



# 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 under this Act 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 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.
- (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

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*Status: This is the original version (as it was originally enacted).*

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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.
- (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.
- (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.

## 111 Questions arising in proceedings

- (1) Where in any proceedings—
- (a) for an offence under this Act;
  - (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 or the National Insurance Fund,
- any such question arises as is mentioned in section 15(1) above, the decision of the Department shall be conclusive for the purposes of the proceedings.
- (2) If—
- (a) a decision of any such question is necessary for the determination of proceedings; and
  - (b) the decision of the Department has not been obtained or a question has been raised with a view to a review of the decision obtained,
- the question shall be referred to the Department for determination or review in accordance (subject to any necessary modifications) with Part II of this Act.
- (3) Subsection (1) above does not apply if—
- (a) an appeal under section 16 above is pending;
  - (b) the time for appealing has not expired; or
  - (c) a question has been raised with a view to a review of the Department's decision under section 17 above,
- and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.