1981 No. 187

SOCIAL SECURITY

The Social Security Benefits (Interim Payments) Regulations (Northern Ireland) 1981

Made	*16th June 1981*
Coming into operation . . .	*18th June 1981*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 119(3)(*a*) 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 Benefits (Interim Payments) Regulations (Northern Ireland) 1981 and shall come into operation on 18th June 1981.

(2) In these regulations—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"determining authority" means, as the case may require, an insurance officer, a local tribunal or a Commissioner within the meaning of the Act.

Interim payments by way of benefit under the Act

2.—(1) Where, under arrangements made by the Department with the consent of the Department of Finance payment by way of 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 Act and 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 benefit duly made.

(2) When a claim for 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 the benefit in respect of which the payment was made or that the amount properly payable by way of that benefit was less than the amount of the payment, it may, if appropriate, direct that the whole or part of the overpayment be treated as paid on account of benefit (whether benefit under the Act or the Supplementary Benefits (Northern Ireland) Order 1977(**c**)) which is properly payable, but subject as aforesaid shall require repayment of the overpayment; and

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(**a**) 1975 c. 15

(**b**) 1980 c. 30

(**c**) S.I. 1977/2156 (N.I. 27): provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule