STATUTORY RULES OF NORTHERN IRELAND

2003 No. 412

SOCIAL SECURITY

The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations (Northern Ireland) 2003

Made - - - -	*16th September 2003*
Coming into operation	*6th October 2003*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a), 131(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 5(1)(q) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation on 6th October 2003.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Claims and Payments) Regulations

2. In paragraph 4 (miscellaneous accommodation costs) of Schedule 8A to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**5**) (deductions from benefits and direct payment to third parties) –

(a) in sub-paragraph (1)(**6**) for "or jobseeker's allowance" there shall be substituted ", jobseeker's allowance or state pension credit";

(b) in sub-paragraph (1)(a) –

(**1**) 1992 c. 7
(**2**) 1992 c. 8; *see* section 11 of, and paragraph 3(a) of Schedule 1 to, the State Pension Credit Act (Northern Ireland) 2002 (c. 14)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1989 Nos. 40 and 398, S.R. 1993 Nos. 149 and 375, S.R. 1996 No. 354, S.R. 1999 No. 472 and S.R. 2002 No. 132
(**6**) Sub-paragraph (1) was amended by regulation 8(a)(ii) of S.R. 1989 No. 398, paragraph 2(2) of Schedule 1 to, S.R. 1993 No. 149, regulation 2(26)(d) of S.R. 1996 No. 354, Article 9(2) of S.R. 1999 No. 472 (c. 36) and regulation 3(3)(a) and (b) of S.R. 2002 No. 132

(i) before "is made" there shall be inserted "in the case of income support"; and

(ii) for "as the case may be," there shall be substituted "in the case of jobseeker's allowance";

(c) in sub-paragraph (1), for head (b) there shall be substituted the following head –

"(b) is made –

(i) in the case of an award of income support, to a person who is in residential accommodation within the meaning given by regulation 21(3) of the Income Support Regulations(**7**); or

(ii) in the case of an award of jobseeker's allowance, to a person who is in residential accommodation within the meaning given by regulation 85(4) of the Jobseeker's Allowance Regulations; or

(iii) in the case of an award of state pension credit, to a person who is in accommodation provided within the meaning of regulation 15(7) of the State Pension Credit Regulations,";

(d) in sub-paragraph (1) for "(hereafter in this paragraph referred to as "miscellaneous accommodation costs")" there shall be substituted "or to a person who is only temporarily absent from such accommodation";

(e) for sub-paragraphs (2)(**8**) and (3)(**9**) there shall be substituted the following sub-paragraphs –

"(2) Subject to sub-paragraphs (3) and (3A), the amount of any payment of any specified benefit to a third party determined under sub-paragraph (1) shall be –

(a) in a case where a beneficiary is not in accommodation –

(i) as specified in sub-paragraph (1)(b)(i) or (ii), or

(ii) as specified in regulation 15(7)(c) of the State Pension Credit Regulations,

an amount equal to the award of income support, jobseeker's allowance, or guarantee credit payable to the claimant but excluding an amount, if any, which when added to any other income of the beneficiary as determined in accordance with regulation 28 of the Income Support Regulations, regulation 93 of the Jobseeker's Allowance Regulations or regulation 17 of the State Pension Credit Regulations will equal the amount prescribed in respect of personal expenses in sub-paragraph (2A), and

(b) in any other case, the amount of the award of income support, jobseeker's allowance or guarantee credit, excluding the amount allowed by sub-paragraph (2A) in respect of personal expenses.

(2A) The amount in respect of personal expenses where a beneficiary is in accommodation referred to in sub-paragraph (1) shall be –

(a) for a single person the sum of £17·50;

(b) for a couple where both members of the couple are in such accommodation, £17·50 for each member;

(**7**) Regulation 21(3) was amended by paragraph 1(4) of Schedule 1 to, S.R. 1993 No. 149 and paragraph 1(f) of Schedule 12 to, S.R. 1994 No. 65

(**8**) Sub-paragraph (2) was amended by regulation 6(4)(b) of S.R.1989 No. 40, regulation 8(b) of S.R.1989 No. 398, paragraph 2(3) of Schedule 1 to, S.R.1993 No. 149, regulation 3(11)(b) of S.R.1993 No. 375, regulation 2(26)(e)(ii) and (v) of S.R.1996 No. 354 and regulation 3(3)(c) of S.R.2002 No. 132

(**9**) Sub-paragraph (3) was amended by regulation 2(26)(f) of S.R.1996 No. 354