STATUTORY RULES OF NORTHERN IRELAND

2001 No. 175

HOUSING; RATES; SOCIAL SECURITY FAMILY LAW

The Social Security (Claims and Information) Regulations (Northern Ireland) 2001

Made - - - -	*12th April 2001*
Coming into operation	*14th May 2001*

The Department for Social Development, in exercise of the powers conferred by sections 5(1)(*b*), 5A and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**), section 122(1)(*d*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and Articles 69 and 73(1) and (3) to (6) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**3**), and now vested in it(**4**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel in so far as its consent is required in respect of regulations 7 and 8(**5**), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**6**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Information) Regulations (Northern Ireland) 2001 and shall come into operation on 14th May 2001.

(2) In these Regulations—

"the Order" means the Welfare Reform and Pensions (Northern Ireland) Order 1999;

"the Child Support Orders" means the Child Support (Northern Ireland) Order 1991(**7**) and the Child Support (Northern Ireland) Order 1995(**8**);

(**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))
(**2**) 1992 c. 7
(**3**) S.I. 1999/3147 (N.I. 11)
(**4**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**5**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; subsection (6A) was inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(*b*) of S.R. 1999 No. 481 which transferred the consent functions under section 171(6A) from the Department of the Environment to the Department of Finance and Personnel
(**6**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992
(**7**) S.I. 1991/2628 (N.I. 23)
(**8**) S.I. 1995/2702 (N.I. 13)

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**9**);

"relevant authority" means the Department, the Department of Higher and Further Education, Training and Employment or a person providing services to either of those Departments;

"the Jobseekers Order" means the Jobseekers (Northern Ireland) Order 1995(**10**).

(3) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

Work-focused interview

2. In these Regulations, a "work-focused interview" means an interview conducted for any or all of the following purposes—

(a) assessing a person's prospects for existing or future employment (whether paid or voluntary);

(b) assisting or encouraging a person to enhance his prospects of such employment;

(c) identifying activities which the person may undertake to strengthen his existing or future prospects of such employment;

(d) identifying current or future employment or training opportunities suitable to the person's needs, and

(e) identifying educational opportunities connected with the existing or future employment prospects or needs of the person.

Further provisions as to claims

3. After regulation 4 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**12**) (making a claim for benefit) there shall be inserted the following regulations—

"**Further provisions as to claims**

4A.—(1) Where a claimant resides in a postcode district specified in Schedule 1 to the Social Security (Claims and Information) Regulations (Northern Ireland) 2001 any claim for a benefit to which paragraph (2) applies may be made to an office of a relevant authority displaying the



logo.

(2) The benefits to which this paragraph applies are—

(a) a jobseeker's allowance;

(b) income support;

(c) incapacity benefit;

(d) invalid care allowance;

(e) widow's benefit;

(f) bereavement benefits;

(g) disability living allowance.

(**9**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1997 No. 22
(**10**) S.I. 1995/2705 (N.I. 15)
(**11**) 1954 c. 33 (N.I.)
(**12**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1989 No. 40, S.R. 1996 No. 354 and S.R. 1997 No. 156

(3) A claim made in accordance with paragraph (1), other than a claim for income support or a jobseeker's allowance, shall be made in writing on a form approved by the Department for the purpose of the benefit to which the claim is made, or in such other manner, being in writing, as the person to whom the claim is made may accept as sufficient in the circumstances of the particular case.

(4) In the case of a claim for income support or a jobseeker's allowance, the provisions of regulation 4(1A) to (1C)(**13**) shall apply.

(5) In these Regulations "relevant authority" means the Department, the Department of Higher and Further Education, Training and Employment or a person providing services to either of those Departments.

Forwarding claims and information

4B.—(1) An office of a relevant authority displaying the



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(a) record information or evidence relating to any social security matter supplied by or obtained from a person, whether or not the information or evidence is supplied or obtained in connection with the making of a claim for benefit;

(b) give information or advice with respect to any social security matter to persons who are making, or have made, claims for any benefit to which regulation 4A(2) applies.

(2) A relevant authority, other than the Department, shall forward to the Department—

(a) any claim for benefit made under regulation 4A(1) together with any information or evidence supplied to the authority in connection with that claim; and

(b) any information or evidence relating to any other social security matter, except where the information or evidence relates solely to housing benefit, given to the authority by a person making a claim for, or who has claimed, a benefit to which regulation 4A(2) applies.".

