1980 No. 385

SOCIAL SECURITY

The Social Security (General Benefit, Claims and Payments and Mobility Allowance) Regulations (Northern Ireland) 1980

Made . . . . . *30th October 1980*

Coming into operation . . . *24th November 1980*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 37A, 81(1), (2)(*a*) and (4), 82 and 119(3) and (4) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (General Benefit, Claims and Payments and Mobility Allowance) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

(2) In these regulations "the General Benefit Regulations" means the Social Security (General Benefit) (Northern Ireland) Regulations 1975(**b**).

Amendment of the General Benefit Regulations

2.—(1) The following amendments shall be made to regulation 11 of the General Benefit Regulations (exceptions from disqualification for imprisonment, etc.)—

(*a*) in paragraph (1), for the reference to paragraph 2(1) of Schedule 10 (which refers to Schedule 10 to the Social Security Act 1973(**c**)), there shall be substituted a reference to section 82(5)(*b*) of the Social Security (Northern Ireland) Act 1975;

(*b*) in paragraph (6), immediately before sub-paragraph (*a*) there shall be inserted—

"and, as respects sub-paragraph (*aa*), for the purposes also of regulation 12—"

and after sub-paragraph (*a*) there shall be inserted the following sub-paragraph—

'(*aa*) "benefit" means any benefit under the 1975 Act other than a benefit within Chapters IV or V thereof (benefit for industrial injuries or diseases);' and

(*c*) after paragraph (6) there shall be added the following paragraphs—

"(7) Where a person outside Northern Ireland is undergoing imprisonment or detention in legal custody and, in similar circumstances in Northern Ireland, he would have been excepted, by the operation of any of the preceding paragraphs of this regulation, from disqualification under the said provisions (referred to in paragraph (1)) for receiving the benefit claimed, he shall not be disqualified for receiving that benefit by reason only of his said imprisonment or detention.

(**a**) 1975 c. 15; section 37A was inserted by Article 24 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and section 119(4) was amended by Article 3 of, and para. 12 of Sch. 1 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(**b**) S.R. 1975 No. 26 (I, p. 125); the relevant amending regulations are S.R. 1975 No. 280 (II, p. 1352)

(**c**) 1973 c. 38

(8) Paragraph (7) applies to increases of benefit rendered not payable under the said provisions as it applies to disqualification for receiving benefit.''.

(2) In regulation 12(1) of those regulations (suspension of payment of benefit during imprisonment, etc.) for sub-paragraph (*a*) there shall be substituted—

''(*a*) which is excepted from the operation of section 82(5)(*b*) of the 1975 Act by regulation 11(2) or (3), or by either of those paragraphs as applied by regulation 11(7);''.

(3) In regulation 12(2) of those regulations for the reference to the said paragraph 2(1) there shall be substituted a reference to the said section 82(5)(*b*).

(4) In regulation 13(2) of those regulations (suspension of payment of benefits pending hearing of appeal to the Commissioner) for that part of the paragraph that precedes sub-paragraph (*a*) there shall be substituted—

''(2) Subject to paragraph (2B), where notice of an appeal by an insurance officer to the Social Security Commissioner from an award of a local tribunal is given or sent to the claimant within a period of 28 days beginning on the date when the insurance officer was given notice in writing of the local tribunal's decision, payment of the benefit (or that part of the benefit) to which the appeal relates shall, in the case of any of the following benefits, be suspended until the appeal has been determined:''.

(5) After paragraph (2) of the said regulation 13 there shall be inserted the following paragraphs—

''(2A) Where leave is necessary for such an appeal and either—

(*a*) application for leave having been made by an insurance officer to the chairman of the local tribunal, notice of that application is given or sent to the claimant within the 28 day period referred to in paragraph (2), or

(*b*) such an application having been refused and an application for leave to appeal having been made by the insurance officer to the Social Security Commissioner, notice of the latter application is given or sent to the claimant within 6 weeks of the date on which the insurance officer was notified of the refusal of the chairman of the local tribunal to give leave to appeal,

payment of the benefit (or that part of the benefit) to which the application for leave to appeal relates shall, in the case of a benefit referred to in paragraph (2), be suspended until a decision on the application (whether refusing or allowing leave to appeal) is given.

(2B) In a case where leave to appeal is given on an application referred to in paragraph (2A), paragraph (2) shall have effect as if the 28 day period to which it refers began on the date on which notice was given to the insurance officer that leave to appeal had been given.''.

Insertion of new regulation in the General Benefit Regulations

3. In the General Benefit Regulations immediately after regulation 14 there shall be inserted the following regulation—

''*Repayment by a person who has received payment of benefit on behalf of a beneficiary*

14A.—(1) Subsections (1), (2) and (2A) of section 119 of the 1975 Act (effect of adjudication on payment and recovery) are modified in accordance with the following paragraphs of this regulation in relation to payments of benefit under that Act, other than mobility allowance, made not to the beneficiary but to some other person on his behalf.

(2) After the words 'require repayment', where they first occur in each of those subsections, there shall be inserted in each case 'to be made by the beneficiary'.