1988 No. 369

SOCIAL SECURITY

The Social Security (Common Provisions) (Miscellaneous Amendments) Regulations (Northern Ireland) 1988

Made . . . . . 14th October 1988

Coming into operation . . 7th November 1988

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 100(2), 104(5)(*b*) and 114(2) of the Social Security (Northern Ireland) Act 1975(**a**) and Articles 52(1) and 54 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 (Common Provisions) (Miscellaneous Amendments) Regulations (Northern Ireland) 1988 and shall come into operation on 7th November 1988.

(2) In these regulations—

"the Adjudication Regulations" means the Social Security (Adjudication) Regulations (Northern Ireland) 1987(**c**);

"the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**d**); and

"the Payments on account, Overpayments and Recovery Regulations" means the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(**e**).

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

Amendment of the Adjudication Regulations

2.—(1) The Adjudication Regulations shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 53(*d*) (definition of "medical question") for "for locomotion," there shall be substituted "for locomotion; or".

(3) After paragraph (*d*) of regulation 53 there shall be added the following paragraph—

(a) 1975 c. 15; section 100(2) was amended by Article 53 of, and paragraph 5(*b*) of Schedule 5 to, the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)). Section 104(5)(*b*) was inserted by Article 53 of, and paragraph 9(*d*) of Schedule 5 to, that Order

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

(c) S.R. 1987 No. 82; the relevant amending regulations are S.R. 1987 No. 466

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

(e) S.R. 1988 No. 142

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

"(*e*) which would have been a question under paragraphs (*a*), (*b*) and (*d*) on the day before he attained the age of 65, in the case of a person who is over the age of 65 but under the age of 66 at the date on which the claim is received or treated as received,".

(4) In regulation 54 (date for the determination of medical questions) after "any medical question" there shall be inserted "except a question under regulation 53(*e*)".

(5) In regulation 63(6)(*c*) (notification of decisions in income support cases) for "Article 24(8)" there shall be substituted "Article 24A"(**a**).

(6) In regulation 65(3)(*b*) (review of decisions involving payment or increase of benefit other than industrial injuries benefit, mobility allowance, income support or family credit) for "section 79(3)(*d*) of the 1975 Act" there shall be substituted "Article 52(1)(*f*) of the 1986 Order".

(7) In regulation 71 (review in social fund maternity and funeral expenses cases) after "maternity or funeral expenses" there shall be inserted "or expenses for heating, which appear to the Department to have been or to be likely to be incurred in cold weather,".

Amendment of the Claims and Payments Regulations

3.—(1) The Claims and Payments Regulations shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(*a*) in the definition of "benefit" for "in Article 33(2)(*a*) of the Order" there shall be substituted "in Article 33(2)(*a*) and (2A) of the Order"(**b**);

(*b*) after the definition of "partner" there shall be inserted the following definition—

" "period of cold weather" has the meaning assigned to it in regulation 1(2) of the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988;"(**c**).

(3) In regulation 6(3) (date of claim) after "maternity or funeral expenses" there shall be inserted "or expenses for heating, which appear to the Department to have been or to be likely to be incurred in cold weather".

(4) After regulation 15 there shall be inserted the following regulation—

"*Cold weather payments*

15A.—(1) Where a person claims a social fund payment to meet expenses for heating in respect of a period of cold weather and an award is made in respect of that claim then, in any other subsequent period of cold weather occurring between the end of that period and 30th April immediately following, the adjudicating authority may—

(*a*) treat the claim also as if made for that subsequent period; and

(*b*) award a social fund payment accordingly, subject to the condition

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(**a**) Article 24A was inserted by paragraph 18 of Schedule 4 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2))

(**b**) Article 33(2A) was inserted by paragraph 1 of Schedule 3 to the Social Security (Northern Ireland) Order 1988

(**c**) S.R. 1988 No. 368