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# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART VII

#### [<sup>F1</sup>INFORMATION]

##### Textual Amendments

**F1** Heading substituted (1.7.1997) by 1997 c. 47, s. 1(2); S.I. 1997/1577, art. 2, Sch.

*[<sup>F2</sup>Information relating to, or required for purposes of,  
contributions, statutory sick pay or statutory maternity pay*

##### Textual Amendments

**F2** Ss. 115D, 115E and preceding cross-heading inserted (1.4.1999) by S.I. 1999/671, art. 6, Sch. 5 para. 1; S.R. 1999/149, art. 2(c), Sch. 2 (subject to arts. 3-6 of that S.R.)

#### <sup>F3</sup>**115D Supply of contributions, etc. information held by Inland Revenue.**

- (1) This section applies to information which is held for the purposes of functions relating to contributions, statutory sick pay or statutory maternity pay [<sup>F4</sup>or functions under Part III of the Pensions Act]—
  - (a) by the Inland Revenue, or
  - (b) by a person providing services to them, in connection with the provision of those services.
- (2) Information to which this section applies may, and [<sup>F5</sup>(subject to subsection (2A))] must if an authorised officer so requires, be supplied—
  - (a) to the Department or the Secretary of State, or

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(b) to a person providing services to the Department or the Secretary of State, for use for the purposes of functions relating to social security or child support [<sup>F6</sup>or employment or training] .

[ An authorised officer may not require the supply under subsection (2) of information <sup>F7</sup>(2A) for use for the purposes of functions relating to employment or training.]

(3) In [<sup>F8</sup>this section]“authorised officer” means an officer of the Department or the Secretary of State authorised for the purposes of this section by the Department or the Secretary of State.

#### Textual Amendments

- F3** Ss. 115D, 115E and preceding cross-heading inserted (1.4.1999) by S.I. 1999/671, art. 6, **Sch. 5 para. 1**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
- F4** Words in s. 115D(1) substituted (11.11.1999) by 1999 c. 30, ss. 81, 89(4)(d), **Sch. 11 para. 15**
- F5** Words in s. 115D(2) inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 12(a)(i)**; S.I. 2002/2256, **art. 2**
- F6** Words in s. 115D(2) inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 12(a)(ii)**; S.I. 2002/2256, **art. 2**
- F7** S. 115D(2A) inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 12(b)**; S.I. 2002/2256, **art. 2**
- F8** Words in s. 115D(3) substituted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 12(c)**; S.I. 2002/2256, **art. 2**

#### Modifications etc. (not altering text)

- C1** S. 115D modified (1.12.2000 for certain purposes, otherwise 1.1.2001) by 2000 c. 4 (N.I.), s. 38(10) (with s. 66(6)); S.R. 2000/374, **art. 2(b)**

### <sup>F9</sup>**115E Supply to Inland Revenue for purposes of contributions, etc. of information held by Department or Secretary of State.**

(1) This section applies to information which is held for the purposes of functions relating to social security or child support [<sup>F10</sup>or employment or training]—

- (a) by the Department or the Secretary of State, or
- (b) by a person providing services to the Department or the Secretary of State, in connection with the provision of those services.

(2) Information to which this section applies may, and [<sup>F11</sup>(subject to subsection (2A))] must if an officer of the Inland Revenue authorised by the Inland Revenue for the purposes of this section so requires, be supplied—

- (a) to the Inland Revenue, or
- (b) to a person providing services to the Inland Revenue,

for use for the purposes of functions relating to contributions, statutory sick pay or statutory maternity pay [<sup>F12</sup>or functions under Part III of the Pensions Act].

[ An officer of the Inland Revenue may not require the supply under subsection (2) <sup>F13</sup>(2A) of information which is held for the purposes of functions relating to employment or training.]]

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#### Textual Amendments

- F9** Ss. 115D, 115E and preceding cross-heading inserted (1.4.1999) by S.I. 1999/671, art. 6, **Sch. 5 para. 1**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)
- F10** Words in s. 115E(1) inserted (9.9.2002) by **Employment Act 2002 (c. 22)**, s. 50, **Sch. 6 para. 14(a)**; S.I. 2002/2256, art. 2(a)
- F11** Words in s. 115E(2) inserted (9.9.2002) by **Employment Act 2002 (c. 22)**, s. 50, **Sch. 6 para. 14(b)**; S.I. 2002/2256, art. 2(a)
- F12** Words in s. 115E(2) inserted (11.11.1999) by 1999 c. 30, ss. 81, 89(4)(d), **Sch. 11 para. 16**
- F13** S. 115E(2A) inserted (9.9.2002) by **Employment Act 2002 (c. 22)**, s. 50, **Sch. 6 para. 14(c)**; S.I. 2002/2256, art. 2(a)

*[<sup>F14</sup> Information held by tax authorities]*

#### Textual Amendments

- F14** Ss. 116, 116A and cross-heading substituted for s. 116 and cross-heading (1.7.1997) by 1997 c. 47, s. 1(2); S.I. 1997/1577, art. 2, **Sch.**

