STATUTORY RULES OF NORTHERN IRELAND

2018 No. 98

SOCIAL SECURITY

The Social Security (Fines) (Deductions from Benefits) Regulations (Northern Ireland) 2018

Made - - - -	*23rd April 2018*
Coming into operation	*1st June 2018*

The Department for Communities makes the following regulations in exercise of the powers conferred by sections 5(1)(m) and (q), 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in it(**2**) and sections 15(1) and 60(2), (4) and (7) of the Justice Act (Northern Ireland) 2016(**3**).

PROSPECTIVE

Citation, commencement

1.—(1) These Regulations may be cited as the Social Security (Fines) (Deductions from Benefits) Regulations (Northern Ireland) 2018 and shall come into operation on 1st June 2018.

Commencement Information
I1 Reg. 1 in operation at 1.6.2018, see **reg. 1(1)**

Interpretation

2.—(1) In these Regulations—

"the 1995 Order" means the Jobseekers (Northern Ireland) Order 1995(**4**);

"the 2007 Act" means the Welfare Reform Act (Northern Ireland) 2007(**5**);

"the 2015 Order" means the Welfare Reform (Northern Ireland) Order 2015(**6**)

(**1**) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7)
(**2**) See Article 8(b) of S.R. 199 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(**3**) 2016 c. 21 (N.I.)
(**4**) S.I. 1995 No. 2705 (N.I. 15)
(**5**) 2007 c. 2 (N.I.)
(**6**) S.I. 2015/2006 (N.I. 1)

"the 2016 Act" means the Justice Act (Northern Ireland) 2016;

"application" means an application for deduction from benefit made under section 14 of the 2016 Act;

"benefit week" has the meaning prescribed in—

(a) regulation 2(1) of the Income Support Regulations;

(b) regulation 1(2) of the State Pension Credit Regulations (Northern Ireland) 2003(**7**)

(c) regulation 1(2) of the Jobseekers Allowance Regulations; or

(d) regulation 2(1) of the Employment and Support Allowance Regulations.

"the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**8**);

"collection officer", means a person so designated under section 2(1) of the 2016 Act;

"contribution-based jobseeker's allowance", except in a case to which paragraph (b) of the definition of income-based jobseeker's allowance applies, means a contribution-based jobseeker's allowance under Part II of the 1995 Order as amended by the provisions of Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based allowance or under Part II of the 1995 Order as it has effect apart from those amendments, but does not include any back to work bonus under Article 28 of the 1995 Order which is paid as jobseeker's allowance;

"contributory employment and support allowance" means a contributory allowance under Part I of the 2007 Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the 2015 Order that remove references to an income-related allowance or under Part 1 of the 2007 Act as it has effect apart from those amendments;

"court" means the responsible court under section 27(1) of the 2016 Act;

"debtor" has the meaning as defined under section 1(2) of the 2016 Act;

"the Employment and Support Allowance Regulations" means the Employment and Support Allowance Regulations (Northern Ireland) 2008(**9**);

"5 per cent. of the personal allowance for a single claimant aged not less than 25" means, where the percentage is not a multiple of 5 pence, the sum obtained by rounding that 5 per cent. to the next higher such multiple;

"income support" means income support under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**10**), but does not include any back to work bonus under Article 28 of the 1995 Order which is paid as income support;

"Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**11**);

"income-based jobseeker's allowance" means—

(a) an income-based jobseeker's allowance under Part II of the 1995 Order; and

(b) in a case where, if there was no entitlement to contribution-based jobseeker's allowance, there would be entitlement to income-based jobseeker's allowance at the same rate, contribution-based jobseeker's allowance,

(**7**) S.R. 2003 No. 28
(**8**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 67, S.R. 1989 No. 40, S.R. 1993 No. 146, S.R. 1996 No. 432, S.R. 1997 No. 165, S.R. 2007 Nos.165, 206 and 330 and S.R. 2008 No. 428
(**9**) S.R. 2008 No. 280
(**10**) 1992 c. 7
(**11**) S.R. 1987 No. 459

but does not include any back to work bonus under Article 28 of the 1995 Order which is paid as jobseeker's allowance;

"income-related employment and support allowance" means—

(a) an income-related employment and support allowance under Part 1 of the 2007 Act; and

(b) in a case where, if there was no entitlement to contributory employment and support allowance, there would be entitlement to income-related employment and support allowance at the same rate, contributory employment and support allowance;