Child Support

4.—(1) Where a person resides in a postcode district specified in Schedule 1, he may submit an application under the Child Support Orders to an office of a relevant authority displaying the



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(2) Any change of circumstances arising since an application was made in accordance with paragraph (1) may be reported to the office to which that application was made.

(3) A person making an application to a relevant authority in accordance with paragraph (1) shall comply with any requirements for the time being in operation in relation to—

(a) applications under the Child Support Orders, and

(b) the provision of information and evidence in support of such applications,

as if those requirements also applied to the relevant authority.

(4) A relevant authority, other than the Department, shall forward to the Department—

(a) any application under the Child Support Orders made in accordance with paragraph (1);

(**13**) Paragraphs (1A) to (1C) were inserted by regulation 3(3)(*b*) of S.R. 1997 No. 156

(b) details of changes of circumstances reported to the authority in accordance with paragraph (2), and

(c) any information or evidence—

(i) given to the authority by the person making an application or reporting the change of circumstances, or

(ii) which is relevant to the application or the change reported and which is held by the authority.

Holding information

5. A relevant authority to whom information or evidence relating to social security matters is supplied or by whom such information or evidence is obtained including information obtained under regulation 6(2) may—

(a) make a record of that information or evidence, and

(b) hold the information or evidence, whether as supplied or as recorded.

Provision of information

6.—(1) A relevant authority may give information or advice to any person, or to a person acting on his behalf, concerning—

(a) a claim he made, or a decision given on a claim he made, for a social security benefit;

(b) an application he made, or a decision given on an application he made, under the Child Support Orders.

(2) For the purpose of giving information or advice in accordance with paragraph (1), a relevant authority may obtain information held by any other relevant authority.

Claims for Housing Benefit

7. After regulation 72 of the Housing Benefit Regulations (time and manner in which claims are to be made) there shall be inserted the following regulation—

"**Date of claim where claim sent or delivered to an office of the Department, the Department of Higher and Further Education, Training and Employment or a person providing services to either of those Departments**

72A.—(1) Where a claim for housing benefit has been sent or delivered to an office of the Department, the Department of Higher and Further Education, Training and Employment or a person providing services to either of those Departments in accordance with regulation 72(4)(*d*)(**14**) (the "relevant office"), the date on which the claim is made shall be—

(a) except where paragraph (*b*) applies, the date the claim is received at the relevant office, or

(b) where in the 4 weeks before the claim is received, the person making the claim or a person acting on his behalf had notified a relevant office of his intention to make such a claim, the date the notification was given.

(2) A notification of intention to make a claim is deemed to be given on the date on which notification of the intention to claim housing benefit is received, in whatever form, from the claimant, or the person acting on his behalf, at a relevant office.

(**14**) Sub-paragraph (*d*) is inserted by regulation 8(3) of these Regulations

(3) Paragraph (2) applies where neither income support nor a jobseeker's allowance is claimed in conjunction with housing benefit.

(4) Where the person claiming housing benefit in accordance with regulation 72(4)(*d*), or the partner of that person—

(a) has an award of income support or income-based jobseeker's allowance; or

(b) has claimed such a benefit but no award has been made,

the date on which the claim for housing benefit is made shall be—

(i) in a case where a claimant or his partner—

(aa) is a person who has been awarded income support or an income-based jobseeker's allowance; and

(bb) first notifies his intention to claim housing benefit within 4 weeks of the date on which his claim for that income support or jobseeker's allowance was received at an appropriate office,

the first day of entitlement to income support or an income-based jobseeker's allowance, but if the first notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at a relevant office within one month of that notification; and for the purposes only of this sub-paragraph a person who has been awarded an income-based jobseeker's allowance shall be treated as also entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under paragraph 4 of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995(**15**) (waiting days), have been entitled to that allowance;

(ii) in a case where the claimant or his partner—

(aa) claimed income support or a jobseeker's allowance; but

(bb) has no entitlement to income support or an income-based jobseeker's allowance,

the first date on which notification is deemed to be given in accordance with paragraph (2), but if that notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at a relevant office within one month of that notification;

(iii) in a case where a claimant or his partner—

(aa) is a person on income support or entitled to an income-based jobseeker's allowance;

(bb) has become liable for the first time to make payments in respect of the dwelling which he occupies as his home; and

(cc) first notifies his intention to make a claim for housing benefit within 4 weeks of the commencement of the rental liability,

the date on which the liability to make those payments arises, but if the first notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at a relevant office within one month of that notification;

(iv) in any other case, the date on which the claim for housing benefit is received at the relevant office.".

(**15**) S.I. 1995/2705 (N.I. 15)