STATUTORY RULES OF NORTHERN IRELAND

2009 No. 107

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment) 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 (m) and 165(1) and (3) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

Citation and commencement

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

Amendment of the Social Security (Claims and Payments) Regulations

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

(2) 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 (2)—

(i) after "paragraph (1) applies" insert "(other than widowed mother's allowance and widow's pension)", and

(ii) for "appropriate pay day", in both places it occurs, substitute "first day of the benefit week";

(b) after paragraph (2) insert—

(**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 No. 141, S.R. 1992 No. 7, S.R. 1994 No. 456, S.R. 1996 No. 354, S.R. 1999 No. 365, S.R. 2000 No. 404, S.R 2001 No. 108, S.R. 2002 No. 297, S.R. 2003 No. 191, S.R. 2005 No. 46 and S.R. 2008 Nos. 286 and 417

"(2A) Subject to paragraph (2B), where there is a change in the rate of bereavement allowance, widowed mother's allowance, widowed parent's allowance or widow's pension, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the first day of the benefit week next following.

(2B) Paragraph (2A) shall not apply in a case where an award of benefit is terminated and benefit is paid in arrears.

(2C) Where a benefit specified in paragraph (2A) is paid in advance and the award is terminated, the termination, if it would otherwise take effect on a day which is not the first day of a benefit week, shall take effect on the first day of the benefit week next following.";

(c) in paragraph (3)(**4**) for sub-paragraph (c) substitute—

"(c) in any other case is—

(i) when paid in advance, the day of the week on which the benefit is payable in accordance with regulation 22 or 22A (long term benefits and bereavement allowance, widowed mother's allowance, widowed parent's allowance and widow's pension),

(ii) when paid in arrears, the first day of the period of 7 days which ends on the day on which the benefit is payable in accordance with regulation 22 or 22A."; and

(d) in paragraph (4)(**5**) after "state pension credit" insert ", bereavement allowance, widowed parent's allowance".

(3) In regulation 22(1)(**6**) (long term benefits) for "regulation 25(1)" substitute "regulations 22A and 25(1)".

(4) After regulation 22 insert—

"**Bereavement allowance, widowed mother's allowance, widowed parent's allowance and widow's pension**

22A.—(1) Subject to paragraphs (2) and (4), bereavement allowance, widowed mother's allowance, widowed parent's allowance and widow's pension shall be paid fortnightly in arrears on the day of the week specified in paragraph (3).

(2) The Department may, in any particular case or class of case, arrange that a benefit specified in paragraph (1) be paid on any other day of the week.

(3) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person's national insurance number—

Column (1)	*Column (2)*
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday

(**4**) Paragraph (3) was substituted by regulation 3(b) of S.R. 1988 No. 141 and amended by regulation 9(d) of S.R. 1992 No. 7 and regulation 2(3) of S.R. 1999 No. 365

(**5**) Paragraph (4) was amended by regulation 3(c) of S.R. 1988 No. 141, regulation 2(7) of S.R. 1994 No. 456, regulation 2(9) of S.R. 1996 No. 354, regulation 7(1) of S.R. 2003 No. 191 and regulation 13(11) of S.R. 2008 No. 286

(**6**) Regulation 22(1) was substituted by regulation 2(3) of S.R. 2002 No. 297 and amended by regulation 2(5) of S.R. 2008 No. 417

Column (1)	*Column (2)*
60 to 79	Thursday
80 to 99	Friday.

(4) The Department may, in any particular case or class of case, arrange that the beneficiary be paid weekly in advance or in arrears or, where the beneficiary agrees to be paid in such manner, at intervals of 4 or 13 weeks in arrears.

Payment of bereavement allowance, widowed mother's allowance, widowed parent's allowance and widow's pension at a daily rate

22B.—(1) Where entitlement to a bereavement allowance or widowed parent's allowance begins on a day which is not the first day of the benefit week, it shall be paid at a daily rate in respect of the period beginning with the day on which entitlement begins and ending on the day before the first day of the following benefit week.

(2) Where the Department changes the day on which a benefit mentioned in paragraph (5) is payable, the benefit shall be paid at a daily rate in respect of any day for which payment would have been made but for that change

(3) An award of benefit mentioned in paragraph (5) shall be paid at a daily rate where—

(a) the award is terminated;

(b) entitlement ends on a day other than the last day of the benefit week; and

(c) the benefit is paid in arrears.

(4) Where benefit is paid at a daily rate in the circumstances mentioned in paragraph (3), it shall be so paid in respect of the period beginning with the first day of the final benefit week and ending on the last day for which there is an entitlement to the benefit.

(5) Paragraphs (2) and (3) apply to—

(a) bereavement allowance;

(b) widowed mother's allowance;

(c) widowed parent's allowance; and

(d) widow's pension.

(6) Where benefit is payable at a daily rate in the circumstances mentioned in this regulation, the daily rate shall be 1/7th of the weekly rate.".

(5) In regulation 24 (incapacity benefit, severe disablement allowance and maternity allowance)—

(a) in paragraph (1)(**7**)—

(i) for "paragraphs (2), (3) and (3A)," substitute "paragraphs (3) and (3A),",

(ii) for "and severe disablement allowance" substitute ", severe disablement allowance and maternity allowance", and

(iii) after "in any particular case" insert "or class of case";

(b) after paragraph (1) insert—

"(1A) Subject to paragraph (1B), the benefits specified in paragraph (1) shall be paid on the day of the week specified in paragraph (1C).

(**7**) Paragraph (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