1982 No. 283

SOCIAL SECURITY

The Child Benefit (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, in exercise of the powers conferred on it by Articles 8(5), 10 and 13(2) of the Child Benefit (Northern Ireland) Order 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 Child Benefit (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 Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1976(**c**).

Amendment of the principal regulations

2.—(1) In regulation 6A of the principal regulations (benefit payable four-weekly) for the words after "shall be payable" there shall be substituted—

"either—

(*a*) in a case to which regulation 6AA applies, in accordance with the provisions of that regulation; or

(*b*) in any other case, in the last week of each successive period of four weeks of the period of entitlement.".

(2) Immediately after regulation 6A of the principal regulations there shall be inserted the following regulation—

"*Payment of benefit by direct credit transfer*

6AA.—(1) Subject to the provisions of this regulation, benefit to which regulation 6A applies may, on the application of the person claiming, or entitled to it, and with the consent of the Department, be paid by way of automated or other direct credit transfer into a bank or other account—

(*a*) in the name of the person entitled to benefit, or his spouse, or a person acting on his behalf; or

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(**a**) S.I. 1975/1504 (N.I. 16); Article 8(5) was extended by Article 5(3) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and Article 13(2) was amended by Article 4 of, and paragraph 4 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. 1976 No. 224; the relevant amending regulations are S.R. 1981 No. 398

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

(2) 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 (6) would have in the event of any overpayment of benefit.

(3) Benefit shall be paid in accordance with paragraph (1) within seven days of the last day of each successive period of entitlement of four weeks.

(4) 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 (3) if it appears to it appropriate to do so for the purpose of—

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

(*b*) 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 four weeks; or

for any similar purpose.

(5) The arrangement for benefit to be payable in accordance with this regulation may be terminated—

(*a*) by the person entitled to benefit or a person acting on his behalf by notice in writing delivered or sent to an office of the Department; or

(*b*) by the Department if the arrangement seems to it to be no longer appropriate to the circumstances of the particular case.

(6) In relation to payments of benefit which in pursuance of this regulation have been credited to a bank or other account under an arrangement made with the agreement of the person entitled to benefit, if in respect of that arrangement he made a statement in accordance with paragraph (2)(*b*) that he had read and understood the conditions applicable to payment of benefit in accordance with this regulation, section 119 of the Social Security Act(**a**), as applied to child benefit by Article 10(1) of the Order, shall have effect as if subsection (2) and the words in subsection (2A) from "unless it is shown" to the end of that subsection (repayment of overpaid benefit not required where due care and diligence to avoid overpayment is shown) were omitted.

(7) Where the Department certifies that it appears to it—

(*a*) that an overpayment or any specified part thereof is not materially due to the arrangement for benefit to be payable provided for in this regulation; or

(*b*) that in the particular circumstances of the case it would be inappropriate to apply the provisions of paragraph (6) to an overpayment or any specified part thereof,

the question whether repayment of the overpayment or, as the case may be, the specified part of the overpayment is required shall be determined in accordance with section 119 of the Social Security Act without the application of paragraph (6) of this regulation.".

(a) 1975 c. 15; section 119 was amended by Article 9 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))