# 1993 No. 175

## SOCIAL SECURITY

## The Social Security (Payments on account, Overpayments and Recovery) (Amendment) Regulations (Northern Ireland) 1993

*Made . . . . . 2nd April 1993*

*Coming into operation in accordance with regulation 1(1) and (2)*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(*s*), 69(7) and 72(1) 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 (Payments on account, Overpayments and Recovery) (Amendment) Regulations (Northern Ireland) 1993 and shall, except in the case to which paragraph (2) applies, come into operation on 5th April 1993.

(2) Regulation 2(5)(*a*), in so far as it relates to regulation 7(1)(*b*) of the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(**b**), and regulation 2(5)(*c*) shall come into operation on 19th April 1993 immediately after the coming into operation of the Income Support (General) (Amendment No. 2) Regulations (Northern Ireland) 1993(**c**).

(3) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

*Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations*

**2.**—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) after the definition of "the Act" there shall be inserted the following definition—

" "the Administration Act" means the Social Security Administration (Northern Ireland) Act 1992;".

---

(**a**) 1992 c. 8
(**b**) S.R. 1988 No. 142; relevant amending regulations are S.R. 1992 No. 6
(**c**) S.R. 1993 No. 167
(**d**) 1954 c. 33 (N.I.)

(3) In regulation 2 (making of interim payments) after paragraph (3) there shall be added the following paragraph—

"(4) Where an interim payment of income support is made because a payment to which the recipient is entitled by way of child support maintenance under the Child Support (Northern Ireland) Order 1991(**a**), or periodical payments under a maintenance agreement within the meaning of Article 11(1) of that Order or under a maintenance order within the meaning of section 102(10) of the Administration Act, has not been made, the requirement in paragraph (2) to give notice shall be omitted.".

(4) In regulation 4 (recovery of overpaid interim payments)—

(*a*) in paragraph (1) for "that notice has been given as required by regulation 2(2)" there shall be substituted "where notice is required to be given under regulation 2(2), such notice has been given";

(*b*) in paragraph (3)—

(i) in sub-paragraph (*b*) for "payment was made." there shall be substituted "payment was made; or", and

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

"(*c*) an interim payment of income support has been made under regulation 2(1)(*b*) in the circumstances mentioned in regulation 2(4).".

(5) In regulation 7 (duplication and prescribed income)—

(*a*) for paragraph (1) there shall be substituted the following paragraph—

"(1) For the purposes of section 72(1) of the Administration Act (income support and other payments), a person's prescribed income is—

(*a*) income required to be taken into account in accordance with Part V of the Income Support Regulations, except for the income specified in sub-paragraph (*b*); and

(*b*) income which, if it were actually paid, would be required to be taken into account in accordance with Chapter VIIA(**b**) of Part V of the Income Support Regulations (child support maintenance); but only in so far as it relates to the period beginning with the effective date of the maintenance assessment under which it is payable, as determined in accordance with regulation 29 of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(**c**), and ending with the first day which is a day specified by the Department under regulation 4(1) of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(**d**) as being a day on

(**a**) S.I. 1991/2628 (N.I. 23)
(**b**) Chapter VIIA was inserted by regulation 3 of S.R. 1993 No. 167
(**c**) S.R. 1992 No. 340
(**d**) S.R. 1992 No. 390