#### <sup>F15</sup>116 [ Supply of information held by tax authorities for fraud prevention and verification.]

- <sup>F16</sup>(1) This section applies—
- (a) to information which is held—
    - (i) by the Inland Revenue, or
    - (ii) by a person providing services to the Inland Revenue, in connection with the provision of those services,but is not information to which section 115D [<sup>F17</sup>or paragraph 4 of Schedule 5 to the Tax Credits Act 2002] above applies, and
  - (b) to information which is held—
    - (i) by the Commissioners of Customs and Excise, or
    - (ii) by a person providing services to the Commissioners of Customs and Excise, in connection with the provision of those services.]
- (2) Information to which this section applies may, with the authority of the Commissioners concerned, be supplied to, or to a person providing services to, the Department or the Secretary of State—
- (a) for use in the prevention, detection, investigation or prosecution of offences relating to social security; <sup>F18</sup> . . .
  - <sup>F19</sup>(aa) for use in the prevention, detection, investigation or prosecution of offences relating to payments under section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29) or other payments by or to the Department for Employment and Learning for any purposes connected with employment or training;]
  - (b) for use in checking the accuracy of information relating to benefits <sup>F20</sup> . . . or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.

<sup>F21</sup>or

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- (c) for use in checking the accuracy of information relating to employment or training and (where appropriate) amending or supplementing such information.]
- (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
- (a) it could be supplied to that person or body under that subsection;
  - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the <sup>M1</sup>Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them; or
  - (c) it is supplied to the Housing Executive;
- and shall not be so supplied in those circumstances without the authority of the Commissioners concerned.
- (4) But where information supplied under subsection (2) above has been used (in accordance with paragraph (b) [<sup>F22</sup>or (c)] of that subsection) in amending or supplementing other information, it is lawful for it to be—
- (a) supplied to any person or body to whom that other information could be supplied; or
  - (b) used for any purpose for which that other information could be used.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.

#### Textual Amendments

- F15** Ss. 116, 116A and the preceding *cross-heading* substituted (1.7.1997) for s. 116 and cross-heading by 1997 c. 47, s. 1(2); S.I. 1997/1577, art. 2, Sch.
- F16** S. 116(1) substituted (*retrospective* to 1.4.1999) by 1999 c. 30, ss. 81, 89(4)(d), Sch. 11 para. 17 (the substitution coming into force in place of that made by S.I. 1999/671, art. 6, Sch. 5 para. 2)
- F17** Words in s. 116(1)(a) substituted (1.8.2002 for certain purposes, otherwise *prosp.*) by Tax Credits Act 2002 (c. 21), s. 59, Sch. 5 para. 12(b); S.I. 2002/1727, art. 2 (with art. 3 (as substituted by S.I. 2002/2158, art. 2))
- F18** Word in s. 116(2) repealed (9.9.2002) by Employment Act 2002 (c. 22), s. 54, Sch. 8; S.I. 2002/2256, art. 2
- F19** S. 116(2) (aa) inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, Sch. 6 para. 7(a); S.I. 2002/2256, art. 2
- F20** Words in s. 116(2)(b) repealed (1.4.1999) by S.I. 1999/671, arts. 6, 24(3), Sch. 5 para. 2(3), Sch. 9 Pt. I; S.R. 1999/149, art. 2(c), Sch. 2 (subject to arts. 3-6 of the said S.R.)
- F21** Word in s. 116(2) and (c) inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, Sch. 6 para. 7(b); S.I. 2002/2256, art. 2
- F22** Words in s. 116(4) inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, Sch. 6 para. 7(c); S.I. 2002/2256, art. 2

#### Modifications etc. (not altering text)

- C2** S. 116: functions exercisable by the Department of the Environment for Northern Ireland transferred (26.6.2001) to the Department of Finance and Personnel in Northern Ireland by S.R. 2001/229, art. 4(1) (with art. 12)

#### Marginal Citations

- M1** S.I. 1995/2705 (N.I.15).

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## [<sup>F23</sup> **S.116ZA Supply of tax information to assess certain employment or training schemes**

- (1) This section applies to information which—
  - (a) relates to the commencement or cessation of employment or self-employment of persons who have participated in any designated employment or training scheme; and
  - (b) is required by the Department or the Secretary of State in order to assess policy relating to such schemes.
- (2) In subsection (1) “designated employment or training scheme” means any scheme which—
  - (a) is operated by the Department or the Secretary of State (whether under arrangements with any other person or not) for any purposes connected with employment or training; and
  - (b) is designated by the Department for the purposes of this section.
- (3) In subsection (1) the reference to the commencement or cessation of the self-employment of any person is a reference to the commencement or cessation of any trade, profession or vocation carried on by him.
- (4) No obligation as to secrecy imposed by statute or otherwise on a person employed in relation to the Inland Revenue shall prevent any such information obtained or held in connection with the assessment or collection of income tax from being disclosed to—
  - (a) the Department;
  - (b) the Secretary of State; or
  - (c) an officer of either of them authorised to receive such information for the purposes of this section.
- (5) This section extends only to disclosure by or under the authority of the Inland Revenue.
- (6) Information which is the subject of disclosure to any person by virtue of this section shall not be further disclosed to any person except where the further disclosure is made—
  - (a) to a person to whom disclosure could be made by virtue of subsection (4); or
  - (b) for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them.]

