81, 89(4)(d), **Sch. 11 para. 14**
- F6** S. 110(4) repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78, Sch. 6 para. 64, **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

- C1** S. 110 applied (with modifications) (7.2.1994) by 1993 c. 49, s. 163(2); S.R. 1994/17, art. 2

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- C2** S. 110(1) applied (with modifications) (27.11.2006) by [The Healthy Start Scheme and Day Care Food Scheme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/478\)](#), reg. 1, **Sch. 5**
- C3** S. 110(2)(a) applied (with modifications) (27.11.2006) by [The Healthy Start Scheme and Day Care Food Scheme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/478\)](#), reg. 1, **Sch. 5**
- C4** S. 110(3)(a) applied (with modifications) (27.11.2006) by [The Healthy Start Scheme and Day Care Food Scheme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/478\)](#), reg. 1, **Sch. 5**
- C5** S. 110(5) applied (with modifications) (27.11.2006) by [The Healthy Start Scheme and Day Care Food Scheme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/478\)](#), reg. 1, **Sch. 5**

[^{F7} 111 Issues arising in proceedings.

- (1) This section applies to proceedings before a court—
 - (a) for an offence under this Act or the Jobseekers (Northern Ireland) Order 1995;
 - (b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable by the Inland Revenue); or
 - (c) for the recovery of any sums due to the Department [^{F8}, or the Inland Revenue] or the National Insurance Fund.
- (2) A decision of the Department which—
 - (a) falls within Part II of Schedule 3 to the Social Security (Northern Ireland) Order 1998 (“the 1998 Order”); and
 - (b) relates to or affects an issue arising in the proceedings,shall be conclusive for the purposes of the proceedings.
- (3) If—
 - (a) any such decision is necessary for the determination of the proceedings; and
 - (b) the decision of the Department has not been obtained or an application with respect to the decision has been made under Article 10 or 11 of the 1998 Order,the decision shall be referred to the Department to be made in accordance (subject to any necessary modifications) with Chapter II of Part II of that Order.
- (4) Subsection (2) above does not apply where, in relation to the decision—
 - (a) an appeal has been brought but not determined;
 - (b) an application for leave to appeal has been made but not determined;
 - (c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or
 - (d) an application has been made under Article 10 or 11 of the 1998 Order.
- (5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.]

Textual Amendments

- F7** S. 111 substituted (5.7.1999 and 29.11.1999 for certain purposes, otherwise *prosp.* by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 65**; S.R. 1999/310, art. 2(1), **Sch. 1** (with arts. 4, 14); S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F8** Words in s. 111(1)(c) inserted (5.7.1999) by S.I. 1999/671, art. 5, **Sch. 6 para. 9**; S.R. 1999/271, art. 2(c), **Sch. Pt. II** (subject to art. 4)

Status: Point in time view as at 14/12/2009.

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[^{F9} 111A Issues arising in proceedings: contributions, etc.

- (1) This section applies to proceedings before a court—
- (a) for an offence under this Act or the Jobseekers (Northern Ireland) Order 1995; or
 - (b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable in accordance with section 15 of the Contributions and Benefits Act); or
 - (c) for the recovery of any sums due to the Inland Revenue or the National Insurance Fund.
- (2) A decision of an officer of the Inland Revenue which—
- (a) falls within Article 7(1) of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; and
 - (b) relates to or affects an issue arising in the proceedings,
- shall be conclusive for the purposes of the proceedings.
- (3) If—
- (a) any such decision is necessary for the determination of the proceedings, and
 - (b) the decision of an officer of the Inland Revenue has not been obtained under Article 7 of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999,
- the decision shall be referred to such an officer to be made in accordance (subject to any necessary modifications) with Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.
- (4) Subsection (2) above does not apply where, in relation to the decision—
- (a) an appeal has been brought but not determined;
 - (b) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or
 - (c) an application for variation of the decision has been made under regulations made under Article 9 of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.
- (5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.]

Textual Amendments

F9 S. 111A inserted (1.4.1999) by S.I. 1999/671, art. 5, Sch. 6 para. 10; S.R. 1999/149, art. 2(c), Sch. 2 (subject to arts. 3-6 of that S.R.)

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