STATUTORY RULES OF NORTHERN IRELAND

2002 No. 67

SOCIAL SECURITY

The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations (Northern Ireland) 2002

Made - - - -	*27th February 2002*
Coming into operation	*2nd April 2002*

The Department for Social Development, in exercise of the powers conferred by section 5(1)(*a*) and (*b*) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and Articles 10(1) and 11(3) and (6) of the Social Security (Northern Ireland) Order 1998(**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 (Claims and Payments and Miscellaneous Amendments) Regulations (Northern Ireland) 2002 and shall come into operation on 2nd April 2002.

(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.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**5**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 6 (date of claim)—

(a) in paragraph (16)(*b*)(**6**) for "payable" there shall be substituted "awarded";

(b) in paragraph (17)(*c*) after "claimant" there shall be inserted ", a member of his family or the disabled person";

(c) in paragraph (18) for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs—

(**1**) 1992 c. 8
(**2**) S.I. 1998/1506 (N.I. 10)
(**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. 1997 Nos. 156 and 417 and S.R. 2000 No. 215
(**6**) Paragraphs (16) to (19), (21) and (22) were substituted by regulation 3(2)(*a*) of S.R. 2000 No. 215

"(a) a claim for the qualifying benefit was made not later than ten working days after the date of the original claim, and the claim for the qualifying benefit had not been decided;

(b) after the original claim had been decided the claim for the qualifying benefit had been decided in favour of the claimant, a member of his family or the disabled person; and";

(d) in paragraph (19)(*b*) for "again becomes payable" there shall be substituted "is re-awarded";

(e) in paragraph (21)(*a*) for "the claimant's or the disabled person's favour" there shall be substituted "favour of the claimant, a member of his family or the disabled person";

(f) in paragraph (22)—

(i) after "paragraphs (16) to (21)" there shall be inserted "and (30)",

(ii) in the definition of "qualifying benefit", in paragraph (*d*), after "any other relevant benefit which" there shall be inserted ", when awarded or re-awarded,", and

(iii) after the definition of "the disabled person" there shall be added the following definition—

""family" has the same meaning as in section 133(1) of the Contributions and Benefits Act or, as the case may be, Article 2(2) of the Jobseekers Order."; and

(g) after paragraph (29)(**7**) there shall be added the following paragraph—

"(30) Where—

(a) a claimant was awarded income support or income-based jobseeker's allowance ("the original award");

(b) the original award was terminated and not later than ten working days after the termination, the claimant, a member of his family or a disabled person claimed a qualifying benefit; and

(c) the claimant makes a further claim for income support or income-based jobseeker's allowance within three months of the date on which the claim for the qualifying benefit was decided,

the further claim shall be treated as made on the date of termination of the original award or the first date in respect of which the qualifying benefit is awarded, whichever is the later.".

(3) In regulation 19(**8**) (time for claiming benefit)—

(a) in paragraph (4)(*a*) after "any" there shall be inserted "one or more";

(b) for paragraph (6) there shall be substituted the following paragraph—

"(6) In the case of a claim for income support or jobseeker's allowance, where the claim is not made within the time specified for that benefit in Schedule 4, the prescribed time for claiming the benefit shall be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—

(a) any one or more of the circumstances specified in paragraph (7) applies or has applied to the claimant; and

(b) as a consequence the claimant could not reasonably have been expected to make the claim earlier."; and

(c) in paragraph (7)(*d*)—

(**7**) Paragraph (29) was added by regulation 2(2) of S.R. 1997 No. 417
(**8**) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156