1983 No. 12

SOCIAL SECURITY

The Child Benefit (Interim Payments) Regulations (Northern Ireland) 1983

Made . . . . . *4th February 1983*

Coming into operation . . . *7th March 1983*

The Department of Health and Social Services, in exercise of the powers conferred on it by section 119(3)(*a*) of the Social Security (Northern Ireland) Act 1975(**a**) as applied by Article 10(1) of the Child Benefit (Northern Ireland) Order 1975(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**c**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Benefit (Interim Payments) Regulations (Northern Ireland) 1983 and shall come into operation on 7th March 1983.

(2) In these regulations—

"the Order" means the Child Benefit (Northern Ireland) Order 1975;

"determining authority" means, as the case may require, an insurance officer, a local tribunal, a Social Security Commissioner or a Tribunal of 2 or 3 Social Security Commissioners constituted in accordance with regulation 5(4) of the Child Benefit (Determination of Claims and Questions) Regulations (Northern Ireland) 1976(**d**).

Interim payments by way of child benefit under the Order

2.—(1) Where, under arrangements made by the Department with the consent of the Department of Finance and Personnel(**e**), payment by way of child benefit has been made pending determination of a claim for it without due proof of the fulfilment of the relevant conditions or otherwise than in accordance with the provisions of the Order and the orders and regulations made under it, the payment so made shall, for the purposes of those provisions, but subject to the following provisions of this regulation, be deemed to be a payment of child benefit duly made.

(2) When a claim for child benefit in connection with which a payment has been made under arrangements such as are referred to in paragraph (1) is determined by a determining authority—

(*a*) if that authority decides that nothing was properly payable by way of child benefit in respect of which the payment was made or that the amount properly payable by way of child benefit was less than the amount of the payment, it

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(a) 1975 c. 15
(b) S.I. 1975/1504 (N.I. 16)
(c) 1980 c. 30
(d) S.R. 1976 No. 225 to which there are amendments not relevant to the subject matter of these regulations; *see* also section 12(*a*) of the Social Security Act 1980 (c. 30)
(e) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6), Article 3