STATUTORY RULES OF NORTHERN IRELAND

2007 No. 67

SOCIAL SECURITY

The Social Security Investigation Powers (Arrangements with Great Britain) Regulations (Northern Ireland) 2007

Made - - - -	*7th February 2007*
Coming into operation	*1st March 2007*

The Department for Social Development, being the Northern Ireland department having responsibility for social security, makes the following Regulations in exercise of the powers conferred by section 87(5) and (10) of the Northern Ireland Act 1998(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Investigation Powers (Arrangements with Great Britain) Regulations (Northern Ireland) 2007 and shall come into operation on 1st March 2007.

(2) In these Regulations, "the 1992 Act" means the Social Security Administration (Northern Ireland) Act 1992(**2**).

Amendment of Schedule 2 to the Social Security (Great Britain Reciprocal Arrangements) Regulations

2.—(1) The Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1976(**3**) are amended as follows.

(2) In Part I of Schedule 2 (adaptations of certain provisions of the Social Security (Northern Ireland) Act 1975)—

(a) in column 1, omit "Section 135(2)";

(**1**) 1998 c. 47

(**2**) 1992 c. 8; sections 103A, 103B and 103C were substituted for section 104 by paragraph 2 of Schedule 6 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 c. 4 (N.I.) ("the 2000 Act"); section 103B was amended by section 1(2), (3) and (4) of the Social Security Fraud Act (Northern Ireland) 2001 c. 17 (N.I.) ("the 2001Act"), Article 2(2), (3) and (4) of S.R. 2002 No. 408 and paragraph 116 of Schedule 24 to the Civil Partnership Act 2004 (c. 33); section 103BA was inserted by section 2(1) of the 2001 Act; section 104A was substituted (for a provision inserted by Article 11 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997) by paragraph 3 of Schedule 6 to the 2000 Act, and amended by section 2(1) and the Schedule to the 2001 Act; section 104AA was inserted by section 2(2) of the 2001 Act; section 105 was amended by sections 1(6) and 2(3) of the 2001 Act, paragraph 4(2) and (3) of Schedule 4 to S.I. 1999/671, paragraph 4(2) of Schedule 1 to the National Insurance Contributions and Statutory Payments Act 2004 (c. 3) and paragraph 4 of Schedule 6 to the 2000 Act; section 109B was inserted by section 14(1) of the 2001 Act

(**3**) S. R. 1976 No. 196; relevant amending Regulations are S. R. 1999 No. 350

(b) in column 2, omit "Section 144(2)"; and

(c) in column 3, omit "Powers of inspectors".

Single system of investigation powers; adaptations to the 1992 Act

3.—(1) The arrangements for a single system of social security investigation powers in Great Britain and Northern Ireland set out in the Memorandum reproduced in Schedule 1 shall have effect in Northern Ireland.

(2) The 1992 Act shall have effect subject to such adaptations as may be required for the purpose of giving effect to those arrangements.

(3) In particular (and without prejudice to the generality of paragraph (2) and so far as may be required for the purpose mentioned in that paragraph)—

(a) an act, omission or event referred to in a provision of the Great Britain legislation specified in column 2 of the table in Schedule 2 shall be deemed to be an act, omission or event under the provision of the 1992 Act specified in the corresponding paragraph of column 1 of that table; and

(b) in the provisions specified in column 1 of that table—

(i) references to the Department shall be construed as including references to the Secretary of State, and

(ii) references to the Northern Ireland Housing Executive shall be construed as including an authority administering housing benefit or council tax benefit.

Sealed with the Official Seal of the Department for Social Development on 7th February 2007

L.S.

John O'Neill
A senior officer of the Department for Social Development

SCHEDULE 1

Regulation 3(1)

Memorandum of Arrangements relating to the creation of a single system of social security investigation powers in Great Britain and Northern Ireland

Introductory

1. This Memorandum sets out arrangements made under section 87(2) of the Northern Ireland Act 1998(**4**) between the Secretary of State for Work and Pensions with the consent of the Treasury of the one part and the Department for Social Development in Northern Ireland with the consent of the Department of Finance and Personnel in Northern Ireland of the other part.

2. The arrangements set out in this Memorandum shall come into force on 1st March 2007.

Interpretation

3. In this Memorandum—

"1992 (GB) Act" means the Social Security Administration Act 1992(**5**);

"1992 (NI) Act" means the Social Security Administration (Northern Ireland) Act 1992;

"administrative penalty provisions" means—

(a) in relation to Great Britain, section 115B of the 1992 (GB) Act; and

(b) in relation to Northern Ireland, section 109B of the 1992 (NI) Act;

"authorised officer" means—

(a) in relation to Great Britain—

(i) an individual who, for any one or more of the purposes listed in section 109A(2) of the 1992 (GB) Act, has the authorisation of the Secretary of State to exercise any one or more of the powers conferred by sections 109B, 109BA and 109C of the 1992 (GB) Act, or

(ii) an individual who, for any one or more of the purposes listed in section 110A(2) of the 1992 (GB) Act, has the authorisation of an authority administering housing benefit or council tax benefit to exercise any one or more of the powers conferred by sections 110A and 110AA of the 1992 (GB) Act; and

(b) in relation to Northern Ireland—

(i) an individual who, for any one or more of the purposes listed in section 103A(2) of the 1992 (NI) Act, has the authorisation of the Department for Social Development in Northern Ireland to exercise any one or more of the powers conferred by sections 103B, 103BA and 103C of the 1992 (NI) Act, or

(ii) an individual who, for any one or more of the purposes listed in section 104A(2) of the 1992 (NI) Act, has the authorisation of the Northern Ireland Housing Executive to exercise any one or more of the powers conferred by sections 104A and 104AA of the 1992 (NI) Act;

"electronic record-keeper" means—

(a) in relation to Great Britain—

(**4**) 1998 c. 47. While section 1 of the Northern Ireland Act 2000 (c. 1) is in force, the power of a Northern Ireland Minister to make arrangements with the Secretary of State under section 87(2) of the Northern Ireland Act 1998 may be discharged by the department of which he was in charge: *see* paragraph 4(1)(b) of the Schedule to the Northern Ireland Act 2000

(**5**) 1992 c. 5