STATUTORY RULES OF NORTHERN IRELAND

1996 No. 85

SOCIAL SECURITY; STATUTORY SICK PAY

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

Made - - - -	*8th March 1996*
Coming into operation	*4th April 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(*j*) and (4) and 77(1) 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 Etc.) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 4th April 1996.

(2) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland 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 (6).

(2) In regulation 20A(**4**) (payment on presentation of an instrument for benefit payment)—

(a) for paragraph (2) there shall be substituted the following paragraph—

"(2) Where a beneficiary falls within a class mentioned in paragraph (1) the Department shall issue an instrument for benefit payment to whichever one or more of the following persons seems to it to be appropriate in the circumstances of the case—

(a) that beneficiary;

(b) the controller appointed by the High Court with power to receive benefit on behalf of that beneficiary;

(**1**) 1992 c. 8
(**2**) 1954 c. 33 (N.I.)
(**3**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1989 No. 398, S.R. 1992 No. 83, S.R. 1993 No. 375 and S.R. 1994 Nos. 345, 456 and 484
(**4**) Regulation 20A was inserted by regulation 2(4) of S.R. 1994 No. 484

(c) the person appointed by the Department under regulation 33 to act on behalf of that beneficiary;

(d) subject to paragraph (4A), the person authorised by that beneficiary to act on his behalf;

(e) the person to whom benefit is to be paid on that beneficiary's behalf further to a direction by the Department under regulation 34; and

(f) the alternative payee under regulation 35.";

(b) in paragraph (4)(*b*) at the beginning there shall be inserted "subject to paragraph (4A),";

(c) after paragraph (4) there shall be inserted the following paragraph—

"(4A) A person authorised by the beneficiary to act on his behalf under paragraph (2)(*d*) must be so authorised in respect of all benefits, payment of which may be obtained by means of that instrument for benefit payment."; and

(d) after paragraph (5) there shall be inserted the following paragraph—

"(5A) Where a person presents an instrument for benefit payment for the purpose of obtaining payment of any benefit to which—

(a) he is entitled in his own right;

(b) he, being a person such as is mentioned in paragraph (2)(*b*), (*c*), (*d*) or (*e*), as the case may be, is entitled to receive on the beneficiary's behalf; or

(c) he is entitled to receive by virtue of regulation 35 (payment to a partner as alternative payee),

the Department may require that person to accept payment of all monies then due in respect of such benefits, payment of which may be obtained by means of that instrument.".

(3) In regulation 21 (direct credit transfer)—

(a) in paragraph (1) the words "to which this regulation applies"; and

(b) paragraph (6),

shall be omitted.

(4) For regulation 29 (payment to a person under age 18) there shall be substituted the following regulation—

"Payments to persons under age 18

29. Where benefit is paid to a person under the age of 18 (whether on his own behalf or on behalf of another) the receipt of that person shall be a sufficient discharge to the Department.".

(5) In regulation 37(1) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)—

(a) after sub-paragraph (*a*) there shall be inserted the following sub-paragraph—

"(aa) in relation to any such sum which is payable by means of an instrument for benefit payment, on the first date when payment of that benefit could be obtained by that means;"; and

(b) in sub-paragraph (*c*) for "neither sub-paragraph (*a*) nor sub-paragraph (*b*) applies" there shall be substituted "none of sub-paragraphs (*a*), (*aa*) or (*b*) apply".

(6) In Schedule 7 (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases), in paragraph 1 after "instrument of payment" there shall be inserted "or an instrument for benefit payment".