STATUTORY RULES OF NORTHERN IRELAND

2002 No. 297

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 2002

Made - - - - 24th September 2002
Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by sections 5(1)(j), (q) and (r) and 165(1), (4) and (6) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 2002 and shall come into operation –

(a) for the purposes of this regulation and regulation 2(1), (6) to (8) and (10), on 23rd October 2002;

(b) for the purpose of regulation 2(4) immediately before 1st April 2003; and

(c) for all other purposes, on 8th April 2003.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**4**) shall be amended in accordance with paragraphs (2) to (10).

(2) In regulation 21 (direct credit transfer) –

(**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**) 1954 c. 33 (N.I.)
(**4**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 Nos. 67, 141 and 369, S.R. 1992 Nos. 7 and 83, S.R. 1993 No. 217, S.R. 1994 Nos. 345, 456 and 484, S.R. 1996 Nos. 85 and 354, S.R. 1999 No. 365, S.R. 2000 Nos. 365 and 404 and S.R. 2001 No. 108

(a) for paragraph (1)(**5**) there shall be substituted the following paragraph –

"(1) Subject to the provisions of this regulation, benefit may, by an arrangement between the Department and the person claiming or entitled to it, be paid by way of direct credit transfer into a bank or other account –

(a) in the name of the person entitled to benefit, or his spouse or partner, or a person acting on his behalf; or

(b) in the joint names of the person entitled to benefit and his spouse or partner, or the person entitled to benefit and a person acting on his behalf.";

(b) paragraph (2) shall be omitted;

(c) in paragraph (3)(**6**) "as may be provided in the application" shall be omitted; and

(d) in paragraphs (3B) and (3C)(**7**) for "any application to which paragraph (2) refers" there shall be substituted "an arrangement under that paragraph".

(3) In regulation 22 (long term benefits) for paragraph (1)(**8**) there shall be substituted the following paragraphs –

"(1) Subject to the provisions of this regulation and regulation 25(1), long term benefits may be paid at intervals of four weeks, or weekly in advance.

(1A) Disability living allowance shall be paid at intervals of four weeks.".

(4) In regulation 23(1) (child benefit and guardian's allowance) "and of regulation 21 (direct credit transfer)" shall be omitted.

(5) In regulation 24(1) and (2)(**9**) (incapacity benefit, severe disablement allowance and maternity allowance) "regulation 21 and" shall be omitted.

(6) In regulation 29(**10**) (payments to persons under age 18) for "the receipt of that person" there shall be substituted "a direct credit transfer under regulation 21 into that person's account, or the receipt by him of a payment made by some other means,".

(7) In regulation 30(2)(a)(**11**) (payments on death) for "the receipt of any such person" there shall be substituted "a direct credit transfer under regulation 21 into any such person's account, or the receipt by him of a payment made by some other means,".

(8) In regulation 33(3) (persons unable to act) for "the receipt of any person so appointed" there shall be substituted "a direct credit transfer under regulation 21 into the account of any person so appointed, or the receipt by him of a payment made by some other means,".

(9) In regulation 34A(2)(**12**) (deductions which may be made from benefits and paid to third parties) for the words from "instrument of payment" to the end there shall be substituted "payment may be, and in the case of funeral expenses shall be, made to that person and where an instrument of payment is made payable to that person it may be sent to the beneficiary.".

(10) In Schedule 6 (days for payment of long term benefits) –

(**5**) Paragraph (1) was amended by regulation 7(8)(a) of S.R. 1992 No. 83, regulation 2(4) of S.R. 1994 No. 345 and regulation 2(3)(a) of S.R. 1996 No. 85
(**6**) Paragraph (3) was amended by regulation 2(2)(a) of S.R. 1993 No. 217
(**7**) Paragraphs (3B) and (3C) were inserted by regulation 2(4) of S.R. 1999 No. 365
(**8**) Paragraph (1) was amended by regulation 12 of S.R. 1992 No. 7 and regulation 2(5) of S.R. 1994 No. 484
(**9**) Regulation 24 was substituted by regulation 2(10) of S.R. 1994 No. 456; relevant amending regulations are S.R. 1996 No. 354 and S.R. 2000 No. 404
(**10**) Regulation 29 was substituted by regulation 2(4) of S.R. 1996 No. 85
(**11**) Paragraph (2) was amended by regulation 2(7)(a) of S.R. 2000 No. 365
(**12**) Regulation 34A was inserted by regulation 2(2) of S.R. 1988 No. 67; relevant amending regulations are S.R. 1988 Nos. 141 and 369