STATUTORY RULES OF NORTHERN IRELAND

2016 No. 376

SOCIAL SECURITY

The Social Security (Expenses of Paying Sums in Relation to Vehicle Hire) Regulations (Northern Ireland) 2016

Made - - - -	*13th October 2016*
Laid before Parliament	*17th October 2016*
Coming into operation	*7th November 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 13B(2) of the Social Security Administration (Northern Ireland) Act 1992(**1**).

These powers are exercisable by the Secretary of State by virtue of Article 4(1)(b) of the Welfare Reform (Northern Ireland) Order 2015(**2**).

Citation and commencement

1. These Regulations may be cited as the Social Security (Expenses of Paying Sums in Relation to Vehicle Hire) Regulations (Northern Ireland) 2016 and come into operation on 7th November 2016.

Amendment of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987

2. After regulation 43 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**3**) (payment of disability living allowance on behalf of a beneficiary) insert—

"**Recovery of expenses**

43A.—(1) Paragraph (2) applies where—

(a) an agreement referred to in regulation 43(1) has been entered into; and

(b) a relevant provider(**4**) is receiving payments of disability living allowance in settlement of liability for payments due under that agreement.

(**1**) 1992 c. 8; section 13B is inserted by Article 17 of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)). See section 167 of the Social Security Administration (Northern Ireland) Act 1992 where the meaning of "regulations" and "prescribe" are defined.

(**2**) S.I. 2015/2006 (N.I. 1)

(**3**) S.R. 1987 No. 465, to which there are amendments not relevant to these Regulations

(**4**) *See* section 13B(3) of the Social Security Administration (Northern Ireland) Act 1992 for the definition of "relevant provider"

(2) The Department may require the relevant provider to make payments to meet the reasonable expenses of the Department in administering the making of the payments of disability living allowance to the relevant provider.

(3) The method by which the expenses under paragraph (2) are to be met is for the Department to issue an invoice to the relevant provider setting out the expenses that have been incurred and for the relevant provider to pay the sum stated to the Department.

(4) The first invoice issued by the Department may recover expenses incurred on or after 7th November 2016.

(5) Subsequently the Department may issue invoices no more frequently than annually and only in respect of expenses incurred since the period covered by the previous invoice.

(6) The expenses that the Department may take into account for the purposes of paragraph (2) include—

(a) the salaries and other costs relating to the employment of staff wholly engaged in the administering of the payments of disability living allowance and where staff have other responsibilities, an apportioned amount of those costs; and

(b) overheads, including rent and other shared costs, relating to those staff.

(7) In determining what expenses were reasonably incurred in administering the making of payments of disability living allowance to a relevant provider, the Department must have regard to any agreement between the Department and the relevant provider concerning the level of service to be provided by the Department in the making of such payments to that relevant provider.".

Amendment of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016

3. After regulation 57 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(**5**) (payment of personal independence payment on behalf of a claimant (Motability)) insert—

"**Recovery of expenses**

57A.—(1) Paragraph 2 applies where—

(a) an agreement referred to in regulation 57(1)(b) has been entered into; and

(b) a relevant provider is receiving payments of personal independence payment in settlement of liability for payments due under that agreement.

(2) The Department may require the relevant provider to make payments to meet the reasonable expenses of the Department in administering the making of the payments of personal independence payment to the relevant provider.

(3) The method by which the expenses under paragraph (2) are to be met is for the Department to issue an invoice to the relevant provider setting out the expenses that have been incurred and for the relevant provider to pay the sum stated to the Department.

(4) The first invoice issued by the Department may recover expenses incurred on or after 7th November 2016.

(5) Subsequently the Department may issue invoices no more frequently than annually and only in respect of expenses incurred since the period covered by the previous invoice.

(**5**) S.R. 2016 No. 220