### Textual Amendments

**F23** S. 116ZA inserted (9.9.2002) by [Employment Act 2002 \(c. 22\)](#), s. 50, [Sch. 6 para. 8](#); S.I. 2002/2256, [art. 2](#)

## [<sup>F23F24</sup> **S.116A Disclosure of contributions, etc. information by Inland Revenue.**

- (1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to the Inland Revenue shall prevent information held for the purposes of the functions of the Inland Revenue in relation to contributions, statutory sick pay [<sup>F25</sup>, statutory maternity pay, statutory paternity pay or statutory adoption pay] from being disclosed—

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- (a) to any of the authorities to which this paragraph applies, or any person authorised to exercise any function of that authority, for the purposes of the functions of that authority, or
  - (b) in a case where the disclosure is necessary for the purpose of giving effect to any agreement to which an order under section 155(1) below relates.
- (2) The authorities to which subsection (1)(a) above applies are—
- (a) the Health and Safety Executive for Northern Ireland,
  - (b) the Government Actuary’s Department,
  - (c) the Northern Ireland Statistical and Research Agency, and
  - (d) the Occupational Pensions Regulatory Authority.]

#### Textual Amendments

- F23** S. 116ZA inserted (9.9.2002) by [Employment Act 2002 \(c. 22\)](#), s. 50, [Sch. 6 para. 8](#); S.I. 2002/2256, [art. 2](#)
- F24** S. 116AA inserted (1.4.1999) by S.I. 1999/671, [art. 6](#), [Sch. 5 para. 3](#); S.R. 1999/149, [art. 2\(c\)](#), [Sch. 2](#) (subject to arts. 3-6 of the said S.R.)
- F25** Words in [s. 116AA\(1\)](#) substituted (8.12.2002) by [The Employment \(Northern Ireland\) Order 2002 \(S.I. 2002/2836 \(N.I. 2\)\)](#), [art. 17\(1\)](#), [Sch. 2 para. 2\(2\)](#); S.R. 2002/356, [art. 2](#), [Sch. 1 Pt. II](#)

<sup>F26</sup>**116A**.....

#### Textual Amendments

- F26** S. 116A repealed (1.4.1999) by S.I. 1999/671, [arts. 6, 24\(3\)](#), [Sch. 5 para. 4](#), [Sch. 9 Pt. I](#); S.R. 1999/149, [art. 2\(c\)](#), [Sch. 2](#) (subject to arts. 3-6 of the said S.R.)

<sup>F27</sup> *Other government information*

#### Textual Amendments

- F27** S. 116B and the preceding *cross-heading* inserted (1.7.1997) by [1997 c. 47](#), [s. 2\(2\)](#); S.I. 1997/1577, [art. 2](#), [Sch.](#)

<sup>F28</sup>**116B Supply of other government information for fraud prevention and verification.**

- (1) This section applies to information which is held by, or by a person providing services to, a Minister of the Crown or a Northern Ireland department or other government department and which relates to—
  - (a) passports, immigration and emigration, nationality or prisoners; or
  - (b) any other matter which is prescribed.
- (2) Information to which this section applies may be supplied to, or to a person providing services to, the Department or the Secretary of State—
  - (a) for use in the prevention, detection, investigation or prosecution of offences relating to social security; or

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- (b) for use in checking the accuracy of information relating to benefits <sup>F29</sup> . . . or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.
- (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
- (a) it could be supplied to that person or body under that subsection;
- (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the <sup>M2</sup>Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them; or
- (c) it is supplied to the Housing Executive.
- (4) But where information supplied under subsection (2) above has been used (in accordance with paragraph (b) of that subsection) in amending or supplementing other information, it is lawful for it to be—
- (a) supplied to any person or body to whom that other information could be supplied; or
- (b) used for any purpose for which that other information could be used.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.]

#### Textual Amendments

**F28** S. 116B and the preceding *cross-heading* inserted (1.7.1997) by 1997 c. 47, s. 2(2); S.I. 1997/1577, art. 2, Sch.

**F29** Words in s. 116B(2)(b) repealed (1.4.1999) by S.I. 1999/671, arts. 6, 24(3), Sch. 5 para. 5, Sch. 9 Pt. I; S.R. 1999/149, art. 2(c), Sch. 2 (subject to arts. 3-6 of the said S.R.)

#### Modifications etc. (not altering text)

**C3** S. 116B: functions exercisable by the Department of the Environment for Northern Ireland transferred (26.6.2001) to the Department of Finance and Personnel in Northern Ireland by S.R. 2001/229, art. 4(1) (with art. 12)

#### Marginal Citations

**M2** S.I. 1995/2705 (N.I.15).

*[<sup>F30</sup>The Housing Executive]*

#### Textual Amendments

**F30** Ss. 116C, 116D and the preceding *cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 3; S.R. 1997/316, art. 2, Sch.

