1988 No. 141

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1988

Made	*8th April 1988*
Coming into operation . .	*11th April 1988*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 52(1) and 84(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) 1988 and shall come into operation on 11th April 1988.

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

Amendment of regulation 6 of the principal regulations

2. In regulation 6 of the principal regulations (date of claim)—

(*a*) in paragraph (1) for "Subject to paragraph (2)" there shall be substituted "Subject to paragraphs (3) and (4)";

(*b*) paragraph (2) shall be omitted;

(*c*) at the end there shall be added the following paragraphs—

"(3) In the case of a claim for income support, family credit or a social fund payment for maternity or funeral expenses, where the time for claiming is extended under regulation 19 the claim shall be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of that regulation, timeously made.

(4) Paragraph (3) shall not apply where the time for claiming income support or family credit has been extended under regulation 19 and the failure to claim within the prescribed time for the purposes of that regulation is for the reason only that the claim has been sent by post.".

Amendment of regulation 16 of the principal regulations

3. In regulation 16 of the principal regulations (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate)—

(**a**) S.I. 1986/1888 (N.I. 18)
(**b**) S.R. 1987 No. 465; the relevant amending regulations are S.R. 1988 No. 67

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

"(1A) Where a claim for family credit is made in accordance with paragraph 7(*a*) of Schedule 4 for a period following the expiration of an existing award of family credit, entitlement shall begin on the day after the expiration of that award.

(1B) Where a claim for family credit is made on or after the date on which an up-rating order is made under Article 64(1) of the Order, but before the date on which that up-rating order comes into operation, and—

(*a*) an award cannot be made on that claim as at the date it is made but could have been made if that up-rating order were then in operation; and

(*b*) the period beginning with the date of claim and ending immediately before the date on which the up-rating order comes into operation does not exceed 28 days,

entitlement shall begin from the date on which the up-rating order comes into operation.";

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

"(3) For the purposes of this regulation the first day of the benefit week—

(*a*) in the case of child benefit is Monday;

(*b*) in the case of family credit is Tuesday; and

(*c*) in any other case is the day of the week on which the benefit is payable in accordance with regulation 22 (long-term benefits).";

(*c*) in paragraph (4) the words "attendance allowance" and "and family credit" shall be omitted.

Amendment of regulation 17 of the principal regulations

4. In regulation 17 of the principal regulations (duration of awards), after paragraph (1) there shall be inserted the following paragraph—

"(1A) Where an award of income support is made in respect of a married or unmarried couple and one member of the couple is, at the date of claim, a person to whom Article 24 of the Order applies, the award of income support shall cease when the person to whom Article 24 applies returns to work with the same employer.".

Amendment of regulation 19 of the principal regulations

5. In regulation 19 of the principal regulations (time for claiming benefit)—

(*a*) in paragraph (2) for "paragraphs (4) and (5)" there shall be substituted "paragraph (4)";

(*b*) paragraph (5) shall be omitted.

Amendment of regulation 26 of the principal regulations

6. In regulation 26(4) of the principal regulations, for "Article 24(8)" there shall be substituted "Article 24A(**a**)".

Amendment of regulation 34A of the principal regulations

7. In regulation 34A of the principal regulations (deductions from benefits and direct payment to third parties)—

(*a*) the existing provision shall be numbered as paragraph (1);

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

"(2) Where a social fund payment for maternity or funeral expenses is made, wholly or in part, in respect of a debt which is, or will be, due to a third person, the instrument of payment may be, and in the case of funeral expenses shall be, made payable to that person and it may, in any case, be delivered or sent to that person as a direct payment.".

Amendment of Schedule 1 to the principal regulations

8. In Schedule 1 to the principal regulations (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative), in column (2) after "A retirement pension of any other category" there shall be added "or graduated retirement benefit(**b**)".

Amendment of Schedule 4 to the principal regulations

9. In Schedule 4 to the principal regulations (prescribed times for claiming benefit), in paragraph 10 after "benefit under" there shall be inserted "section 60 of the Act(**c**) on the grounds of special hardship or".

Amendment of Schedule 7 to the principal regulations

10. In 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)—

(*a*) in paragraph 2(*d*) for "Article 24(8)" there shall be substituted "Article 24A" and for ''paragraph'' there shall be substituted ''Article'';

(*b*) in paragraph 4—

(i) for "In paragraph 3" there shall be substituted "In this Schedule";

(ii) after the definition of "benefit week" there shall be inserted the following definition—

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

(*c*) in paragraph 6—

(**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**) Graduated retirement benefit was paid under sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966 (c. 6 (N.I.)) which were repealed by the Social Security Act 1973 (c. 38) but are continued in force by regulation 2 of S.R. 1978 No. 105 in the modified form set out in Schedule 1 to those regulations as amended by Article 6 of S.R. 1987 No. 458

(**c**) Section 60 was repealed by Schedule 10 to the Social Security (Northern Ireland) Order 1986 with effect from 19th November 1986

(**d**) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1988 No. 146