



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART III

#### OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

##### *Social fund awards*

#### **74 Recovery of social fund awards.**

- (1) A social fund award which is repayable shall be recoverable by the Department.
- (2) Without prejudice to any other method of recovery, the Department may recover an award by deduction from prescribed benefits.
- (3) The Department may recover an award—
  - (a) from the person to or for the benefit of whom it was made;
  - (b) where that person is a member of a [<sup>F1</sup>couple], from the other member of the couple;
  - (c) from a person who is liable to maintain the person by or on behalf of whom the application for the award was made or any person in relation to whose needs the award was made.

[<sup>F2</sup>(3A) Where—

- (a) a jobseeker's allowance is payable to a person from whom an award is recoverable under subsection (3) above; and
- (b) that person is subject to a bankruptcy order, a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Insolvency (Northern Ireland) Order 1989.]

[<sup>F3</sup>(3B) Regulations may provide for amounts recoverable under subsection (1) from a person specified in subsection (3) to be recovered by deductions from earnings.]

*Status: Point in time view as at 28/11/2016.*

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- (3C) In subsection (3B) “earnings” has such meaning as may be prescribed.
- (3D) Regulations under subsection (3B) may include provision referred to in section 69(9C).]
- (4) Payments [<sup>F4</sup>out of the social fund] to meet funeral expenses may in all cases be recovered, as if they were funeral expenses, out of the estate of the deceased, and (subject to section 69 above) by no other means.
- [<sup>F5</sup>(5) In this section, “couple” has the meaning given by section 133(1) of the Contributions and Benefits Act.]
- (6) For the purposes of this section—
- (a) a man shall be liable to maintain his wife [<sup>F6</sup>or civil partner] and any children of whom he is the father;
  - (b) a woman shall be liable to maintain her husband [<sup>F7</sup>or civil partner] and any children of whom she is the mother;
  - (c) a person shall be liable to maintain another person throughout any period in respect of which the <sup>M1</sup>first-mentioned person has, on or after 24th June 1980 (the date of the making of the Social Security (Northern Ireland) Order 1980) and either alone or jointly with a further person, given an undertaking in writing in pursuance of immigration rules within the meaning of the <sup>M2</sup>Immigration Act 1971 to be responsible for the maintenance and accommodation of the other person; and
  - (d) “child” includes a person who has attained the age of 16 but not the age of 19 and in respect of whom either parent, or some person acting in the place of either parent, is receiving income support [<sup>F8</sup>or an income-based jobseeker’s allowance].
- [<sup>F9</sup>(7) Any reference in subsection (6) to children of whom the man or the woman is the father or the mother shall be construed in accordance with Article 155 of the Children (Northern Ireland) Order 1995.]
- (8) A document bearing a certificate which—
- (a) is signed by a person authorised in that behalf by the Secretary of State; and
  - (b) states that the document apart from the certificate is, or is a copy of, such an undertaking as is mentioned in subsection (6)(c) above,
- shall be conclusive of the undertaking in question for the purposes of this section and section 101 below; and a certificate purporting to be so signed shall be deemed to be so signed until the contrary is proved.

#### Textual Amendments

- F1** Words in s. 74(3)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 113\(2\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F2** S. 74(3A) inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), [art. 33\(2\)](#); S.R. 1996/401, [art. 2](#),
- F3** S. 74(3B)-(3D) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), [110\(4\)](#); S.R. 2016/215, arts. 2(6)(c), 3(3)
- F4** Words in s. 74(4) inserted (28.11.2016 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 8 para. 2](#); S.R. 2016/411, art. 2(2)(b)
- F5** S. 74(5) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 113\(3\)](#); S.I. 2005/3255, art. 2(1), Sch.

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- F6** Words in s. 74(6)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 113(4)(a)**; S.I. 2005/3255, art. 2(1), Sch.
- F7** Words in s. 74(6)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 113(4)(b)**; S.I. 2005/3255, art. 2(1), Sch.
- F8** Words in s. 74(6) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 34; S.R. 1996/285, art. 2, **Sch.**
- F9** S. 74(7) substituted (1.7.1995) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 186**; S.R. 1995/248, **art. 2**

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**Marginal Citations**

- M1** S.I. 1980/870 (N.I. 8).
- M2** 1971 c. 77.

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