1982 No. 284

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982

Made . . . . . *2nd September 1982*

Coming into operation . . . *4th October 1982*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 81 and 137(5) of the Social Security (Northern Ireland) Act 1975(**a**) 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(**b**) 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 Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 4th October 1982.

(2) In these regulations "the principal regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(**c**).

Amendment of regulation 16 of the principal regulations

2. At the beginning of regulation 16(1) of the principal regulations (time and manner of payment of certain pensions and allowances) before "This regulation" there shall be inserted "Except where benefit is payable in accordance with regulation 16A".

Insertion of regulation 16A in the principal regulations

3. After regulation 16 of the principal regulations there shall be inserted the following regulation—

"*Payment of certain benefits by direct credit transfer*

16A.—(1) Subject to the provisions of this regulation, any benefit specified in paragraph (2) may, on the claimant's application and with the consent of the Department, be paid by way of automated or other direct credit transfer into a bank account or other account—

(*a*) in the name of the beneficiary, or his spouse, or a person authorised to receive benefit on behalf of the beneficiary; or

(*b*) in the joint names of the beneficiary and his spouse, or of the beneficiary and a person authorised to receive benefit on his behalf.

(a) 1975 c. 15; section 81 was extended by Article 5(3) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and section 137(5) was amended by Article 4 of, and paragraph 3(*b*) of the Schedule to, the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

(b) 1980 c. 30

(c) S.R. 1977 No. 351, to which there are amendments not relevant to these regulations

(2) The following benefits (including, where appropriate, increases of them) are benefits specified for the purposes of paragraph (1)—

(*a*) retirement pension of any category;

(*b*) widow's benefit (which in this regulation means a widowed mother's allowance under section 25 of the Act, a widow's pension under section 26, and benefit by virtue of section 39(4) corresponding to a widow's pension or a widowed mother's allowance);

(*c*) child's special allowance;

(*d*) attendance allowance;

(*e*) mobility allowance;

(*f*) industrial death benefit except where it is being paid at the rate referred to in section 68(1) of the Act;

(*g*) age addition if payable together with any benefit which is also paid under the provisions of this regulation.

(3) An application for benefit to be paid in accordance with paragraph (1)—

(*a*) shall be in writing on a form approved for the purpose by the Department or in such other manner, being in writing, as it may accept as sufficient in the circumstances; and

(*b*) shall contain a statement or be accompanied by a written statement made by the applicant declaring that he has read and understood the conditions applicable to payment of benefit in accordance with this regulation and in particular that he has understood the effect that paragraph (8) would have in the event of any overpayment of benefit.

(4) Benefit shall be paid in accordance with paragraph (1) within 7 days of the last day of each successive period of entitlement of 4 or 13 weeks as may be provided in the application.

(5) Paragraphs (10) to (12) of regulation 16 shall apply to payment of benefit under this regulation as if the reference in each such paragraph to the appropriate day of the week for payment were a reference to—

(*a*) if the benefit is mobility allowance, Wednesday;

(*b*) if, when the application for payment under this regulation is accepted, benefit is already being paid weekly, the day of the week on which it is being so paid;

(*c*) in any other case, the day of the week specified in paragraphs (5) to (8) of regulation 16 in relation to the benefit in question,

and in each of those paragraphs as so applied the expression "the next such appropriate day" shall be construed accordingly.

(6) In respect of benefit which is the subject of an arrangement for payment under this regulation, the Department may make a particular payment by credit transfer otherwise than is provided by paragraph (4) if it appears to it appropriate to do so for the purpose of—

(*a*) paying any arrears of that benefit; or

(*b*) co-ordinating periodic crediting in respect of different benefits, or in respect of a benefit and an increase thereof; or

(*c*) making a payment in respect of a terminal period of an award, or of the period covered by the arrangement, where that terminal period is one of less than 4 weeks or 13 weeks, whichever is applicable under the arrangement,

or for any similar purpose.