STATUTORY RULES OF NORTHERN IRELAND

2009 No. 108

SOCIAL SECURITY

The Social Security (Transitional Payments) Regulations (Northern Ireland) 2009

Made - - - -	*13th March 2009*
Coming into operation	*6th April 2009*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(j) and 165(1) and (3) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Transitional Payments) Regulations (Northern Ireland) 2009 and shall come into operation on 6th April 2009.

(2) In these Regulations the "Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**3**).

Transitional payment

2.—(1) This regulation applies where, in accordance with regulation 22A(4) of, and paragraph 2ZA of Schedule 7 to, the Claims and Payments Regulations(**4**) (bereavement benefits and time of payment), the Department changes the manner in which a benefit mentioned in paragraph (2) is paid from weekly payments in advance to weekly payments in arrears.

(2) The benefits are income support, widowed mother's allowance, widowed parent's allowance and widow's pension.

(3) Where this regulation applies, a person shall be entitled to a transitional payment determined in accordance with paragraph (4).

(**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), section 165(3) was amended by paragraph 10 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 165(6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

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

(**3**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1988 Nos. 67, 141 and 369, S.R. 1989 No. 398, S.R. 1992 No. 271, S.R. 1994 No. 456, S.R. 1996 No. 354, S.R. 2001 No. 22, S.R. 2000 No. 404, S.R. 2002 No. 297, S.R. 2003 No. 191, S.R. 2006 No. 168 and S.R 2009 No. 107

(**4**) Regulation 22A and paragraph 2ZA of Schedule 7 are inserted by regulation 2(4) and (7)(b) of S.R 2009 No. 107

(4) The amount of the transitional payment shall be equivalent to the gross amount of benefit payable in respect of the last period of 7 days for which benefit was payable in advance.

(5) In paragraph (4) "the gross amount" means the amount of weekly benefit payable to a person before any deductions have been made—

(a) under regulation 34ZA, 34ZB or 34A of the Claims and Payments Regulations(**5**) (deductions from benefit and payment to third parties); or

(b) in respect of overpayment recovery or recovery of social fund loans under section 69, 72 or 74 of the Social Security Administration (Northern Ireland) Act 1992(**6**) (overpayments, income support and other payments and recovery of social fund awards).

Adjusting payment of benefit

3.—(1) This regulation applies where, in accordance with regulations 22A(1) and 24(1) of, and paragraphs 1 and 3 of Schedule 7 to, the Claims and Payments Regulations(**7**) (bereavement benefits, incapacity benefit, severe disablement allowance and maternity allowance and time of payment), the Department changes the manner in which a benefit mentioned in paragraph (2) is paid from weekly payments in arrears to fortnightly payments in arrears.

(2) The benefits are incapacity benefit, income support, severe disablement allowance, widowed mother's allowance, widowed parent's allowance and widow's pension.

(3) Subject to paragraph (6), where this regulation applies, a person shall be entitled, on making a request to the Department, to an adjusting payment of benefit determined in accordance with paragraph (5).

(4) A request under paragraph (3) may only be made on a day before the day on which the first fortnightly payment is due.

(5) The amount of the adjusting payment of benefit shall be the person's net weekly benefit payable in respect of the last period of 7 days for which benefit was payable weekly in arrears, rounded up so as to be divisible by 12.

(6) The Department shall not pay an adjusting payment of benefit where a person's net weekly benefit is less than £4·00 in respect of the period of 7 days ending on the payday which the Department has indicated will be the final payday for the purposes of paying the person at weekly intervals.

(7) In paragraphs (5) and (6), "net weekly benefit" means the amount of weekly benefit payable to a person after any deductions have been made—

(a) under regulation 34ZA, 34ZB or 34A of the Claims and Payments Regulations; or

(**5**) Regulation 34ZA was inserted by regulation 2 of S.R. 1992 No. 271 and amended by regulation 12(1) of S.R. 2003 No. 191, regulation 34ZB was inserted by regulation 12(2) of S.R. 2003 No. 191 and regulation 34A was inserted by regulation 2(2) of S.R. 1988 No. 67 and amended by regulation 7(b) of S.R. 1988 No. 141, regulation 3(7) of S.R. 1988 No. 369, regulation 3 of S.R. 1992 No. 271, regulation 2(2) of S.R. 2001 No. 22 and regulation 2(9) of S.R. 2002 No. 297

(**6**) Section 69 was amended by Article 33(1) of, and paragraph 31 of Schedule 2 and Schedule 3 to, the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), section 2 of the Social Security (Overpayments) Act 1996 (c. 51), paragraph 62 of Schedule 6 to the Social Security (Northern Ireland) Order 1998, paragraph 8 of Schedule 4 and Schedule 6 to the Tax Credits Act 2002, paragraph 10 of Schedule 2 to the State Pension Credit Act ((Northern Ireland) 2002 (c. 14 (N.I.)), paragraph 110 of Schedule 24 to the Civil Partnership Act 2004 (c. 33), section 41 of, and paragraph 4(6) of Schedule 3 and Schedule 8 to, the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and section 135(4) of the Health and Social Care Act 2008 (c. 14), section 72 was amended by paragraph 33 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995, paragraph 11 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002, paragraph 8 of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 and regulation 2 of S.R. 2008 No. 413 and section 74 was amended by paragraph 186 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)), Article 33(2) of, and paragraph 34 of Schedule 2 to, the Jobseekers (Northern Ireland) Order 1995 and paragraph 113 of Schedule 24 to the Civil Partnership Act 2004

(**7**) Regulation 24(1) was amended by regulation 2(13) of S.R. 1996 No. 354, regulation 4(a) of S.R. 2000 No. 404 and regulation 2(5) of S.R. 2002 No. 297 and in Schedule 7 paragraph 1 was substituted by regulation 2(16) of S.R. 2006 No. 168 and paragraph 3 was amended by regulation 7(2) of S.R. 1989 No. 398 and regulation 2(15)(b) of S.R. 1994 No. 456