STATUTORY RULES OF NORTHERN IRELAND

2010 No. 81

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2010

Made - - - - 10th March 2010

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 70(8) and 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(b), (j), (l), (m) and (q), 13A(2)(b) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 11(6) and 74(1) and (3) of the Social Security (Northern Ireland) Order 1998(**3**), and now vested in it(**4**).

In accordance with section 13A(2) of the Social Security Administration (Northern Ireland) Act 1992 it has consulted with such organisations representing qualifying lenders likely to be affected by regulation 3(7) as it considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2010 and shall come into operation—

(a) for the purposes of this regulation and regulation 3(1) and (7), on 1st April 2010;

(b) for the purposes of regulations 2 and 5, on 12th April 2010; and

(c) for all other purposes, on 6th April 2010, immediately after the coming into operation of the Social Security (Miscellaneous Amendments No. 5) Regulations (Northern Ireland) 2009(**5**).

(**1**) 1992 c. 7; section 70 was amended by Articles 2 and 3 of S.R. 2002 No. 321 and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**2**) 1992 c. 8; section 13A was inserted by paragraph 1 of the Schedule to the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I. 1992/1309 (N.I. 9)) and amended by paragraph 23 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), paragraph 9 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), Article 18 of S.I. 2002/1555, paragraph 109 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and paragraph 4(5) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (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)

(**3**) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002

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

(**5**) S.R. 2009 No. 409

Amendment of the Social Security (Invalid Care Allowance) Regulations

2. In regulation 8(1) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(**6**) (circumstances in which a person is or is not to be treated as gainfully employed) for "£95·00" substitute "£100".

Amendment of the Social Security (Claims and Payments) Regulations

3.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**7**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 6(22)(**8**) (date of claim) in paragraph (c) of the definition of "qualifying benefit" for "regulation 4(1)(a) or 6(1)(a) of the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987" substitute "regulation 5(1)(a) or 7(4)(a) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**9**)".

(3) In regulation 16 (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate)—

(a) in paragraph (2D)(**10**) for "Where a retirement pension is paid in arrears under regulation 22C and the award" substitute "Where an award of retirement pension";

(b) in paragraph (2E) after "Except in a case where" insert "paragraph (2F) or"; and

(c) after paragraph (2E) insert—

"(2F) Except in a case where regulation 22D(2)(**11**) applies, where a retirement pension is paid in arrears under regulation 22C and a change in the rate of that benefit takes effect under an order made under section 132 or 132A of the Administration Act(**12**) (annual up-rating of benefits, basic pension etc. and standard minimum guarantee) the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect on the first day of the benefit week next following.".

(4) In regulation 16A(**13**) (date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate) for paragraph (4) substitute—

"(4) For the purpose of this regulation "benefit week" means—

(a) where state pension credit is paid in advance, the period of 7 days beginning on the day on which, in the claimant's case, that benefit is payable;

(b) where state pension credit is paid in arrears, the period of 7 days ending on the day on which, in the claimant's case, that benefit is payable.".

(5) In regulation 22 (long term benefits)—

(**6**) S.R. 1976 No. 99; regulation 8(1) was amended by regulation 2(7)(a) of S.R 1996 No. 521, regulation 2(b) of S.R. 2001 No. 117, paragraph 1(b) of the Schedule to S.R. 2002 No. 323 and regulation 2 of S.R. 2007 No. 396

(**7**) S.R. 1987 No. 465; relevant amending Rules are S.R. 1988 Nos. 67 and 141, S.R. 1992 No. 271, S.R. 1997 No. 156, S.R. 1999 No. 472 (C. 36), S.R. 2000 No. 215, S.R 2002 Nos. 67, 297 and 323, S.R. 2003 No. 191, S.R. 2008 Nos. 112 and 286 and S.R. 2009 Nos. 92 and 409

(**8**) Paragraph (22) was added by regulation 3(4)(e) of S.R. 1997 No. 156 and substituted by regulation 3(2)(a) of S.R. 2000 No. 215 and the definition of "qualifying benefit" was amended by regulation 2(2)(f)(ii) of S.R. 2002 No. 67 and paragraph 2(a) of the Schedule to S.R. 2002 No. 323

(**9**) S.R. 2005 No. 506; regulations 5(1)(a) and 7(4)(a) were amended respectively by regulation 34(3) and (4) of S.R. 2008 No. 286

(**10**) Paragraphs (2D) and (2E) are inserted by regulation 2(3)(b) of S.R. 2009 No. 409

(**11**) Regulations 22C and 22D are inserted by regulation 2(5) of S.R. 2009 No. 409

(**12**) Section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49) and paragraph 9 of Schedule 4 to the Tax Credits Act 2002 and section 132A was inserted by section 5(1) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))

(**13**) Regulation 16A was inserted by regulation 7(2) of S.R. 2003 No. 191 and amended by regulation 13(12) of S.R. 2008 No. 286