STATUTORY RULES OF NORTHERN IRELAND

2003 No. 317

SOCIAL SECURITY

The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations (Northern Ireland) 2003

Made - - - -	*24th June 2003*
Coming into operation	*21st July 2003*

The Department for Social Development, in exercise of the powers conferred by sections 5(1)(a) and (k), 5A(1), (2) and (6)(c) and 165(1) and (4) 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 and Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation on 21st July 2003.

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) to (7).

(2) In regulation 4 (making a claim for benefit) –

(a) in paragraph (6)(**4**) after "Subject to" there shall be inserted "paragraphs (6A) to (6D) and";

(b) after paragraph (6) there shall be inserted the following paragraphs –

"(6A) Paragraphs (6B) and (6C) apply in relation to a person –

(a) who has attained the qualifying age and makes a claim for –

(**1**) 1992 c. 8; section 5A was inserted by Article 68 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by paragraph 8 of Schedule 1 to the Social Security Act (Northern Ireland) 2002 (c. 10) and 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. 1992 No. 7, S.R. 1993 No. 375, S.R. 1994 No. 345, S.R. 1996 No. 354, S.R. 1997 No. 156, S.R. 2000 No. 365, S.R. 2001 Nos. 175 and 176 and S.R. 2003 No. 191

(**4**) Paragraph (6) was substituted by regulation 2(4)(b) of S.R. 1996 No. 354 and amended by regulation 2(3)(e) of S.R. 2000 No. 365 and paragraph 2(3) and (4) of Schedule 2 to S.R. 2001 No. 175

(i) an attendance allowance, a bereavement benefit, a carer's allowance, a disability living allowance or incapacity benefit, or

(ii) a retirement pension of any category for which a claim is required or a winter fuel payment for which a claim is required under regulation 3(1)(b) of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(**5**);

(b) who has not yet attained the qualifying age and makes a claim for a retirement pension in advance in accordance with regulation 15(1); or

(c) who has attained the qualifying age and makes a claim for income support in respect of a period before 6th October 2003.

(6B) A person to whom paragraph (6A) applies may make a claim by sending or delivering it to, or by making it in person at –

(a) an office designated by the Department for accepting such claims; or

(b) an office of –

(i) a relevant authority administering housing benefit,

(ii) a person providing to such an authority services relating to housing benefit, or

(iii) a person authorised to exercise any function of a relevant authority relating to housing benefit,

if the Department has arranged with the relevant authority or person specified in head (ii) or (iii) for them to receive claims in accordance with this sub-paragraph,

provided that the claim is made on a form which is approved or provided by the Department for the purpose.

(6C) Where a person to whom paragraph (6A) applies makes a claim in accordance with paragraph (6B)(b), on receipt of the claim the relevant authority or other person specified in that sub-paragraph –

(a) shall forward the claim to the Department as soon as reasonably practicable;

(b) may receive information or evidence relating to the claim supplied by –

(i) the person making, or who has made, the claim, or

(ii) other persons in connection with the claim,

and shall forward it to the Department as soon as reasonably practicable;

(c) may obtain information or evidence relating to the claim from the person who has made the claim, but not any medical information or evidence except for that which the claimant must provide in accordance with instructions on the form, and shall forward the information or evidence to the Department as soon as reasonably practicable;

(d) may record information or evidence relating to the claim supplied or obtained in accordance with sub-paragraph (b) or (c) and may hold the information or evidence (whether as supplied or obtained or as recorded) for the purpose of forwarding it to the Department; and

(e) may give information and advice with respect to the claim to the person who makes, or who has made, the claim.

(**5**) S.R. 2000 No. 91