#### <sup>F31</sup>116C Supply of information to the Housing Executive.

- (1) This section applies to information relating to social security [<sup>F32</sup>, child support, or employment or training] which is held—
- (a) by the Department or the Secretary of State; or

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- (b) by a person providing services to the Department or the Secretary of State in connection with the provision of those services.
- (2) Information to which this section applies may be supplied to—
- (a) the Housing Executive; or
- (b) a person authorised to exercise any function of the Housing Executive relating to housing benefit,
- for use in the administration of housing benefit.
- (3) But where information to which this section applies has been supplied to the Department, the Secretary of State or the person providing services under section 116 or 116B above it may only be supplied under subsection (2) above—
- (a) for use in the prevention, detection, investigation or prosecution of offences relating to housing benefit; or
- (b) for use in checking the accuracy of information relating to housing benefit and (where appropriate) amending or supplementing such information.
- (4) The Department or the Secretary of State—
- (a) may impose conditions on the use of information supplied under subsection (2) above; and
- (b) may charge a reasonable fee in respect of the cost of supplying information under that subsection.
- (5) Where information is supplied to the Housing Executive or other person under subsection (2) above, the Executive or other person shall have regard to it in the exercise of any function relating to housing benefit.
- (6) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
- (a) it is supplied—
- (i) by the Housing Executive to a person authorised to exercise any function of the Executive relating to housing benefit; or
- (ii) by a person authorised to exercise any function of the Housing Executive relating to housing benefit to the Executive;
- (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them; or
- (c) it is supplied under section 116D below.
- (7) This section does not limit the circumstances in which information may be supplied apart from this section (in particular by reason of section 116(4) or 116B(4) above).
- (8) <sup>F33</sup> ..... ]

#### Textual Amendments

**F31** SS. 116C, 116D and the preceding *cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 3**; S.R. 1997/316, **art. 2**, **Sch.**

**F32** Words in s. 116C(1) inserted (19.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), **s. 6(2)(a)**; S.R. 2002/351 {art. 2(a)}

**F33** S. 116C(8) repealed (19.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), **ss. 6(2)(b), 8(2)**, **Sch. 2**; S.R. 2002/351, **art. 2(a)**, **Sch. Pt. I**



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#### Modifications etc. (not altering text)

- C4** S. 116C: functions modified (*prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 67, **Sch. 8 para. 32**  
S. 116C: functions exercisable by the Department of the Environment for Northern Ireland transferred (26.6.2001) to the Department of Finance and Personnel in Northern Ireland by S.R. 2001/229, **art. 4(1)** (with **art. 12**)

#### [<sup>F34</sup>116D Supply of information by the Housing Executive.

- (1) The Department or the Secretary of State may require—
- the Housing Executive; or
  - a person authorised to exercise any function of the Housing Executive relating to housing benefit,
- to supply benefit administration information held by the Executive or other person to, or to a person providing services to, the Department or the Secretary of State for use for any purpose relating to social security [<sup>F35</sup>, child support, or employment or training] .
- (2) The Department or the Secretary of State may require—
- the Housing Executive; or
  - a person authorised to exercise any function of the Housing Executive relating to housing benefit,
- to supply benefit policy information held by the Executive or other person to, or to a person providing services to, the Department or the Secretary of State.
- (3) Information shall be supplied under subsection (1) or (2) above in such manner and form, and in accordance with such requirements, as may be [<sup>F36</sup>specified in directions given by the Department or, as the case may be, the Secretary of State].
- (4) In subsection (1) above “benefit administration information”, in relation to the Housing Executive or other person, means any information which is relevant to the exercise of any function relating to housing benefit by the Executive or other person.
- (5) In subsection (2) above “benefit policy information” means any information which may be relevant to the Department or the Secretary of State—
- in preparing estimates of likely future expenditure on housing benefit; or
  - in developing policy relating to housing benefit.]

#### Textual Amendments

- F34** Ss. 116C, 116D and the preceding cross-heading inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 3**; S.R. 1997/316, **art. 2**, **Sch.**
- F35** Words in s. 116D(1) inserted (19.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), **ss. 6(3)**, 9; S.R. 2002/351, **art. 2(a)**, **Sch. Pt. I**
- F36** Words in s. 116D(3) substituted (1.5.2002) by 2001 c. 17 (N.I.), {ss. 5, 17(1)}; S.R. 2002/165, **art. 2**

#### Modifications etc. (not altering text)

- C5** S. 116D: functions modified (*prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 67, **Sch. 8 para. 32**  
S. 116D: functions exercisable by the Department of the Environment for Northern Ireland transferred (26.6.2001) to the Department of Finance and Personnel in Northern Ireland by S.R. 2001/229, **art. 4(1)** (with **art. 12**)

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S. 116D modified by 1992 c. 5, s. 179A(5) (as inserted (14.2.2003) by 2001 c. 11, ss. 5(1), 20); S.I. 2003/273, art. 2

