1994 No. 345

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . 6th September 1994

Coming into operation . . 3rd October 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 5(1)(*a*), (*c*), (*g*), (*j*), (*n*), (*p*) and (*q*) of the Social Security Administration (Northern Ireland) Act 1992(**a**) 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) Regulations (Northern Ireland) 1994 and shall come into operation on 3rd October 1994.

(2) The Interpretation Act (Northern Ireland) 1954(**b**) 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(**c**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 6(9) (date of claim) for "In paragraph (8)" there shall be substituted "In paragraphs (8) and (8A)".

(3) In regulation 13 (advance claims and awards)—

(*a*) in paragraph (3) for "Subject to paragraph (4), this regulation does not" there shall be substituted "Subject to paragraph (4), paragraphs (1) and (2) do not"; and

(*b*) after paragraph (5) there shall be added the following paragraph—

"(6) Where a person claims family credit or disability working allowance but does not satisfy the requirements for entitlement to that benefit on the date on which the claim is made, and the adjudicating authority is of the opinion that he will satisfy those requirements for a

(**a**) 1992 c. 8
(**b**) 1954 c. 33 (N.I.)
(**c**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 67, S.R. 1990 No. 398, S.R. 1991 No. 488, S.R. 1992 Nos. 7 and 83 and S.R. 1993 No. 375

period beginning on a day not more than 3 days after the date on which the claim is made, the adjudicating authority may treat the claim as if made for a period beginning with that day, and award benefit accordingly.''.

(4) In regulation 21(1) (direct credit transfer) after ''spouse'' in both places where it occurs there shall be inserted ''or partner''.

(5) In regulation 30(6B) (payments on death)—

(*a*) in sub-paragraph (*b*) the words ''and the Department has appointed him'' shall be omitted; and

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

''(*ba*) that that person has been appointed by the Department to make the claim;''.

(6) After regulation 36A (suspension in identical cases) there shall be inserted the following regulations—

''*Withholding of benefit in prescribed circumstances*

36AA.—(1) Where a person who is in receipt of benefit fails to comply with the provisions of regulation 32(1) (information to be given when obtaining payment of benefit), in so far as they relate to documents, information or facts required by the Department, that benefit may be withheld, in whole or in part, from a date not earlier than 28 days after the date on which the requirement is imposed.

(2) Where the Department is satisfied that the last known address of a person who is in receipt of benefit is not the address at which that person is residing or that a serious doubt exists as to whether that person is residing at that address, that benefit may be withheld from the date on which the Department is so satisfied or such later date as it may determine.

(3) Where it appears to the Department that a person who is claiming income support is, under the provisions of regulation 8 (attendance in person), required to attend a social secutity office in person, but that person has failed to do so, benefit may be withheld from a date not earlier than the date following that on which that person last attended a social security office under the provisions of regulation 8.

(4) Where a person—

(*a*) claims any benefit, and entitlement to that benefit depends on his being incapable of work during the period to which his claim relates; or

(*b*) claims income support, but is not required to be available for employment by virtue of paragraph 5 of Schedule 1 to the Income Support (General) Regulations (Northern Ireland) 1987(**a**) (persons not required to be available for work),

(**a**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1994 No. 77