1981 No. 398

SOCIAL SECURITY

The Child Benefit (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1981

Made . . . . . *15th December 1981*

Coming into operation . . . *15th January 1982*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 8(5)(*a*) and (*b*) 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) 1981 and shall come into operation on 15th January 1982.

(2) In these regulations "the principal regulations" means the Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1976(**c**).

Substitution of regulation 6 of the principal regulations

2. For regulation 6 of the principal regulations (time and manner of payment of benefit) there shall be substituted the following regulation—

"*Time for payment of benefit before 15th March 1982*

6. Subject to regulation 6E(3), benefit for any week preceding 15th March 1982 shall be payable weekly.".

Insertion of new regulations 6A to 6E in the principal regulations

3. After regulation 6 of the principal regulations there shall be inserted the following regulations—

"*Time for payment of benefit after 15th March 1982*

6A. Subject to regulations 6B, 6C and 6E(3), benefit for any week beginning on or after 15th March 1982 shall be payable in the last week of each successive period of four weeks of the period of entitlement.

Right to elect to continue to receive payment weekly where title to benefit arose before 15th March 1982

6B. A person to whom benefit is payable for an uninterrupted period beginning before and ending after 15th March 1982 may, subject to regulations 6D and 6E, elect that benefit be payable weekly after that date.

(**a**) S.I. 1975/1504 (N.I.16)
(**b**) 1980 c. 30
(**c**) S.R. 1976 No. 224 to which there are amendments not relevant to the subject matter of these regulations

Conditional right to elect to receive payment weekly for persons bringing up children alone, or to or in respect of whom supplementary benefit or family income supplement is payable

6C.— (1) Subject to regulations 6D and 6E, a person entitled to benefit who satisfies any one or more of the conditions set out in paragraph (2) may elect that benefit be payable weekly.

(2) The conditions for such election are that—

(*a*) the person concerned satisfies the conditions specified in regulation 2(2)(*a*), (*b*) and (*c*) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(**a**) (conditions for increase of child benefit for persons living alone), or

(*b*) the person concerned, or his spouse residing with him or the person with whom he is living as husband and wife, is receiving—

(i) a supplementary pension or allowance under the Supplementary Benefits (Northern Ireland) Order 1977(**b**), or

(ii) a family income supplement under the Family Income Supplements Act (Northern Ireland) 1971(**c**).

Information concerning and manner of making elections

6D.—(1) The Department shall take steps to notify—

(*a*) persons to whom regulation 6B applies of their rights under that regulation, and

(*b*) persons to whom benefit is payable of the effect of regulation 6C.

(2) An election for benefit to be payable weekly under regulation 6B or 6C shall be effected by giving notice in writing to the Department delivered or sent to an office of the Department.

(3) An election shall be made when it is received in an office of the Department.

(4) An election under regulation 6B may be made at any time before whichever is the latest of the following—

(*a*) the end of the 26th week from the day on which benefit was payable for the first four weeks in respect of which the Department made arrangements for four-weekly payment to the person entitled in accordance with regulation 6A, or

(*b*) in the case of a person who was absent from Northern Ireland on the 15th March 1982, if he was so absent by reason only of his being—

(i) a serving member of the forces within the meaning of the definition of "serving member of the forces" in regulation 1(2) of the Social Security (Contributions) Regulations 1979(**d**), or

(ii) the spouse of such a member, or

(iii) a person living with such a member as husband and wife,

the end of the 26th week of the period beginning with the first week in respect of which benefit became payable to him in Northern Ireland on his return, or

(*c*) 13th September 1982.

(**a**) S.R. 1976 No. 223; the relevant amending regulation is S.R. 1980 No. 37
(**b**) S.I. 1977/2156 (N.I. 27)
(**c**) 1971 c. 8 (N.I.)
(**d**) S.I. 1979/591 to which there are amendments not relevant to the subject matter of these regulations