1994 No. 456

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1994

Made . . . . . *22nd November 1994*

Coming into operation . . *13th April 1995*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 5(1)(*a*), (*c*), (*f*), (*i*) and (*j*) of the Social Security Administration (Northern Ireland) Act 1992(**a**) and Article 14 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(**b**) 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) (Amendment No. 2) Regulations (Northern Ireland) 1994 and shall come into operation on 13th April 1995.

(2) The Interpretation Act (Northern Ireland) 1954(**c**) 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(**d**) shall be amended in accordance with paragraphs (2) to (17).

(2) In regulation 3 (claims not required for entitlement to benefit in certain cases) paragraph (*f*) shall be omitted.

(3) In regulation 10 (claim for sickness benefit etc. where no entitlement to statutory sick pay or statutory maternity pay) for the words preceding "or severe disablement allowance" there shall be substituted—

"*Claim for incapacity benefit or severe disablement allowance where no entitlement to statutory sick pay or statutory maternity pay*

10.—(1) Paragraph (2) applies to a claim for incapacity benefit".

(4) In regulation 11 (special provisions where it is certified that a woman is expected to be confined or where she has been confined) for "sickness or

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(**a**) 1992 c. 8
(**b**) S.I. 1994/1898 (N.I. 12)
(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 Nos. 67 and 141, S.R. 1989 Nos. 40 and 373, S.R. 1990 No. 398, S.R. 1992 No. 271 and S.R. 1993 No. 375

invalidity benefit'' in both places where those words occur there shall be substituted ''incapacity benefit''.

(5) Regulation 12 (self-certified claims for first 7 days of incapacity for work) shall be omitted.

(6) In regulation 15(5) (advance notice of retirement and claim for and award of pension) for ''sickness, invalidity'' there shall be substituted ''incapacity benefit''.

(7) In regulation 16(4) (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate) for ''sickness benefit, invalidity benefit'' there shall be substituted ''incapacity benefit''.

(8) In regulation 18(2) (duration of disallowance) the words ''a ''continuation claim'' for sickness benefit, invalidity benefit or severe disablement allowance has the same meaning as in paragraph 2(*c*) of Schedule 4 and'' shall be omitted.

(9) In regulation 21(6) (direct credit transfer) for ''sickness benefit, invalidity benefit'' there shall be substituted ''incapacity benefit''.

(10) For regulation 24 (unemployment benefit, sickness or invalidity benefit, severe disablement allowance and maternity allowance) there shall be substituted the following regulation—

''Unemployment benefit, incapacity benefit, severe disablement allowance and maternity allowance

24.—(1) Subject to regulation 21 and paragraphs (2) and (3), unemployment benefit, incapacity benefit and severe disablement allowance shall be paid fortnightly in arrears unless, in any particular case, the Department arranges otherwise.

(2) Subject to regulation 21 and paragraph (3), incapacity benefit and severe disablement allowance shall be paid weekly in arrears where—

(*a*) immediately before 13th April 1995 a person was entitled to sickness benefit, invalidity benefit or severe disablement allowance and—

(i) in the case of severe disablement allowance, there has been no break in the entitlement to that benefit on or after that date;

(ii) in the case of sickness benefit and invalidity benefit, there has been no break in the entitlement to incapacity benefit on or after that date;

(*b*) a claim for incapacity benefit or severe disablement allowance is made on or after 13th April 1995 and immediately before the date of that claim income support on the grounds of incapacity for work was being paid weekly.

(3) If the weekly amount of incapacity benefit or severe disablement allowance is less than £1 it may be paid in arrears at intervals of 4 weeks.

(4) Maternity allowance shall be paid on Friday in the week for which it is payable unless in any particular case the Department arranges otherwise.''.

(11) For the Table in Part I of Schedule 1 (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative) there shall be substituted the Table set out in Schedule 1 to these regulations.

(12) In Schedule 3 (duration of disallowance)—

(*a*) for "Sickness benefit or unemployment benefit" in column (1) there shall be substituted "Unemployment benefit"; and

(*b*) "Invalidity benefit" and "Severe disablement allowance" in column (1) and the respective entries opposite those words in column (2) shall be omitted.

(13) In Schedule 4 (prescribed times for claiming benefit) for paragraph 2 there shall be substituted the following paragraph—

"2. Incapacity benefit or severe disablement allowance.	The day in respect of which the claim is made and the period of one month immediately following it.".

(14) In Schedule 5 (miscellaneous provisions which vary the prescribed times under Schedule 4) in paragraph 2 (sickness benefit etc. claimed by hospital in-patients) for the words preceding "or severe disablement allowance" there shall be substituted—

"*Incapacity benefit or severe disablement allowance claimed by hospital in-patients*

2.—(1) Where it is being determined whether the provisons of regulation 19(2) (good cause) have been satisfied by a person who is, or has been, an in-patient in a hospital and who makes a claim for incapacity benefit".

(15) In Schedule 7 (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases)—

(*a*) in paragraph 2(*b*) (time of payment) for "sickness or invalidity benefit" there shall be substituted "incapacity benefit";

(*b*) in paragraph 3—

(i) in sub-paragraph (1) after "Subject to" there shall be inserted "sub-paragraph (1A) and to"; and

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

"(1A) Subject to sub-paragraph (2), where income support is payable to a person on the grounds of incapacity for work, that entitlement commenced on or after 13th April 1995, and no relevant social security benefit is payable to that person, the income support shall be paid fortnightly in arrears."; and

(*c*) in paragraph 4 in the definition of "relevant social security benefit" for "sickness benefit, invalidity benefit" there shall be substituted "incapacity benefit".