1993 No. 375

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1993

Made . . . . . 1st September 1993

Coming into operation in accordance with regulation 1(1)

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(*a*), (*b*), (*g*), (*j*), (*n*), (*o*) and (*q*), 6(*b*) and 13A 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 No. 3) Regulations (Northern Ireland) 1993 and shall come into operation as follows—

(*a*) for the purposes of regulations 1 to 3(2), 3(4) and 3(7) to 3(12) on 27th September 1993;

(*b*) for the purposes of regulation 3(6) on 25th October 1993; and

(*c*) for the purposes of regulations 3(3), 3(5) and 4 on 15th November 1993.

(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 (Northern Ireland) 1977

2. In regulation 25(3) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(**c**) (obligations of employers) for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs—

> "(*a*) keep readily accessible a means (whether in a book or by electronic means), in a form approved by the Department, by which a person employed by the employer or some other person acting on his behalf may record the appropriate particulars (as defined in regulation 24) of any accident causing personal injury to that person; and

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(**a**) 1992 c. 8; section 13A was inserted by paragraph 1 of the Schedule to the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I. 1992/1309 (N.I. 9))

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

(**c**) S.R. 1977 No. 351, to which there are amendments not relevant to these regulations

(*b*) preserve every such record for the period of at least 3 years from the date of its entry.''.

Amendment of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987

3.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**a**) shall be amended in accordance with paragraphs (2) to (12).

(2) In regulation 6 (date of claim)—

(*a*) in paragraph (8) at the beginning there shall be inserted ''Subject to paragraph (8A),''; and

(*b*) after paragraph (8) there shall be inserted the following paragraph—

''(8A) Where, in a case which would otherwise fall within paragraph (8), it is not possible to determine the date when the request for a claim form was received in an appropriate office because of a failure to record that date, the claim shall be treated as having been made on the date 6 weeks before the date on which the properly completed claim form is received in an appropriate office.''.

(3) In regulation 17 (duration of awards)—

(*a*) paragraphs (2) and (3) shall be omitted; and

(*b*) in paragraph (6) for ''paragraphs (2) and (4)'' there shall be substituted ''paragraph (4)''.

(4) In regulation 19(3)(*a*) (time for claiming benefit) for ''to one month'' there shall be substituted ''and if the time prescribed in relation to that benefit in column (2) of that Schedule is less than one month, by such period as may be specified in the certificate, but not so as to extend the prescribed time for claiming to more than one month''.

(5) In regulation 21 (direct credit transfer) for paragraph (6) there shall be substituted the following paragraph—

''(6) This regulation applies to the payment of retirement pension, widow's pension, widowed mother's allowance, child benefit, disability living allowance, disability working allowance, family credit, unemployment benefit, income support, sickness benefit, invalidity benefit, severe disablement allowance and any increase of those benefits payable in respect of a child or adult dependant.''.

(6) In regulation 27 (family credit and disability working allowance)—

(*a*) in paragraph (1) after ''Subject to regulation 21'' there shall be inserted ''and paragraph (1A)''; and

(*b*) after paragraph (1) there shall be inserted the following paragraph—

''(1A) Subject to paragraph (2), where an amount of family credit or disability working allowance becomes payable which is at a weekly rate of not more than £4·00, that amount shall, if the Department so directs, be

(**a**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 67, S.R. 1989 Nos. 40 and 398, S.R. 1990 No. 398, S.R. 1991 No. 488, S.R. 1992 Nos. 7, 83 and 271 and S.R. 1993 Nos. 149 and 217

payable as soon as practicable by means of a single payment; except that if that amount represents an increase in the amount of either of those benefits which has previously been paid in respect of the same period, this paragraph shall apply only if that previous payment was made by means of a single payment.''.

(7) In regulation 30 (payments on death)—

(*a*) in paragraphs (6) and (6B) at the beginning there shall be inserted ''Subject to paragraph (6C),''; and

(*b*) after paragraph (6B) there shall be inserted the following paragraphs—

''(6C) Subject to paragraph (6D), where the Department certifies that to do so would be consistent with the proper administration of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) the period specified in paragraphs (6)(*a*) and (*c*) and (6B)(*b*) and (*c*) shall be extended by such period, not exceeding 6 months, as may be specified in the certificate.

(6D)(*a*) Where a certificate is given under paragraph (6C) extending the period specified in paragraph (6)(*a*) or (6B)(*b*), the period specified in paragraph (6)(*c*) or (6B)(*c*) shall be shortened by a period corresponding to the period specified in the certificate;

(*b*) no certificate shall be given under paragraph (6C) which would enable a claim to be made more than 12 months after the date of death (in a case falling within paragraph (6)) or the date of a death certificate being issued in respect of the person who has died (in a case falling within paragraph (6B)); and

(*c*) in the application of sub-paragraph (*b*) any period between the date when an application for a person to be appointed to make a claim is made and the date when that appointment is made shall be disregarded.''.

(8) In regulation 36 (suspension in individual cases)—

(*a*) in paragraphs (2), (3) and (4) for ''on or before the relevant date'' there shall be substituted ''within the relevant period''; and

(*b*) for paragraph (5) there shall be substituted the following paragraph—

''(5) For the purposes of this regulation—

(*a*) ''relevant period'' means—

(i) where the appeal in question would fall to be determined by a Social Security Commissioner, the period of one month, and

(ii) in any other case, the period of 3 months,

beginning with the date on which notice in writing of the

(**a**) 1992 c. 7