

2002 No. 254

SOCIAL SECURITY

**The Social Security (Claims and Payments) (Amendment
No. 2) Regulations (Northern Ireland) 2002**

Made - - - - - 25th July 2002

*Coming into operation in accordance with regulation
1(1) and (2)*

The Department for Social Development, in exercise of the powers conferred by Article 40(2) of the Child Support (Northern Ireland) Order 1991(a) and sections 5(1)(m) and (q) and 165(1), (5) and (6) of the Social Security Administration (Northern Ireland) Act 1992(b), and now vested in it(c), 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 (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 2002 and, subject to paragraph (2), shall come into operation on 2nd September 2002.

(2) Regulation 2(3) shall come into operation in relation to a particular case on the date on which section 20 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(d) (which substitutes Article 40 of the Child Support (Northern Ireland) Order 1991) comes into operation for the purposes of that type of case.

(3) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(f) shall be amended in accordance with paragraphs (2) and (3).

(2) Regulation 28 (fractional amounts of benefit) shall be renumbered paragraph (1) of regulation 28 and –

- (a) at the beginning of that paragraph there shall be inserted “Subject to paragraph (2),”;
- (b) in that paragraph for “regulation” there shall be substituted “paragraph”; and
- (c) after that paragraph there shall be added the following paragraph –

(a) S.I. 1991/2628 (N.I. 23); Article 40 was substituted by section 20 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(b) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(c) See Article 8(b) of S.R. 1999 No. 481

(d) 2000 c. 4 (N.I.)

(e) 1954 c. 33 (N.I.)

(f) S.R. 1987 No. 465; relevant amending regulations are S.R. 2001 No. 22

“(2) Where the amount of any maternity allowance payable would, but for this paragraph, include a fraction of a penny, that fraction shall be treated as a penny.”.

(3) In Schedule 8C(a) (deductions from benefit in respect of child support maintenance and payment to persons with care) –

(a) in paragraph 1 in the definition of “maintenance” before “means” there shall be inserted “, except in paragraph 3,”; and

(b) in paragraph 3, after sub-paragraph (2) there shall be added the following sub-paragraph –

“(3) In sub-paragraph (1) “maintenance” means child support maintenance within the meaning of Article 4(6) of the Order –

(a) before the amendment of Article 4(6) by section 1(2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;

(b) after that amendment; or

(c) both before and after that amendment,

and includes maintenance payable at a transitional rate in accordance with regulations made under section 28(2)(a) of that Act.”.

Sealed with the Official Seal of the Department for Social Development on 25th July 2002.

(L.S)

John O'Neill

Senior Officer of the Department for Social Development

(a) Schedule 8C was inserted by the Schedule to S.R. 2001 No. 22

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.

Regulation 28 is amended to provide that where the amount of maternity allowance payable includes a fraction of a penny that fraction shall be rounded up to the next whole penny.

Schedule 8C is amended to provide that deductions from benefit may be made in respect of arrears of child support maintenance assessed under the Child Support (Northern Ireland) Order 1991 (“the Order”) or calculated under the Order as amended by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (“the Act”), or such arrears both assessed and calculated, including arrears of maintenance payable at a transitional rate in accordance with regulations made under the Act.

Article 40(2) of the Order is one of the enabling provisions under which these Regulations are made. Article 40 of the Order was substituted by section 20 of the Act which was brought into operation, for the purpose only of making regulations, on 22nd November 2000 by virtue of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 1) Order (Northern Ireland) 2000 (S.R. 2000 No. 358 (C. 16)).

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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