



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART VI

#### ENFORCEMENT

##### *Inspection*

#### **<sup>F1</sup>103B Power to require information**

- (1) An authorised officer who has reasonable grounds for suspecting that a person—
- (a) is a person falling within subsection (2) [<sup>F2</sup>or (2A)]below, and
  - (b) has or may have possession of or access to any information about any matter that is relevant for any one or more of the purposes mentioned in section 103A(2) above,
- may, by written notice, require that person to provide all such information described in the notice as is information of which he has possession, or to which he has access, and which it is reasonable for the authorised officer to require for a purpose so mentioned.
- (2) The persons who fall within this subsection are—
- (a) any person who is or has been an employer or employee within the meaning of any provision made by or under the Contributions and Benefits Act;
  - (b) any person who is or has been a self-employed earner within the meaning of any such provision;
  - (c) any person who by virtue of any provision made by or under that Act falls, or has fallen, to be treated for the purposes of any such provision as a person within paragraph (a) or (b) above;
  - (d) any person who is carrying on, or has carried on, any business involving the supply of goods for sale to the ultimate consumers by individuals not carrying on retail businesses from retail premises;

*Status: Point in time view as at 01/07/2007. This version of this provision has been superseded.*

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- (e) any person who is carrying on, or has carried on, any business involving the supply of goods or services by the use of work done or services performed by persons other than employees of his;
- (f) any person who is carrying on, or has carried on, an agency or other business for the introduction or supply, to persons requiring them, of persons available to do work or to perform services;
- (g) any district council acting in its capacity as an authority responsible for the granting of any licence;
- (h) any person who is or has been a trustee or manager of a personal or occupational pension scheme;
  - (i) any person who is or has been liable to make a compensation payment or a payment to the Department under Article 8 of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (payments in respect of recoverable benefits); and
- (j) the servants and agents of any such person as is specified in any of paragraphs (a) to (i) above.

[<sup>F3</sup>(2A) The persons who fall within this subsection are—

- (a) any bank;
  - [ the Director of National Savings;]
- <sup>F4</sup>(aa) (b) any person carrying on a business the whole or a significant part of which consists in the provision of credit (whether secured or unsecured) to members of the public;
- <sup>F5</sup>(c) any insurer;]
- (d) any credit reference agency (within the meaning given by section 145(8) of the Consumer Credit Act 1974);
- (e) any body the principal activity of which is to facilitate the exchange of information for the purpose of preventing or detecting fraud;
- (f) any person carrying on a business the whole or a significant part of which consists in the provision to members of the public of a service for transferring money from place to place;
- <sup>F6</sup>(g) any person who is the holder of a licence under Article 8(1) of the Gas (Northern Ireland) Order 1996 <sup>F7</sup> which relates to the conveyance or supply of gas through pipes;]
- <sup>F8</sup>(h) the Director of National Savings; any person who is the holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992 <sup>F9</sup> which relates to the transmission or supply of electricity;]
- <sup>F10</sup>(hh) [ any water undertaker or sewerage undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006);]
- (i) any person who provides a telecommunications service;
- (j) any person conducting any educational establishment or institution;
- (k) any body the principal activity of which is to provide services in connection with admissions to educational establishments or institutions;
- (l) any body to whom functions are delegated by arrangements made under Article 4(3) of the Education (Student Support) (Northern Ireland) Order 1998;
- (m) any servant or agent of any person mentioned in any of the preceding paragraphs.

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- (2B) Subject to the following provisions of this section, the powers conferred by this section on an authorised officer to require information from any person by virtue of his falling within subsection (2A) above shall be exercisable for the purpose only of obtaining information relating to a particular person identified (by name or description) by the officer.
- (2C) An authorised officer shall not, in exercise of those powers, require any information from any person by virtue of his falling within subsection (2A) above unless it appears to that officer that there are reasonable grounds for believing that the identified person to whom it relates is—
- (a) a person who has committed, is committing or intends to commit a benefit offence; or
  - (b) a person who (within the meaning of Part VII of the Contributions and Benefits Act) is a member of the family of a person falling within paragraph (a) above.
- (2D) Nothing in subsection (2B) or (2C) above shall prevent an authorised officer who is an official of a government department and whose authorisation states that his authorisation applies for the purposes of this subsection from exercising the powers conferred by this section for obtaining from—
- (a) any person who (within the meaning of the Gas (Northern Ireland) Order 1996) supplies gas conveyed through pipes,
  - (b) any person who (within the meaning of the Electricity (Northern Ireland) Order 1992) supplies electricity conveyed by distribution systems, or
  - (c) any servant or agent of a person mentioned in either of the preceding paragraphs,
- any information which relates exclusively to whether and in what quantities gas or electricity are being or have been supplied to residential premises specified or described in the notice by which the information is required.
- (2E) The powers conferred by this section shall not be exercisable for obtaining from any person providing a telecommunications service any information other than information which (within the meaning of section 21 of the Regulation of Investigatory Powers Act 2000) is communications data but not traffic data.
- (2F) Nothing in subsection (2B) or (2C) above shall prevent an authorised officer from exercising the powers conferred by this section for requiring information, from a person who provides a telecommunications service, about the identity and postal address of a person identified by the authorised officer solely by reference to a telephone number or electronic address used in connection with the provision of such a service.]
- (3) The obligation of a person to provide information in accordance with a notice under this section shall be discharged only by the provision of that information, at such reasonable time and in such form as may be specified in the notice, to the authorised officer who—
- (a) is identified by or in accordance with the terms of the notice, or
  - (b) has been identified, since the giving of the notice, by a further written notice given by the authorised officer who imposed the original requirement or another authorised officer.
- (4) The power of an authorised officer under this section to require the provision of information shall include a power to require the production and delivery up and