*Persons employed or formerly employed in social security administration or adjudication*

## **117 Unauthorised disclosure of information relating to particular persons.**

- (1) A person who is or has been employed in social security administration or adjudication is guilty of an offence if he discloses without lawful authority any information which he acquired in the course of his employment and which relates to a particular person.
- (2) A person who is or has been employed in the audit of expenditure or the investigation of complaints is guilty of an offence if he discloses without lawful authority any information—
  - (a) which he acquired in the course of his employment;
  - (b) which is, or is derived from, information acquired or held by or for the purposes of any of the government departments or other bodies or persons referred to in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Great Britain; and
  - (c) which relates to a particular person.
- (3) It is not an offence under this section—
  - (a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
  - (b) to disclose information which has previously been disclosed to the public with lawful authority.
- (4) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence—
  - (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
  - (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.
- (5) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both; or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (6) For the purposes of this section, the persons who are “employed in social security administration or adjudication” are—
  - (a) any person specified in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Great Britain;
  - (b) any other person who carries out the administrative work of any of the government departments or other bodies or persons referred to in that Part of that Schedule or that corresponding enactment; and
  - (c) any person who provides, or is employed in the provision of, services to any of those departments, persons or bodies;

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and “employment”, in relation to any such person, shall be construed accordingly.

[<sup>F37</sup>(6A) Subsection (6) above shall have effect as if any medical practitioner who, for the purposes of [<sup>F38</sup>Article 19 of the Social Security (Northern Ireland) Order 1998], is provided by any person in pursuance of a contract entered into with the Department were specified in Part I of Schedule 4 to this Act]

(7) For the purposes of subsections (2) and (6) above, any reference in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Great Britain to a government department shall be construed in accordance with Part II of that Schedule or any corresponding enactment having effect in Great Britain, and for this purpose “government department” shall be taken to include—

<sup>F39</sup>(a) .....

[<sup>F40</sup>(aa) the Scottish Administration;] and

(b) the Scottish Courts Administration.

(8) For the purposes of this section, the persons who are “employed in the audit of expenditure or the investigation of complaints” are—

- (a) the Comptroller and Auditor General for Northern Ireland;
- (b) the Northern Ireland Parliamentary Commissioner for Administration;
- (c) the Northern Ireland Commissioner for Complaints;
- (d) the Comptroller and Auditor General;
- (e) the Parliamentary Commissioner for Administration;
- (f) any member of the staff of the Northern Ireland Audit Office or the National Audit Office;
- (g) any other person who carries out the administrative work of either of those Offices, or who provides, or is employed in the provision of, services to either of them;

[<sup>F41</sup>(ga) a Northern Ireland local government auditor;

(gb) a member of the Audit Commission for Local Authorities and the National Health Service in England and Wales and any auditor appointed by that Commission;

(gc) a member of the Accounts Commission for Scotland and any auditor within the meaning of Part VII of the Local Government (Scotland) Act 1973;]

(h) the Health Service Commissioner for England, Wales or Scotland; <sup>F42</sup> . . .

[<sup>F43</sup>(ha) a member of the Local Commission for England;

(hb) a member of the Local Commission for Wales;

(hc) the Commissioner for Local Administration in Scotland; and]

(i) any officer of any of the Commissioners [<sup>F44</sup>or Commissions referred to in paragraphs (b), (c), (e) and (gb) to (hc) above and any person assisting an auditor referred to in paragraph (ga), (gb) or (gc) above];

and “employment”, in relation to any such person, shall be construed accordingly.

(9) For the purposes of this section a disclosure is to be regarded as made with lawful authority if, and only if, it is made—

(a) in accordance with his official duty—

(i) by a civil servant; or

(ii) by a person employed in the audit of expenditure or the investigation of complaints, who does not fall within subsection (8)(g) above;

(b) by any other person either—

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- (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the person responsible; or
  - (ii) to, or in accordance with an authorisation duly given by, the person responsible;
  - (c) in accordance with any statutory provision or order of a court;
  - (d) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or before any tribunal or other body or person referred to in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Great Britain; or
  - (e) with the consent of the appropriate person;
- and in this subsection “the person responsible” means the Department, the Lord Chancellor or any person authorised by the Department or the Lord Chancellor for the purposes of this subsection and includes a reference to “the person responsible” within the meaning of any corresponding enactment having effect in Great Britain.
- (10) For the purposes of subsection (9)(e) above, “the appropriate person” means the person to whom the information in question relates, except that if the affairs of that person are being dealt with—
- (a) under a power of attorney;
  - (b) by a controller appointed under Article 101 of the <sup>M3</sup>Mental Health (Northern Ireland) Order 1986 or by a receiver appointed under section 99 of the <sup>M4</sup>Mental Health Act 1983;
  - (c) by a Scottish mental health custodian, that is to say—
    - (i) a curator bonis, tutor or judicial factor; or
    - (ii) the managers of a hospital acting on behalf of that person under section 94 of the <sup>M5</sup>Mental Health (Scotland) Act 1984; or
  - (d) by a mental health appointee, that is to say—
    - (i) a person directed or authorised as mentioned in sub-paragraph (a) of rule 38(1) of Order 109 of the Rules of the <sup>M6</sup>Supreme Court (Northern Ireland) 1980 or sub-paragraph (a) of rule 41(1) of the <sup>M7</sup>Court of Protection Rules 1984; or
    - (ii) a controller ad interim appointed under sub-paragraph (b) of the said rule 38(1) or any receiver ad interim appointed under sub-paragraph (b) of the said rule 41(1),
- the appropriate person is the attorney, controller, receiver, custodian or appointee, as the case may be, or, in a case falling within paragraph (a) above, the person to whom the information relates.

