
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Northern Ireland to arrangements for a single system of social security investigation powers in Great Britain and Northern Ireland (“the Arrangements”) made between the Secretary of State for Work and Pensions (in relation to Great Britain) and the Department for Social Development in Northern Ireland (in relation to Northern Ireland). The Arrangements are set out in a Memorandum reproduced in Schedule 1 to the Regulations.

The Regulations and the Arrangements replace and expand those that previously existed between Great Britain and Northern Ireland as regards powers of inspectors in matters of social security. Regulation 2 therefore amends the Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1976 (S.R. 1976 No. 196) by omitting the references to powers of inspectors contained in Schedule 2 to those Regulations. The revised Arrangements will apply to certain benefits (for example, income support and jobseeker’s allowance) which fall outside the scope of the 1976 Regulations.

Regulation 3 gives effect in Northern Ireland to the Arrangements, and provides for the adaptation of the Social Security Administration (Northern Ireland) Act 1992 (“the 1992 (NI) Act”) so far as may be required for the purpose of giving them effect, in particular by deeming an act, omission or event referred to in a provision of the Social Security Administration Act 1992 (“the 1992 (GB) Act”) indicated in column 2 of the table in Schedule 2 to be an act, omission or event under the corresponding provision of the 1992 (NI) Act indicated in column 1 of that table.

The Regulations (together with the Arrangements) will mean in particular that—

where an officer has authorisation in Great Britain to exercise social security investigation powers under the 1992 (GB) Act, he is to be treated as having authorisation in the same terms in Northern Ireland for the purposes of the equivalent provision of the 1992 (NI) Act;

the Secretary of State or an authority administering housing benefit or council tax benefit may require persons in Northern Ireland listed in section 103B(2A) of the 1992 (NI) Act who keep electronic records to enter into arrangements to allow authorised officers to have access to those records, and for this to be treated as a requirement made by the Department for Social Development in Northern Ireland under section 103BA (or, as the case may be, the Northern Ireland Housing Executive under section 104AA) of the 1992 (NI) Act; and

where a person obstructs in Northern Ireland a social security investigation being carried out for the purposes of the 1992 (GB) Act, or provides false information to the authorised officer, this can form the basis of an offence under provisions such as section 105 of the 1992 (NI) Act. As an alternative to a criminal prosecution in those circumstances, an administrative penalty could be imposed under section 109B of the 1992 (NI) Act.

The Social Security Investigation Powers (Arrangements with Northern Ireland) Regulations 2007 give effect to the Arrangements in Great Britain.