STATUTORY RULES OF NORTHERN IRELAND

2005 No. 139

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 2005

Made - - - -	*18th March 2005*
Coming into operation	*11th April 2005*

The Department for Social Development, in exercise of the powers conferred by sections 5(1)(a) and (q) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 2005 and shall come into operation on 11th April 2005.

Amendment of the Social Security (Claims and Payments) Regulations

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

(2) In regulation 19(**4**) (time for claiming benefit) –

(a) in paragraph (3) –

(i) for sub-paragraph (ga)(**5**) there shall be substituted the following sub-paragraph –

"(ga) subject to paragraphs (3A) and (3B), bereavement benefit;", and

(ii) in sub-paragraph (h) the words "except in a case to which section 3(3) of the Administration Act applies," shall be omitted;

(**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**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 67, S.R. 1989 No. 40, S.R. 1997 No. 156, S.R. 2001 No. 108, S.R. 2002 No. 327, S.R. 2003 No. 412 and S.R. 2004 No. 85

(**4**) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156

(**5**) Sub-paragraph (ga) was inserted by regulation 10(4) of S.R. 2001 No. 108 and amended by regulation 2(2)(a) of S.R. 2002 No. 327

(b) in paragraph (3A)(**6**), after "bereavement payment" there shall be inserted "within the meaning of section 36 of the Contributions and Benefits Act"; and

(c) after paragraph (3A) there shall be inserted the following paragraph –

"(3B) The prescribed time for claiming bereavement benefit in respect of the day on which the claimant's spouse has died or may be presumed to have died where –

(a) less than 12 months have elapsed since the day of the death; and

(b) the circumstances are as specified in section 3(1)(b) of the Administration Act (late claim for bereavement benefit where death is difficult to establish),

is that day and the period of 12 months immediately following that day if the other conditions of entitlement are satisfied.".

(3) In Schedule 8A(**7**) (deductions from benefits and direct payment to third parties) –

(a) in paragraph 1 (interpretation) the definition of "income support"(**8**) shall be omitted; and

(b) in paragraph 4(2A)(**9**) (miscellaneous accommodation costs) for "£18·10", in each place where it occurs, there shall be substituted "£18·80".

Revocations

3. The Regulations specified in column (1) of the Schedule are revoked to the extent mentioned in column (3).

Sealed with the Official Seal of the Department for Social Development on 18th March 2005.

John O'Neill
A senior officer of the
Department for Social Development

(**6**) Paragraph (3A) was inserted by regulation 2(2)(b) of S.R. 2002 No. 327
(**7**) Schedule 8A was inserted by regulation 2(3) of S.R. 1988 No. 67
(**8**) The definition of "income support" was substituted by regulation 6(2)(b) of S.R. 1989 No. 40
(**9**) Paragraph 4(2A) was substituted by regulation 2(e) of S.R. 2003 No. 412 and amended by regulation 2(2) of S.R. 2004 No. 85