#### Textual Amendments

- F37** S. 117(6A) inserted (3.1.1995) by 1994 c. 40, ss. 76, 82(2)(f), **Sch. 16 para. 25**
- F38** Words in s. 117(6A) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506, (N.I. 10), arts. 1, 78(1), Sch. 6 para. 70; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch. 1** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of that S.R.)
- F39** S. 117(7)(a) repealed (1.4.1999) by S.I. 1999/671, art. 24(3), **Sch. 9 Pt. I**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

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- F40** S. 117(7)(aa) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 para. 106** (with art. 5); S.I. 1998/3178, **art. 3**
- F41** S. 117(8)(ga)-(gc) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 4(2)**; S.R. 1997/316, art. 2, **Sch.**
- F42** Word in s. 117(8)(h) repealed (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(2), **Sch. 2**; S.R. 1997/316, art. 2, **Sch.**
- F43** S. 117(8)(ha)-(hc) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 4(2)(b)**; S.R. 1997/316, art. 2, **Sch**
- F44** Words in s. 117(8)(i) substituted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 4(2)(c)**; S.R. 1997/316, art. 2, **Sch.**

#### Modifications etc. (not altering text)

- C6** S. 117 applied (26.3.2002) by Personal Social Services (Preserved Rights) Act (Northern Ireland) 2002 (c. 5), **s. 2(5)**
- C7** S. 117(8)(e) modified (temp. from 1.7.1999) by S.I. 1999/1351, **arts. 1, 3, 17(2)(e)** (with art. 18); S.I. 1998/3178, **art. 3**

#### Marginal Citations

- M3** S.I. 1986/595 (N.I. 4).
- M4** 1983 c. 20.
- M5** 1984 c. 36.
- M6** S.R. (N.I.) 1980 No. 346.
- M7** S.I. 1984/2035.

### Notification of deaths

#### 118 Regulations as to notification of deaths.

- (1) Regulations [<sup>F45</sup>made with the concurrence of the Inland Revenue] may provide that it shall be the duty of the Registrar General or any registrar to furnish the Department, [<sup>F46</sup>or the Inland Revenue, for the purposes of their respective functions] under the Contributions and Benefits Act [<sup>F47</sup>, Parts II and III of the Jobseekers (Northern Ireland) Order 1995 [<sup>F48</sup>, the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997]] [<sup>F49</sup>, the Social Security (Northern Ireland) Order 1998]] [<sup>F50</sup>, the State Pension Credit Act (Northern Ireland) 2002] and this Act and the functions of the Secretary of State under any enactment applying in Great Britain corresponding to [<sup>F51</sup>any of those Acts or those Parts [<sup>F48</sup>or to those Orders]], with the prescribed particulars of such deaths as may be prescribed.
- (2) The regulations may make provision as to the manner in which and times at which the particulars are to be furnished.
- (3) In subsection (1) “Registrar General” and “registrar” have the meanings assigned to them in the <sup>M8</sup>Births and Deaths Registration (Northern Ireland) Order 1976.

#### Textual Amendments

- F45** Words in s. 118(1) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 28(a)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
- F46** Words in s. 118(1) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 28(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

*Status: Point in time view as at 08/12/2002.*

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- F47** Words in s. 118(1) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 41(a); S.R. 1996/285, art. 2, **Sch.**
- F48** Words in s. 118(1) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 71(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and 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))
- F49** Words in s. 118(1) inserted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 71(a)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and 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)
- F50** Words in s. 118(1) inserted (2.12.2002 for certain purposes, otherwise prosp.) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), s. 14, **Sch. 2 Pt. 2 para. 13**; S.R. 2002/366, **art. 2(1)(I)**
- F51** Words in s. 118(1) substituted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 41(b)**; S.R. 1996/285, art. 2, **Sch.**

#### Modifications etc. (not altering text)

- C8** S. 118 applied (with modifications) (7.2.1994) by 1993 c. 49, **s. 163(2)**; S.R. 1994/17, **art. 2**

#### Marginal Citations

- M8** S.I. 1976/1041 (N.I. 14).