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(if necessary) creation of, or of copies of or extracts from any such documents containing the information as may be specified or described in the notice imposing the requirement.

[<sup>F11</sup>(5) No one shall be required under this section to provide—

- (a) any information that tends to incriminate either himself or, in the case of a person who is [<sup>F12</sup>married or is a civil partner, his spouse or civil partner] ; or
- (b) any information in respect of which a claim to legal professional privilege would be successful in any proceedings;

and for the purposes of this subsection it is immaterial whether the information is in documentary form or not..]

[<sup>F13</sup>(6) Provision may be made by order—

- (a) adding any person to the list of persons falling within subsection (2A) above;
- (b) removing any person from the list of persons falling within that subsection;
- (c) modifying that subsection for the purpose of taking account of any change to the name of any person for the time being falling within that subsection.

(7) In this section—

[<sup>F14</sup>bank means—

- (a) a person who has permission under Part IV of the Financial Services and Markets Act 2000 <sup>F15</sup>to accept deposits;
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits or other repayable funds from the public; or
- (c) a person who does not require permission under that Act to accept deposits, in the course of his business in the United Kingdom;]

“credit” includes a cash loan or any form of financial accommodation, including the cashing of a cheque;

“residential premises”, in relation to a supply of gas [<sup>F16</sup>, water] or electricity, means any premises which-

- (a) at the time of the supply were premises occupied wholly or partly for residential purposes, or
- (b) are premises to which that supply was provided as if they were so occupied; and

“telecommunications service” has the same meaning as in the Regulation of Investigatory Powers Act 2000.

[<sup>F17</sup>“insurer” means—

- (a) a person who has permission under Part IV of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance;]]

[<sup>F18</sup>(7A) The definitions of “bank” and “insurer” in subsection (7) above must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

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### Textual Amendments

- F1** Ss. 103A-103C substituted for s. 104 (2.4.2001) by 2000 c. 4 (N.I.), s. 68(1), **Sch. 6 para. 2** (with s. 66(6)); S.I. 2001/141, art. 2(1)(a), **Sch. Pt. I**
- F2** Words in s. 103B(1)(a) inserted (24.2.2003) by 2001 c. 17 (N.I.), s. 1(2); S.R. 2002/406, **art. 2(1)(b)**
- F3** S. 103B(2A)-(2F) inserted (24.2.2003) by 2001 c. 17 (N.I.) s. 1(2); S.R. 2002/406, **art. 2(1)(b)**
- F4** S. 103B(2A)(aa) inserted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(2)(a)**
- F5** S. 103B(2A)(c) substituted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(2)(b)**
- F6** S. 103B(2A)(g) substituted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(2)(c)**
- F7** S.I. 1996/275 (N.I. 2)
- F8** S. 103B(2A)(h) inserted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(2)(d)**
- F9** S.I. 1992/231 (N.I. 1)
- F10** S. 103B(2A)(hh) inserted (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 30(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)
- F11** S. 103B(5) substituted (24.2.2003) by 2001 c. 17 (N.I.), s. 1(3); S.R. 2002/406, **art. 2(1)(b)**
- F12** Words in s. 103B(5)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 116**; S.I. 2005/3255, art. 2(1), Sch.
- F13** S. 103B(6)(7) inserted (23.12.2002 for specified purposes, otherwise prosp.) by Social Security Fraud Act (Northern-Ireland) 2001 (c. 17), s. 1(4); S.R. 2002/406, **art. 2(1)(a)**
- F14** S. 103B(7): definition of "bank" substituted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(3)(a)**
- F15** 2000 c. 8
- F16** Word in s. 103B(7) inserted (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 30(3)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)
- F17** S. 103B(7): definition of "insurer" inserted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(3)(b)**
- F18** S. 103B(7A) inserted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(4)**

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