STATUTORY RULES OF NORTHERN IRELAND

2018 No. 150

SOCIAL SECURITY

The Social Security (Treatment of Arrears of Benefit) Regulations (Northern Ireland) 2018

Made - - - -	*22nd August 2018*
Coming into operation	*11th September 2018*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b), 132A(3) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Article 14(1) and (4)(b) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), sections 15(3) and (6)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**4**) and section 17(1) and (3)(b) of the Welfare Reform Act (Northern Ireland) 2007(**5**).

Regulations 5 and 6 are made with the consent of the Department of Finance(**6**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Treatment of Arrears of Benefit) Regulations (Northern Ireland) 2018 and come into operation on 11th September 2018.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2. In paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(**8**) (capital to be disregarded), for head (a) substitute—

(**1**) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c.14 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(**4**) 2002 c.14 (N.I.)
(**5**) 2007 c. 2 (N.I.)
(**6**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481 and section 1(4) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(**7**) 1954 c. 33 (N.I.)
(**8**) S.R. 1987 No. 459; paragraph 7(2) was added by regulation 2(b) of S.R. 2002 No. 295

"(a) paid in order to rectify, or to compensate for—

(i) an official error as defined in regulation 1(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**9**), or

(ii) an error on a point of law; and".

Amendment of the Jobseeker's Allowance Regulations

3. In paragraph 12(2) of Schedule 7 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**) (capital to be disregarded), for head (a) substitute—

"(a) paid in order to rectify, or to compensate for—

(i) an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations, or

(ii) an error on a point of law; and".

Amendment of the State Pension Credit Regulations

4. In paragraph 20A(1) of Schedule 5 to the State Pension Credit Regulations (Northern Ireland) 2003(**11**) (capital disregarded for the purpose of calculating income), after "error" insert "or an error on a point of law".

Amendment of the Housing Benefit Regulations

5. In paragraph 9(2) of Schedule 7 to the Housing Benefit Regulations (Northern Ireland) 2006(**12**) (capital to be disregarded), for head (a) substitute—

"(a) paid in order to rectify, or to compensate for—

(i) an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations, or

(ii) an error on a point of law; and".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

6. In paragraph 22(1) of Schedule 7 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**13**) (capital to be disregarded), after "error" insert "or an error on a point of law".

Amendment of the Employment and Support Allowance Regulations

7.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**14**) are amended in accordance with paragraphs (2) and (3).

(2) In paragraph 11(2) of Schedule 9 (capital to be disregarded), for head (a) substitute—

"(a) paid in order to rectify, or to compensate for—

(i) an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations, or

(**9**) S.R. 1999 No. 162
(**10**) S.R. 1996 No. 198; paragraph 12(2) was added by regulation 4 of S.R. 2002 No. 295
(**11**) S.R. 2003 No. 28; paragraph 20A was substituted by regulation 2(11)(f) of S.R. 2003 No. 421
(**12**) S.R. 2006 No. 405
(**13**) S.R. 2006 No. 406
(**14**) S.R. 2008 No. 280; relevant amending Regulation is S.R. 2016 No. 228