1988 No. 67

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1988

Made	*4th March 1988*
Coming into operation . .	*11th April 1988*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 52(1)(*m*), (*p*) and (*q*) 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) 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 the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) and (3).

(2) After regulation 34 there shall be inserted the following regulation—

"*Deductions from benefits and direct payment to third parties*

34A. Deductions may be made from benefits and direct payments may be made to third parties on behalf of a beneficiary or his partner in accordance with the provisions of Schedule 8A.".

(3) After Schedule 8 (election to have child benefit paid weekly) there shall be inserted as Schedule 8A the Schedule set out in the Schedule to these regulations.

Sealed with the Official Seal of the Department of Health and Social Services on 4th March 1988.

(L.S.) *A. N. Burns*
Assistant Secretary

(a) S.I. 1986/1888 (N.I. 18)
(b) S.R. 1987 No. 465

SCHEDULE Regulation 2(3)

"SCHEDULE 8A Regulation 34A

Deductions from benefits and direct payment to third parties

Interpretation

1. In this Schedule—

"applicable amount" in a case where income support is in payment means the aggregate of the amounts for the family as are determined under regulation 17(*a*) to (*d*) or regulation 18(*a*) to (*e*) of the Income Support Regulations; in any other case it means the total amount of specified benefits, together with any child benefit, but excluding any amount payable in respect of dependants not normally resident with the beneficiary, in payment to either the beneficiary or his partner;

"child" means a person who would be treated as a child under Article 4 of the Child Benefit (Northern Ireland) Order 1975(**a**);

"family" means—

(*a*) a married or unmarried couple;

(*b*) a married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child;

(*c*) a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child; or

(*d*) in the case of a person to whom (*a*), (*b*) or (*c*) does not apply, that person;

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**b**);

"housing costs" means those costs specified in paragraph 1(*a*), (*b*), (*c*) (but only when paid with service charges) and (*d*) of Schedule 3 to the Income Support Regulations;

"income support" means income support under Part III of the Order;

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

"miscellaneous accommodation costs" has the meaning assigned by paragraph 4(1);

"mortgage payment" means a payment attributable to interest on a mortgage which falls to be met under paragraph 7 of Schedule 3 to the Income Support Regulations (interest on loans to acquire an interest in the dwelling occupied as the home); and for the purposes of this Schedule includes interest payable on loans which falls to be met under paragraph 8 of that Schedule (interest on loans for repairs and improvements to the dwelling occupied as the home);

"personal allowance for a single claimant aged not less than 25 years" means the amount specified in column (2) of paragraph 1(1)(*c*) of Schedule 2 to the Income Support Regulations;

(**a**) S.I. 1975/1504 (N.I. 16)
(**b**) S.R. 1987 No. 461
(**c**) S.R. 1987 No. 459

"rent" has the meaning assigned to it in the Housing Benefit Regulations and, for the purposes of this Schedule—

(*a*) where in a particular case a claimant's rent includes elements which would not otherwise fall to be treated as rent, references to rent shall include those elements; and

(*b*) references to "rent" include references to part only of the rent;

"specified benefit" means income support, unemployment benefit, sickness benefit, invalidity benefit, retirement pension, severe disablement allowance, widow's pension or widowed mother's allowance;

"unrebated rent" means the net amount of rent payable (excluding any amount in respect of a service charge for fuel), after deducting any rent rebate or rent allowance, by the beneficiary or his partner to the Northern Ireland Housing Executive or any government department; and

"unrebated rates" means the net amount of rates payable, after deducting any rates rebate, by the beneficiary or his partner to the Department of the Environment.

General

2.—(1) Any specified benefit may be paid direct to a third party in accordance with the provisions of this Schedule in discharge of a liability of the beneficiary or his partner to that third party in respect of—

(*a*) housing costs;

(*b*) miscellaneous accommodation costs;

(*c*) service charges for fuel, and rent not falling within head (*a*);

(*d*) fuel costs; and

(*e*) rates.

(2) A payment to be made to a third party under this Schedule shall be made at such intervals as the Department may direct, on behalf of and in discharge (in whole or in part) of the obligation of the beneficiary or, as the case may be, of his partner, in respect of which the payment is made.

Housing costs

3.—(1) Subject to sub-paragraph (3) and paragraph 8, where a beneficiary who has been awarded income support or his partner is in debt for any item of housing costs which continues to be applicable to the beneficiary under regulation 17(*e*) or regulation 18(*f*) of the Income Support Regulations, the adjudicating authority may, if in its opinion it would be in the interests of the family to do so, determine that an amount of any specified benefit ("the amount deductible") calculated in accordance with sub-paragraphs (2) and (3) shall be paid in accordance with paragraph 2(2).

(2) The amount deductible shall be such weekly aggregate of the following as is appropriate—

(*a*) in respect of any debt to which sub-paragraph (1) applies, or where the debt owed is in respect of an amount which includes more than one item of housing costs, a weekly amount equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 years (that 5 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple) for such period as is necessary to discharge that debt, so however that in aggregate the weekly amount calculated under this head shall not exceed 3 times that 5 per cent.;

(*b*) for each such debt—

(i) in respect of mortgage payments, the weekly amount of the mortgage payment in that case, and

(ii) for any other housing item, the actual weekly cost necessary in respect of continuing need for the relevant item,

and the adjudicating authority may direct that, when the debt is discharged, the amount determined under head (*b*) shall be the amount deductible.

(3) Sub-paragraph (1) shall not apply to any debt which is either—

(*a*) in respect of mortgage payments and the beneficiary or his partner has in the preceding 12 weeks paid sums equal to 8 weeks' mortgage payments due in that period; or

(*b*) for any other item of housing costs and is less than half the annual amount due to be paid by the beneficiary or his partner in respect of that item,

unless, in either case, in the opinion of the adjudicating authority it is in the interests of the family that sub-paragraph (1) should apply.

Miscellaneous accommodation costs

4.—(1) Subject to paragraph 8, where an award of income support includes an amount under Schedule 4 (persons in homes for persons in need or nursing homes) or Schedule 5 (persons in board and lodging accommodation or hostels) or paragraph 13 (persons in residential accommodation) of Schedule 7 to the Income Support Regulations (''miscellaneous accommodation costs'') the adjudicating authority may determine that an amount of any specified benefit shall be paid direct to the person to whom the charges in respect of that accommodation are payable, but, except in a case where the accommodation is a hostel which provides residential accommodation for persons generally or a class of persons and which is managed by a voluntary body or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community, or which provides facilities for alcoholics or drug addicts, only if the adjudicating authority is satsified that the beneficiary has failed to budget for the charges and that it is in the interests of the family.

(2) In relation to miscellaneous accommodation costs the amount of any payment of any specified benefit to a third party determined under sub-paragraph (1) shall be—

(*a*) the amount determined under paragraph 1(1)(*a*) of Schedule 4 to the Income Support Regulations excluding any increase under paragraph 2(2) of that Schedule;

(*b*) the amount determined under paragraph 1(1)(*a*) of Schedule 5 to those regulations excluding any increase under paragraph 2 of that Schedule; or

(*c*) the amount determined under paragraph 13(1) of Schedule 7 to those regulations excluding the amount allowed by that paragraph in respect of personal expenses,

as the case may be.

Service charges for fuel, and rent not falling within paragraph 2(1)(a)

5.—(1) Subject to paragraph 8, this paragraph applies to a beneficiary if—

(*a*) he has been awarded any specified benefit;

(*b*) he, or his partner, has a current liability to the landlord making the application; and