### *Personal representatives - income support and supplementary benefit*

#### **119 Personal representatives to give information about the estate of a deceased person who was in receipt of income support or supplementary benefit.**

- (1) The personal representatives of a person who was in receipt of income support [<sup>F52</sup>an income-based jobseeker's allowance][<sup>F53</sup>, state pension credit] or supplementary benefit at any time before his death shall provide the Department with such information as it may require relating to the assets and liabilities of that person's estate.
- (2) If the personal representatives fail to supply any information within 28 days of being required to do so under subsection (1) above, then—
- the county court may, on the application of the Department, make an order directing them to supply that information within such time as may be specified in the order, and
  - any such order may provide that all costs of and incidental to the application shall be borne personally by any of the personal representatives.

#### Textual Amendments

- F52** Words in s. 119 inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 42**; S.R. 1996/285, art. 2, **Sch.**
- F53** Words in s. 119(1) inserted (2.12.2002 for certain purposes, otherwise prosp.) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), s. 14, **Sch. 2 Pt. 2 para. 14**; S.R. 2002/366, **art. 2(1)(I)**

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[<sup>F54</sup>Landlords and agents]

**Textual Amendments**

**F54** S. 119A and the preceding cross-heading inserted (8.10.1997) by S.I. 1997/1182 (N.I. 11), art. 10; S.R. 1997/449, art. 2

[<sup>F55</sup>119A Power to require information from landlords and agents.

- (1) Regulations shall provide that where a claim for housing benefit in respect of a dwelling is made to the Housing Executive and the circumstances are such as are prescribed—
  - (a) the Executive; or
  - (b) a person authorised to exercise any function of the Executive relating to housing benefit,may require any appropriate person to supply information of a prescribed description to the Executive or other person.
- (2) Subject to subsection (4) below, for the purposes of subsection (1) above a person is an appropriate person in relation to a dwelling if he is—
  - (a) a person to whom anyone is, or claims to be, liable to make relevant payments;
  - (b) a person to whom, or at whose direction, a person within paragraph (a) above has agreed to make payments in consequence of being entitled to receive relevant payments; or
  - (c) a person acting on behalf of a person within paragraph (a) or (b) above in connection with any aspect of the management of the dwelling.
- (3) In subsection (2) above “relevant payments”, in relation to a dwelling, means payments in respect of the dwelling which are of a description in relation to which housing benefit may be paid.
- (4) Regulations may provide that any prescribed person, or any person of a prescribed description, is not an appropriate person for the purposes of subsection (1) above.
- (5) The descriptions of information which may be prescribed for the purposes of subsection (1) above include, in particular, any description of information relating to, or to any interest in or other connection with, dwellings and other property situated anywhere in the United Kingdom.
- (6) Information shall be supplied under subsection (1) above in such manner and form, and at such time and in accordance with such other requirements, as may be prescribed.
- (7) Information supplied to the Housing Executive or other person under subsection (1) above may be used by the Executive or other person only in the exercise of any function relating to housing benefit.
- (8) The provisions of section 116D above apply in relation to any information supplied under subsection (1) above which is not benefit administration information (within the meaning of those provisions) as if it were.]

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**Textual Amendments**

**F55** S. 119A and the preceding cross-heading inserted (8.10.1997) by S.I. 1997/1182 (N.I. 11), **art. 10**; S.R. 1997/449, **art. 2**

**Modifications etc. (not altering text)**

**C9** S. 119A: functions modified (*prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 67, **Sch. 8 para. 32** (with art. 75)

*Housing benefit*

<sup>F56</sup>**120** .....

**Textual Amendments**

**F56** S. 120 repealed (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(2), **Sch. 2**; S.R. 1997/316, art. 2, **Sch.**

*Statutory sick pay and other benefits*

**121 Disclosure by the Department for purpose of determination of period of entitlement to statutory sick pay.**

Where the Department considers that it is reasonable for information held by the Department to be disclosed to an employer, for the purpose of enabling that employer to determine the duration of a period of entitlement under Part XI of the Contributions and Benefits Act in respect of an employee, or whether such a period exists, the Department may disclose the information to that employer.

**122 Duties of employers - statutory sick pay and claims for other benefits.**

(1) Regulations may make provision requiring an employer, in a case falling within subsection (3) below to furnish information in connection with the making, by a person who is, or has been, an employee of that employer, of a claim for—

[<sup>F57</sup>(a) short-term incapacity benefit;]

(b) a maternity allowance;

[<sup>F58</sup>(c) long-term incapacity benefit;]

(d) industrial injuries benefit; <sup>F59</sup> . . .

<sup>F59</sup>(e) . . . . .

(2) Regulations under this section shall prescribe—

(a) the kind of information to be furnished in accordance with the regulations;

(b) the person to whom information of the prescribed kind is to be furnished; and

(c) the manner in which, and period within which, it is to be furnished.

