STATUTORY RULES OF NORTHERN IRELAND

2012 No. 140

SOCIAL SECURITY; HOUSING; RATES

The Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations (Northern Ireland) 2012

Made - - - -	*26th March 2012*
Coming into operation	*17th April 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(hh) and (j) and (2A) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and Articles 10(1)(a), 22 and 74(1), (3), (5) and (6) of the Social Security (Northern Ireland) Order 1998(**2**) and now vested in it(**3**).

Citation and commencement

1. These Regulations may be cited as the Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 and shall come into operation on 17th April 2012.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

2.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**4**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3 (revision of decisions) after paragraph (7E)(**5**) insert—

"(7EA) The Department may revise a decision made under regulation 18(1) that a person ceases to be entitled to a benefit specified in paragraph (7EB).

(7EB) Those benefits are—

(**1**) 1992 c. 8; in section 5 subsection (1)(hh) was inserted by Article 70 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by paragraph 21 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and subsection (2A) was inserted by paragraph 3(b) of Schedule 1 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and 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 No. 671)

(**2**) S.I. 1998/1506 (N.I. 10); Article 22 was amended by paragraph 8 of Schedule 1 to the State Pension Credit Act (Northern Ireland) 2002 and Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**3**) *See* Article 8(b) of S.R. 1999 No. 481

(**4**) S.R. 1999 No. 162; relevant amending Regulations are S.R. 2006 No. 104

(**5**) Paragraph (7E) was inserted by regulation 9(3) of S.R. 2006 No. 104

(a) a Category A or Category B retirement pension;

(b) a shared additional pension;

(c) graduated retirement benefit.".

(3) In regulation 17(**6**) (provision of information or evidence)—

(a) in paragraph (2) for sub-paragraph (c) substitute—

"(c) a person from whom the Department requires information or evidence under regulation 32(1) of the Claims and Payments Regulations;

(ca) a person from whom the Department requires documents, certificates or other evidence under regulation 24(5) or (5A) of the Jobseeker's Allowance Regulations(**7**);";

(b) in paragraph (4)—

(i) in sub-paragraph (a) for head (i) substitute—

"(i) a period of 14 days beginning with the date on which the notification under paragraph (3) was sent to him or such longer period as the Department allows in that notification, or", and

(ii) in sub-paragraph (b) for "period of time specified in" substitute "period applicable under"; and

(c) after paragraph (4) insert—

"(4A) In relation to a person to whom paragraph (2)(ca) refers, paragraph (4)(a)(i) has effect as if for "14 days" there were substituted "7 days".".

Amendment of the Social Security (Claims and Payments) Regulations

3. In regulation 32 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**8**) (information to be given and changes to be notified)—

(a) in paragraph (1)(**9**) for "and at such times as the Department may determine" substitute "as the Department may determine and within the period applicable under regulation 17(4) of the Decisions and Appeals Regulations";

(b) in paragraph (6)(**10**) for sub-paragraphs (b) and (c) substitute—

"(b) except to the extent that sub-paragraph (a) applies, changes to an element of the claimant's retirement provision need not be notified if—

(i) an assessed income period is current in his case, or

(ii) the period applicable under regulation 17(4) of the Decisions and Appeals Regulations has not expired."; and

(c) after paragraph (6) add—

"(7) In this regulation "the Decisions and Appeals Regulations" means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.".

(**6**) To which there are amendments not relevant to these Regulations
(**7**) Paragraph (5A) was inserted by paragraph 3(d) of Schedule 2 to S.R. 2000 No. 350
(**8**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 2003 Nos. 191, 224 and 421 and S.R. 2008 No. 262
(**9**) Paragraph (1) was substituted by regulation 2 of S.R. 2003 No. 224
(**10**) Paragraph (6) was added by regulation 11(b) of S.R. 2003 No. 191 and amended by regulation 4 of S.R. 2003 No. 421 and regulation 3 of S.R. 2008 No. 262