
DRAFT STATUTORY INSTRUMENTS

2015 No.

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- (a) in section 5B(1)(b), the words “by reference to an overpayment” are repealed and for “the offence mentioned in subsection (1)(b) of the appropriate penalty provision” substitute “the offence to which the notice relates”;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