(3) The cases are—

(a) where, by virtue of paragraph 2 of Schedule 11 to the Contributions and Benefits Act or of regulations made under paragraph 1 of that Schedule, a



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- period of entitlement does not arise in relation to a period of incapacity for work;
- (b) where a period of entitlement has come to an end but the period of incapacity for work which was running immediately before the period of entitlement came to an end continues; and
- (c) where a period of entitlement has not come to an end but, on the assumption that—
- (i) the period of incapacity for work in question continues to run for a prescribed period; and
- (ii) there is no material change in circumstances,
- the period of entitlement will have ended on or before the end of the prescribed period.
- (4) Regulations [<sup>F60</sup>made with the concurrence of the Inland Revenue]—
- (a) may require employers to maintain such records in connection with statutory sick pay as may be prescribed;
- (b) may provide for—
- (i) any person claiming to be entitled to statutory sick pay; or
- (ii) any other person who is a party to proceedings arising under Part XI of the Contributions and Benefits Act,
- to furnish to the Department [<sup>F61</sup>or the Inland Revenue (as the regulations may require)], within a prescribed period, any information required for the determination of any question arising in connection therewith; and
- (c) may require employers who have made payments of statutory sick pay to furnish to the Department [<sup>F61</sup>or the Inland Revenue (as the regulations may require)] such documents and information, at such times, as may be prescribed.

#### Textual Amendments

- F57** S. 122(1)(a) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II para. 48(a)**; S.R. 1994/450, art. 2, **Sch. 1 Pt. IV**
- F58** S. 122(1)(c) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II para. 48(b)**; S.R. 1994/450, art. 2, **Sch. 1 Pt. IV**
- F59** S. 122(1)(e) and preceding word repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 10 Pt. IV** (with art. 75); S.R. 2000/332, **art. 2(3)(g)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)
- F60** Words in s. 122(4) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 29(a)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
- F61** Words in s. 122(4)(b)(c) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 29(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

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### *Statutory maternity pay and other benefits*

#### **123 Disclosure by the Department for purpose of determination of period of entitlement to statutory maternity pay.**

Where the Department considers that it is reasonable for information held by the Department to be disclosed to a person liable to make payments of statutory maternity pay for the purpose of enabling that person to determine—

- (a) whether a maternity pay period exists in relation to a woman who is or has been an employee of his; and
- (b) if it does, the date of its commencement and the weeks in it in respect of which he may be liable to pay statutory maternity pay,

the Department may disclose the information to that person.

#### **124 Duties of employers - statutory maternity pay and claims for other benefits.**

(1) Regulations may make provision requiring an employer in prescribed circumstances to furnish information in connection with the making of a claim by a woman who is or has been his employee for—

- (a) a maternity allowance;
- (b) [<sup>F62</sup>short-term incapacity benefit];
- (c) a [<sup>F63</sup>long-term incapacity benefit under section 30A], 40 or 41 of the Contributions and Benefits Act; <sup>F64</sup> . . .

<sup>F64</sup>(d) . . . . .

(2) Regulations under this section shall prescribe—

- (a) the kind of information to be furnished in accordance with the regulations;
- (b) the person to whom information of the prescribed kind is to be furnished; and
- (c) the manner in which, and period within which, it is to be furnished.

(3) Regulations [<sup>F65</sup>made with the concurrence of the Inland Revenue]—

- (a) may require employers to maintain such records in connection with statutory maternity pay as may be prescribed;
- (b) may provide for—
  - (i) any woman claiming to be entitled to statutory maternity pay; or
  - (ii) any other person who is a party to proceedings arising under Part XII of the Contributions and Benefits Act,

to furnish to the Department [<sup>F66</sup>or the Inland Revenue (as the regulations may require)], within a prescribed period, any information required for the determination of any question arising in connection therewith; and

- (c) may require persons who have made payments of statutory maternity pay to furnish to the Department [<sup>F66</sup>or the Inland Revenue (as the regulations may require)] such documents and information, at such times, as may be prescribed.

#### **Textual Amendments**

**F62** Words in s. 124(1)(b) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II**, para. 49(a); S.R. 1994/450, art. 2, **Sch. Pt. IV**

*Status: Point in time view as at 08/12/2002.*

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- F63** Words in s. 124(1)(c) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II**, para. 49(b); S.R. 1994/450, art. 2, **Sch. Pt. IV**
- F64** S. 124(1)(d) and preceding word repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV** (with art. 75); ; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3** ) and to art. 4 of the said S.R. 2000/332)
- F65** Words in s. 124(3) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 30(a)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
- F66** Words in s. 124(3)(b)(c) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 30(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

### *Maintenance proceedings*

#### **125 Furnishing of addresses for maintenance proceedings, etc.**

- (1) The Department may incur expenses for the purpose of furnishing the address at which a man or woman is recorded by it as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order for the making by the man or woman of payments—
- (a) for the maintenance of the man’s wife or former wife, or the woman’s husband or former husband; or
  - (b) for the maintenance or education of any person as being the son or daughter of the man or his wife or former wife, or of the woman or her husband or former husband.
- (2) In subsection (1)(b) above “son or daughter” includes an illegitimate son or daughter.

**Status:**

Point in time view as at 08/12/2002.

**Changes to legislation:**

Social Security Administration (Northern Ireland) Act 1992, Part VII is up to date with all changes known to be in force on or before 29 June 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.