1989 No. 398

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1989

Made	*6th October 1989*
Coming into operation . .	*9th October 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 52(1) of the Social Security (Northern Ireland) Order 1986(**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. 2) Regulations (Northern Ireland) 1989 and shall come into operation for the purposes of regulation 5, in relation to a particular beneficiary, at the beginning of the first benefit week to commence for that beneficiary on or after 9th October 1989 and for all other purposes on 9th October 1989.

(2) In these regulations "the principal regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**b**).

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) in the expression "claim for benefit" sub-paragraph (*b*) shall be omitted.

Amendment of regulation 6 of the principal regulations

3.—(1) Regulation 6 of the principal regulations (date of claim) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) for "Subject to paragraphs (3) and (4)" there shall be substituted "Subject to paragraphs (3), (4) and (5)".

(3) After paragraph (4) there shall be added the following paragraph—

"(5) Where a person submits a claim for attendance allowance by post and the arrival of that claim at an appropriate office is delayed by postal disruption caused by industrial action, whether within the postal service or elsewhere, the claim shall be treated as received on the day on which it would have been received if it had been delivered in the ordinary course of post.".

(**a**) S.I. 1986/1888 (N.I. 18)
(**b**) S.R. 1987 No. 465, relevant amending regulations are S.R. 1988 Nos. 67, 141 and 369 and S.R. 1989 No. 40

Amendment of regulation 19 of the principal regulations

4. In regulation 19(3) of the principal regulations (time for claiming benefit) for "the prescribed time shall be extended to one month" there shall be substituted "the prescribed time shall be extended—

(*a*) except in a case to which sub-paragraph (*b*) applies, to one month; and

(*b*) where the benefit claimed is family credit and there has been a previous award of that benefit, to one month from the day following the 14th day after the last day of that award.".

Insertion of regulation 34B into the principal regulations

5. After regulation 34A of the principal regulations(**a**) (deductions from benefits and direct payment to third parties) there shall be inserted the following regulation—

"*Transitional provisions for persons in hostels or certain residential accommodation*

34B.—(1) In this regulation—

"the 1987 Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**b**);

"benefit week" has the same meaning as it has in paragraph 4 of Schedule 7;

"specified benefit" has the same meaning as it has in paragraph 1 of Schedule 8A; and

"Schedule 3B" means Schedule 3B to the 1987 Regulations(**c**).

(2) Expressions used in this regulation and in Schedule 3B have the same meaning in this regulation as they have in that Schedule.

(3) Where—

(*a*) immediately before the coming into operation of Schedule 3B a beneficiary was in, or temporarily absent from, a hostel and a payment in respect of his accommodation charges was, or would but for that absence have been, made for the first week to a third party under—

(i) paragraph 4 of Schedule 8A (miscellaneous accommodation costs); or

(ii) regulation 34 (payment to another person on the beneficiary's behalf);

(*b*) the beneficiary is entitled to eligible housing benefit for the period mentioned in sub-paragraph (*b*) of the expression "eligible housing benefit" in paragraph 1(1) of Schedule 3B; and

---

(**a**) Regulation 34A was inserted by S.R. 1988 No. 67 and amended by S.R. 1988 Nos. 141 and 369

(**b**) S.R. 1987 No. 459, relevant amending regulations are S.R. 1988 No. 318 and S.R. 1989 Nos. 139 and 395

(**c**) Schedule 3B was inserted by S.R. 1989 No. 139 and amended by S.R. 1989 No. 395

(*c*) the beneficiary continues to reside in the same hostel,

the adjudicating authority shall in a case to which paragraph (6) applies determine that an amount of specified benefit shall, subject to paragraphs (8) and (9), be paid to that third party.

(4) Subject to paragraph (5) where a beneficiary is in, or is temporarily absent from, accommodation which—

(*a*) was a hostel before the March benefit week; and

(*b*) in the second week is residential accommodation within the meaning of regulation 21 of the 1987 Regulations(**a**),

paragraph (3) shall apply as if sub-paragraph (*b*) of that paragraph was omitted and as if the reference to paragraph (6) in that paragraph was a reference to paragraph (7).

(5) An amount of specified benefit shall not be paid to a third party under paragraph (3), as applied by paragraph (4), where the beneficiary—

(*a*) is in residential accommodation in the benefit week which commences in the period of 7 consecutive days beginning on 9th October 1989; but

(*b*) is a person to whom a protected sum is not applicable in accordance with paragraph 3(3) of Schedule 3B.

(6) This paragraph applies in a case where—

(*a*) the amount of the eligible housing benefit referred to in paragraph (3)(*b*) is less than—

(*b*) the amount of the direct payment under paragraph 4 of Schedule 8A or the payment under regulation 34 in respect of the first week or the amount which would have been payable but for the temporary absence of the beneficiary in the first week,

and where this paragraph applies the amount of the specified benefit determined in accordance with paragraph (3) shall be the difference between the amounts specified in sub-paragraphs (*a*) and (*b*).

(7) This paragraph applies where the applicable amount which was appropriate to the beneficiary by way of personal expenses in the first week is less than the total applicable amount appropriate to the beneficiary in the second week; and where this paragraph applies the amount of the specified benefit determined in accordance with paragraph (3) as applied by paragraph (4) shall be the difference between those two amounts.

(8) Where immediately before the coming into operation of Schedule 3B a beneficiary was temporarily absent from a hostel and the charge levied on him during that period of absence was less than the full charge for the accommodation, an amount of specified benefit shall not be paid to the third party in respect of the period for which less than the full charge was levied but shall be paid when the full charge is levied.

(9) Where the award made to a beneficiary of any specified benefit is less than the total amount otherwise authorised to be paid under this

---

(**a**) Regulation 21 was amended by S.R. 1988 No. 318 and S.R. 1989 No. 139