STATUTORY RULES OF NORTHERN IRELAND

1996 No. 432

SOCIAL SECURITY

The Social Security (Claims and Payments and Adjudication) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*17th September 1996*
Coming into operation	*7th October 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(*a*), (*j*), (*o*), (*p*) and (*q*) and 59(1) and (2) 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) 1996 and shall come into operation on 7th October 1996.

(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) to (8).

(2) In regulation 19(1) (time for claiming benefit) "Subject to the provisions of Schedule 5," shall be omitted.

(3) In regulation 22(2) (long term benefits) for "£2" there shall be substituted "£5".

(4) In regulation 36(5)(**4**) (suspension in individual cases) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

(**1**) 1992 c. 8; section 5 was amended by Article 3(1) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I.1993/1579 (N.I. 8)) and paragraph 22 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))

(**2**) 1954 c. 33 (N.I.)

(**3**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 Nos. 67 and 141, S.R. 1989 No. 40, S.R. 1991 No. 488, S.R. 1992 Nos. 7, 83 and 271, S.R. 1993 Nos. 146 and 375, S.R. 1994 Nos. 345 and 456 and S.R. 1996 Nos. 65 and 354

(**4**) Regulation 36 was substituted by regulation 7(9) of S.R. 1992 No. 83 and paragraph (5) was substituted by regulation 3(8)(*b*) of S.R. 1993 No. 375

"(a) "relevant period" means the period of 3 months beginning with the date on which notice in writing of the decision in question and of the reasons for it is received by the adjudication officer; and".

(5) In regulation 36AA(4)(**5**) (withholding of benefit in prescribed circumstances) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(b) claims income support, and qualifies for income support by virtue of paragraph 7 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987(**6**),".

(6) In Schedule 4 (prescribed times for claiming benefit) in paragraph 9 for the entry in column (2) there shall be substituted—

"The period beginning with the date of the death and ending 3 months after the date of the funeral.".

(7) Schedule 5 (miscellaneous provisions which vary the prescribed times under Schedule 4) shall be omitted.

(8) In Schedule 8A(**7**) (deductions from benefits and direct payment to third parties)—

(a) in paragraph 2(1)—

(i) at the end of head (*e*) "and" shall be omitted, and

(ii) after head (*f*) there shall be added "and" and the following head—

"(g) periodical payments such as are referred to in Article 4(6) of the Child Support (Northern Ireland) Order 1991(**8**) ("child support maintenance").";

(b) after paragraph 7A(**9**) there shall be inserted the following paragraph—

"**Arrears of child support maintenance**

7B.—(1) Where a beneficiary is entitled to contribution-based jobseeker's allowance and an arrears notice has been served on him, the Department may request in writing that an amount in respect of arrears of child support maintenance be deducted from the beneficiary's jobseeker's allowance.

(2) Where a request is made in accordance with sub-paragraph (1) the adjudicating authority shall determine that an amount in respect of the arrears of child support maintenance shall be deducted from the beneficiary's jobseeker's allowance for transmission to the person entitled to it.

(3) The amount to be deducted under sub-paragraph (2) shall be the weekly amount requested by the Department, subject to a maximum of one-third of the age-related amount applicable to the beneficiary under Article 6(1)(*a*) of the Jobseekers Order, that sum being, where it is not a whole number of pence, rounded down to the next such penny.

(4) In this paragraph "an arrears notice" means a notice served in accordance with regulation 2(2) of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992(**10**).";

(**5**) Regulation 36AA was inserted by regulation 2(6) of S.R. 1994 No. 345
(**6**) S.R. 1987 No. 459; Schedule 1B was inserted by Schedule 1 to S.R. 1996 No. 199
(**7**) Schedule 8A was inserted by the Schedule to S.R. 1988 No. 67; relevant amending regulations are S.R. 1989 No. 40, S.R. 1991 No. 488, S.R. 1992 No. 271, S.R. 1993 No. 146 and S.R. 1996 No. 65
(**8**) S.I. 1991/2628 (N.I. 23)
(**9**) Paragraph 7A was inserted by regulation 2(3) of S.R. 1993 No. 146 and amended by regulation 4 of S.R. 1996 No. 65
(**10**) S.R. 1992 No. 342, to which there are amendments not relevant to these regulations

(c) in paragraph 8 after sub-paragraph (2) there shall be inserted the following sub-paragraph —

"(2A) The maximum aggregate amount payable under paragraphs 3(2)(*a*), 5(5), 6(2)(*a*), 7(3), 7A and 7B shall not exceed an amount equal to one-third of the age related amount applicable to the beneficiary under Article 6(1)(*a*) of the Jobseekers Order."; and

(d) in paragraph 9—

(i) in sub-paragraph (1) at the beginning there shall be inserted "Subject to sub-paragraph (1A),", and

(ii) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

"(1A) Where in any week paragraph 7B is applicable to a beneficiary any liability under that paragraph shall take priority over any other liability mentioned in sub-paragraph (1).".

Amendment of the Social Security (Adjudication) Regulations

3.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1995(**11**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 63 (review in income support cases) for paragraphs (7) to (11)(**12**) there shall be substituted the following paragraphs—

"(7) Where a claimant is in receipt of income support and his applicable amount includes an amount determined in accordance with Schedule 3 to the Income Support Regulations (housing costs) and there is a reduction in the amount of eligible capital owing in connection with a loan which qualifies under paragraph 15 or 16 of that Schedule, a determination on a review undertaken as a result of that reduction shall have effect—

(a) on the first anniversary of the date on which the claimant's housing costs were first met under than Schedule; or

(b) where the reduction in eligible capital occurs after the first anniversary of the date referred to in sub-paragraph (*a*), on the next anniversary of that date following the date of the reduction.

(8) Where a claimant is in receipt of income support and payments made to that claimant which fall within paragraph 29 or 30(1)(*a*) to (*c*) of Schedule 9 to the Income Support Regulations have been disregarded in relation to the determination or review of the claim and there is a change in the amount of interest payable—

(a) on a loan qualifying under paragraph 15 or 16 of Schedule 3 to those Regulations to which those payments relate; or

(b) on a loan not so qualifying which is secured on the dwelling occupied as the home to which those payments relate,

any determination on a review undertaken as a result of that change in the amount of interest payable shall have effect on whichever of the dates referred to in paragraph (9) is appropriate in the claimant's case.

(9) The date on which a determination on a review has effect for the purposes of paragraph (8) is—

(a) the date when the claimant's housing costs are first met under paragraph 6(1)(*a*), 8(1)(*a*) or 9(2)(*a*) of Schedule 3 to the Income Support Regulations; or

(**11**) S.R. 1995 No. 293; relevant amending regulations are S.R. 1995 No. 434 and S.R. 1996 No. 355
(**12**) Paragraphs (7) to (11) were inserted by regulation 3 of S.R. 1995 No. 434