"jobseeker's allowance" means an allowance under Part II of the 1995 Order but does not include any back to work bonus under Article 28 of that Order which is paid as jobseeker's allowance;

"Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**12**);

"outstanding amount" has the meaning prescribed in section 1(2) of the 2016 Act;

"personal allowance for a single claimant aged not less than 25" means—

(a) in the case of a person who is entitled to either income support or state pension credit, the amount for the time being specified in paragraph 1(1)(e) of Column (2) of Schedule 2 to the Income Support Regulations; or

(b) in the case of a person who is entitled to an income-based jobseeker's allowance, the amount for the time being specified in paragraph 1(1)(e) of Column (2) of Schedule 1 to the Jobseeker's Allowance Regulations; or

(c) in the case of a person who is entitled to an income-related employment and support allowance, the amount specified for the time being in paragraph 1(1)(b) of Column 2 of Schedule 4 to the Employment and Support Allowance Regulations;

"state pension credit" means the benefit of that name payable under the State Pension Credit Act (Northern Ireland) 2002(**13**);

(2) The Interpretation Act (Northern Ireland) 1954(**14**) applies to these Regulations as it applies to an Act of the Assembly.

Commencement Information

I2 Reg. 2 in operation at 1.6.2018, see **reg. 1(1)**

Deduction from debtor's income support, state pension credit, jobseeker's allowance or employment and support allowance

3.—(1) Subject to regulation 4, where—

(a) the Department receives an application from a collection officer in respect of a debtor who is entitled to income support, state pension credit, income-based jobseeker's allowance or income-related employment and support allowance;

(b) the amount payable by way of that benefit, after any deduction under this paragraph, is 10 pence or more; and

(**12**) S.R. 1996 No. 198
(**13**) 2002 c. 14
(**14**) 1954 c. 33(N.I.)

(c) the aggregate amount payable under one or more of paragraphs 3(2)(a), 5(5), 6(2)(a), 6A(3) or (5) and 7(2) and (3) of Schedule 8A(**15**) to the Claims and Payments Regulations, together with the amount to be deducted under this paragraph does not exceed an amount equal to 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years,

the Department may deduct a sum from that benefit which is equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 or £5, whichever is the greater amount allowed by sub-paragraphs (b) and (c) and pay that sum to the court towards satisfaction of the outstanding amount.

(2) Subject to regulation 4, where—

(a) the Department receives an application from a collection officer in respect of a debtor who is entitled to contribution-based jobseeker's allowance or contributory employment and support allowance; and

(b) the amount of that allowance payable, before any deduction under this paragraph, is 10 pence or more,

the Department may deduct a sum from that allowance, up to the appropriate maximum specified in paragraph (3), and pay that sum to the court towards satisfaction of the outstanding amount.

(3) The appropriate maximum is 40 per cent. of the appropriate age-related amount for the debtor specified—

(a) where the debtor is entitled to contribution-based jobseeker's allowance, in regulation 79(**16**) of the Jobseeker's Allowance Regulations or, as the case may be, regulation 49 of the Jobseeker's Allowance Regulations (Northern Ireland) 2016(**17**);

(b) where the debtor is entitled to contributory employment and support allowance, in paragraph 1(1) of Schedule 4 to the Employment and Support Allowance Regulations or, as the case may be, regulation 62(1)(b) of the Employment and Support Allowance Regulations (Northern Ireland) 2016(**18**).

(4) The Department shall notify the debtor and the court in writing of a decision to make a deduction under this regulation so far as is practicable within 14 days from the date on which it made the decision and at the same time shall notify the debtor of a right to appeal.

Commencement Information

I3 Reg. 3 in operation at 1.6.2018, see **reg. 1(1)**

Circumstances, time of making and termination of deductions

4.—(1) The Department may make deductions from under regulation 3(1) or (2) only if—

(a) the debtor is entitled to income support, state pension credit, jobseeker's allowance or employment and support allowance throughout any benefit week; and

(b) no deductions are being made in respect of the debtor under any other application.

(2) The Department shall make deductions from income support, state pension credit, jobseeker's allowance or employment and support allowance by reference to the times at which

(**15**) Schedule 8A was inserted by regulation 2(3) of S.R. 1988 No. 67 to which there are amendments not relevant to these Regulations
(**16**) Regulation 79 was amended by Article 21(c) of S.R. 2015 No. 124 and regulation 4(9) of S.R. 2017 No. 116
(**17**) S.R. 2016 No. 218
(**18**) S.R. 2016 No. 219