STATUTORY RULES OF NORTHERN IRELAND

2007 No. 206

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 2007

Made - - - -	*23rd March 2007*
Coming into operation	*16th April 2007*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(q) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**3**).

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 2007 and shall come into operation on 16th April 2007.

Amendment of the Social Security (Claims and Payments) Regulations

2. In Schedule 8A to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**4**) (deductions from benefits and direct payment to third parties)—

(a) in paragraph 1 (interpretation)—

(i) for the definition of "personal allowance for a single claimant aged not less than 25 years"(**5**) substitute—

(**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)

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

(**3**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(**4**) S.R 1987 No. 465; relevant amending Rules are S.R. 1988 No. 67, S.R. 1989 No. 40, S.R. 1991 No. 488, S.R. 1993 No. 146, S.R. 1994 No. 456, S.R. 1996 Nos. 354, 432 and 622, S.R. 1997 No. 165, S.R. 1999 No. 472 (C. 36), S.R. 2003 No. 191 and S.R 2006 Nos. 365 and 407

(**5**) The definition of "personal allowance a single claimant aged not less than 25 years" was amended by regulation 6(7)(v) of S.R. 1991 No. 488, regulation 2(26)(a)(iv) of S.R. 1996 No. 354 and regulation 14(1)(a)(v) of S.R. 2003 No. 191

""personal allowance for a single claimant aged not less than 25 years" means the amount specified in column (2) of paragraph 1(1)(e) of Schedule 2 to the Income Support Regulations(**6**);",

(ii) in the definition of "rent"(**7**) before paragraph (a) insert—

"(za) includes any water charges which are paid with, or as part of, the rent;",

(iii) for the definition of "specified benefit"(**8**) substitute—

""specified benefit"—

(a) in relation to water charges has the meaning given in paragraph 6A(11); and

(b) in all other cases means incapacity benefit, income support, jobseeker's allowance, retirement pension, severe disablement allowance, state pension credit, widow's pension or widowed mother's allowance,

but does not include any sum payable by way of child maintenance bonus in accordance with Article 4 of the Child Support (Northern Ireland) Order 1995(**9**) and the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(**10**);, and", and

(iv) after the definition of "unrebated rates" add—

""water charges" means charges for water or sewerage under Chapter I of Part VII of the Water and Sewerage Services (Northern Ireland) Order 2006(**11**).";

(b) in paragraph 2(1) (general) after head (d)(**12**) insert—

"(dd) water charges;";

(c) in paragraph 4A(1)(d)(**13**) (hostel payments) before sub-head (i) insert—

"(zi) water;";

(d) in paragraph 5(2)(**14**) (service charges for fuel, and rent not falling within paragraph 2(1)(a)) after "in respect of" insert "either or both of water charges or";

(e) after paragraph 6 (fuel costs) insert—

"**Water charges**

6A.—(1) This paragraph does not apply where water charges are paid with, or as part of, rent; and in this paragraph "original debt" means the debt to which sub-paragraph (2) applies, including any disconnection or reconnection charges and any other costs (including legal costs) arising out of that debt.

(2) Where a beneficiary or his partner is liable, whether directly or indirectly, for water charges and is in debt for those charges, the Department may determine,

(**6**) Paragraph 1(1) was amended by regulation 18 of S.R. 1988 No. 318, regulation 2 of S.R. 1990 No. 213 and paragraph 2 of Schedule 2 to S.R. 1996 No. 199
(**7**) The definition of "rent" was amended by paragraph 2(4)(a)(ii) of Schedule 2 to S.R. 2006 No. 407
(**8**) The definition of "specified benefit" was amended by regulation 2(16) of S.R. 1994 No.456, regulation 2(26)(a)(v) of S.R. 1996 No. 354, regulation 16(2)(a) of S.R. 1996 No. 622 and regulation 14(1)(a)(vi) of S.R. 2003 No. 191
(**9**) S.I. 1995/2702 (N.I. 13); Article 4 was amended by paragraph 232 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1) and paragraphs 128 and 129 of Schedule 24 to the Civil Partnership Act 2004 (c. 33)
(**10**) S.R. 1996 No. 622
(**11**) S.I. 2006/3336 (N.I. 21)
(**12**) Head (d) was substituted by regulation 2(2) of S.R. 1993 No. 146
(**13**) Paragraph 4A was inserted by regulation 6(7)(d) of S.R. 1991 No. 488
(**14**) Paragraph 5(2) was amended by Article 9(2) of S.R. 1999 No. 472 (C. 36) and paragraph 2(4)(c)(i) of Schedule 2 to S.R. 2006 No. 407

subject to sub-paragraph (10) and paragraph 8, that a weekly amount of the specified benefit shall be paid either to a water undertaker to whom that debt is owed, or to the person or body authorised to collect water charges for that undertaker, but only if the Department is satisfied that the beneficiary or his partner has failed to budget for those charges, and that it would be in the interests of the family to make the determination.

(3) Where water charges are determined by means of a water meter, the weekly amount to be paid under sub-paragraph (2) shall be the aggregate of—

(a) in respect of the original debt, an amount equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 years; and

(b) the amount which the Department estimates to be the average weekly cost necessary to meet the continuing need for water consumption.

(4) Where the sum estimated in accordance with sub-paragraph (3)(b) proves to be greater or less than the average weekly cost necessary to meet the continuing need for water consumption so that a beneficiary or his partner accrues a credit or, as the case may be, a further debt, the Department may determine that the sum so estimated shall be adjusted for a period of 26 weeks or such longer period as may be reasonable in the circumstances of the case to take account of that credit or further debt.

(5) Where water charges are determined other than by means of a water meter the weekly amount to be paid under sub-paragraph (2) shall be the aggregate of—

(a) the amount referred to in sub-paragraph (3)(a); and

(b) an amount equal to the weekly cost necessary to meet the continuing need for water consumption.

(6) When the original debt in respect of water charges is discharged, the Department may direct that the amount deductible shall be—

(a) where water charges are determined by means of a water meter, the amount determined under sub-paragraph (3)(b) taking into account any adjustment that may have been made in accordance with sub-paragraph (4); and

(b) in any other case, the amount determined under sub-paragraph (5)(b).

(7) Where the beneficiary or his partner is in debt to two water undertakers—

(a) only one weekly amount under sub-paragraph (3)(a) or (5)(a) shall be deducted;

(b) a deduction in respect of an original debt for sewerage shall only be made after the whole debt in respect of an original debt for water has been paid; and

(c) deductions in respect of continuing charges for both water and sewerage may be made at the same time.

(8) Subject to sub-paragraph (10) and paragraph 8, a determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraphs (3), (4), (5) and (6) exceeds a sum calculated in accordance with sub-paragraph (9).

(9) The sum referred to in sub-paragraph (8) is—

(a) where the claimant or partner does not receive child tax credit, 25 per cent. of—