STATUTORY RULES OF NORTHERN IRELAND

1997 No. 417

SOCIAL SECURITY

The Social Security (Claims and Payments and Adjudication) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*16th September 1997*
Coming into operation	*13th October 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(*a*) and (*b*), 25(1), 59(1) and 165(1) and (3) to (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**) 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 Adjudication) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 13th October 1997.

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

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) and (3).

(2) In regulation 6 (date of claim) after paragraph (28)(**4**) there shall be added the following paragraph—

> "(29) In the case of a claim for an increase of severe disablement allowance or of invalid care allowance in respect of a child or adult dependant, paragraphs (16) and (21) shall apply to the claim as if it were a claim for severe disablement allowance or, as the case may be, invalid care allowance.".

(3) In regulation 19(7)(**5**) (time for claiming benefit)—

(**1**) 1992 c. 8
(**2**) 1954 c. 33 (N.I.)
(**3**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1997 No. 156
(**4**) Paragraphs (12) to (28) were added by regulation 3(4)(*e*) of S.R. 1997 No. 156
(**5**) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156

(a) at the end of sub-paragraph (*f*) "or" shall be omitted; and

(b) after sub-paragraph (*g*) there shall be added "or" and the following sub-paragraph—

"(h) in the case of a claim for disability working allowance, the claimant had previously been entitled to income support, jobseeker's allowance, incapacity benefit or severe disablement allowance ("the previous benefit"), and the claim for disability working allowance was made within one month of expiry of entitlement to the previous benefit.".

Amendment of the Social Security (Adjudication) Regulations

3.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1995(**6**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 59 (review of decisions involving payment or increase of benefit other than industrial injuries benefit (except reduced earnings allowance), income support, jobseeker's allowance, family credit or disability working allowance) after paragraph (1B)(**7**) there shall be inserted the following paragraph—

"(1C) Subject to regulation 58, where, in the case of attendance allowance or disability living allowance, the decision is reviewed under section 28(1) of the Administration Act, or under that subsection as applied by section 29(2) or 33(8) of that Act, the decision given on review shall have effect from such date as may be specified in the decision, being a date not earlier than—

(a) where the decision being reviewed is also a review decision or a refusal to review ("the first review"), one month before the date of application for the first review;

(b) in any other case, the date of claim.".

(3) In regulation 63 (review in income support cases)—

(a) in paragraph (1)(**8**)—

(i) at the end of sub-paragraph (*a*) "or" shall be omitted, and

(ii) after sub-paragraph (*b*) there shall be added "or" and the following sub-paragraph—

"(c) in a case to which paragraph (1B) applies, any period which falls more than eight weeks before the date on which the review was requested or, where no request is made, the date of the review.";

(b) in paragraph (1A)(**9**) for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs—

"(a) the reason for the revised determination is that the claimant or a member of his family has become entitled to another benefit, or to an increase in the rate of another benefit; and

(b) that other benefit or increase is awarded in respect of a period before the one month period."; and

(c) after paragraph (1A) there shall be inserted the following paragraph—

"(1B) This paragraph applies where—

(a) on a review it is determined that there is to be included in the claimant's applicable amount an amount in respect of a loan which qualifies under paragraph 15 or 16 of Schedule 3 to the Income Support Regulations; and

(**6**) S.R. 1995 No. 293; relevant amending regulations are S.R. 1996 No. 355 and S.R. 1997 No. 156
(**7**) Paragraphs (1A) and (1B) were inserted by regulation 4(4)(*b*) of S.R. 1997 No. 156
(**8**) Paragraph (1) was amended by regulation 4(7)(*a*) of S.R. 1997 No. 156
(**9**) Paragraph (1A) was inserted by regulation 4(7)(*b*) of S.R. 1997 No. 156