1989 No. 40

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1989

Made . . . . . 14th February 1989

Coming into operation—

For the purposes of regulations 2, 6(4)(a) and 7 . . . . 10th April 1989

For all other purposes . . 27th February 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 104(5)(*b*) and 154A(1) of the Social Security (Northern Ireland) Act 1975(**a**) and Article 52(1) of the Social Security (Northern Ireland) Order 1986(**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) Regulations (Northern Ireland) 1989 and shall come into operation for the purposes of regulations 2, 6(4)(*a*) and 7 on 10th April 1989 and for all other purposes on 27th February 1989.

(2) In these regulations "the principal regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**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 regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (claims not required for entitlement to benefit in certain cases) after paragraph (*d*) there shall be added the following paragraph—

"(*e*) in the case of retirement allowance(**e**).".

(a) 1975 c. 15; section 104(5) was inserted by Article 53 of, and paragraph 9 of Schedule 5 to, the Social Security (Northern Ireland) Order 1986. Section 154A was inserted by Article 17 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and substituted by paragraph 56 of Schedule 9 to the Social Security (Northern Ireland) Order 1986

(b) S.I. 1986/1888 (N.I. 18)

(c) S.R. 1987 No. 465; the relevant amending regulations are S.R. 1988 Nos. 67 and 141

(d) 1954 c. 33 (N.I.)

(e) *See* section 59B of the Social Security (Northern Ireland) Act 1975 (c. 15) which was inserted by Article 4(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)) and comes into operation on 10th April 1989 by virtue of Article 2(*a*) of the Social Security (1988 Order) (Commencement No. 3) Order (Northern Ireland) 1988 (S.R. 1988 No. 380 (C. 12))

Amendment of regulation 9 of the principal regulations

3. In regulation 9(3) of the principal regulations (interchange with claims for other benefits) for "of" in the third place where it occurs there shall be substituted "in".

Amendment of regulation 26 of the principal regulations

4. In regulation 26 of the principal regulations (income support)—

(*a*) in paragraph (2)—

(i) after "increased" there shall be inserted "or reduced",

(ii) after "increase" in the first place where it occurs there shall be inserted "or reduction", and

(iii) after "increase" in the second place where it occurs there shall be inserted "or disregard the reduction";

(*b*) for paragraph (3) there shall be substituted the following paragraph—

"(3) Where income support is payable to a beneficiary by means of a book of serial orders and a payment to a third party under Schedule 8A is increased on review so that the amount of income support payable to the beneficiary is reduced by an amount which with any previous reduction is less than 50 pence per week, the Department may make the payment to the third party and disregard the reduction in respect of the beneficiary for the period to which the book relates.";

(*c*) in paragraph (4) for "is paid" there shall be substituted "may be paid".

Amendment of Schedule 7 to the principal regulations

5.—(1) Schedule 7 to the principal regulations (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases) shall be amended in accordance with paragraphs (2) and (3).

(2) After paragraph 2 (time of payment) there shall be inserted the following paragraph—

"2A.—(1) For the purposes of this paragraph—

(*a*) "public holiday" means, as the case may be, Christmas Day or a Bank Holiday under the Banking and Financial Dealings Act 1971(**a**); and

(*b*) "office closure" means a period during which a social security office is closed in connection with a public holiday.

(2) Where income support is normally paid in arrears and the day on which the benefit is payable by reason of paragraph 3 is affected by office closure it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such day as the Department may direct.

(**a**) 1971 c. 80