STATUTORY RULES OF NORTHERN IRELAND

# 2012 No. 108

# SOCIAL SECURITY; HOUSING; RATES

## The Social Security (Recovery) (Amendment) Regulations (Northern Ireland) 2012

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| *Made - - - -* | *9th March 2012* |
| *Coming into operation* | *1st April 2012* |

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 69(6)(a) and (8), 73(1), (4) and (5) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992 [F1] and now vested in it [F2].

**F1** 1992 c. 8; section 69(8) was amended by paragraph 8 of Schedule 4 to the Tax Credits Act 2002 (c. 21), **section 73** was amended by Article 15 of, and paragraph 2 of Schedule 1 and Schedule 2 to, the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11) and section 62 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (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. 1999/671)

**F2** *See* Article 8(b) of S.R. 1999 No. 481

### Citation and commencement

**1.** These Regulations may be cited as the Social Security (Recovery) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 1st April 2012.

### Amendment of the Social Security (Payments on Account, Overpayments and Recovery) Regulations

**2.**—(1) The Social Security (Payments on Account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 [F3] are amended in accordance with paragraphs (2) and (3).

[F4](2) . . . . . .

(3) In regulation 16(5) [F5] (limitations on deductions from prescribed benefits)—

[F6](a) . . . . . .

(b) for the words from "where it is not a multiple of 10 pence" to the end substitute " where it is not a multiple of 5 pence, rounded to the next higher such multiple. ".

**F3** S.R. 1988 No. 142; relevant amending Regulations are S.R. 2000 No. 266, S.R. 2003 No. 191 and S.R. 2008 No. 286
**F4** Reg. 2(2) revoked (coming into force in accordance with reg. 1(3) of the amending Rule) by The Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016 (S.R. 2016/224), regs. 1(3), **34**
**F5** Paragraph (5) was substituted by regulation 2(a) of S.R. 2000 No. 266
**F6** Reg. 2(3)(a) revoked (coming into force in accordance with reg. 1(3) of the amending Rule) by The Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016 (S.R. 2016/224), regs. 1(3), **34**

### Amendment of the Housing Benefit Regulations

**3.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006 [F7] are amended in accordance with paragraphs (2) and (3).

(2) In regulation 99(4) [F8] (method of recovery)—

(a) for "4 times" substitute " 5 times "; and

(b) for the words from "but where that 5 per cent." to the end substitute " that 5 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple. ".

(3) In regulation 101(1) (sums to be deducted in calculating recoverable overpayments) after "determined to be payable" insert " to the person from whom the overpayment is recoverable or their partner ".

**F7** S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 504
**F8** Paragraph (4) was amended by regulation 2(3)(d) of S.R. 2008 No. 504

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

**4.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 [F9] are amended in accordance with paragraphs (2) and (3).

(2) In regulation 80(4) [F10] (method of recovery)—

(a) for "4 times" substitute " 5 times "; and

(b) for the words from "but where that 5 per cent." to the end substitute " that 5 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple. ".

(3) In regulation 82(1) (sums to be deducted in calculating recoverable overpayments) after "determined to be payable" insert " to the person from whom the overpayment is recoverable or their partner ".

**F9** S.R. 2006 No. 406; relevant amending Regulations are S.R. 2008 No. 504
**F10** Paragraph (4) was amended by regulation 3(4)(d) of S.R. 2008 No.504