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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 327**

**SOCIAL SECURITY**

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

*Made - - - - 23rd October 2002  
Coming into operation in accordance with  
regulation 1(1)*

The Department for Social Development, in exercise of the powers conferred by sections 134(2) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and sections 5(1)(a) and (q) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(2), and now vested in it(3), 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 and Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2002 and shall come into operation on 2nd November 2002 except for regulations 2(2) and 4 which shall come into operation on 1st April 2003.

(2) The Interpretation Act (Northern Ireland) 1954(4) 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(5) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 19(6) (time for claiming benefit) –

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(1) 1992 c. 7  
(2) 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)  
(3) See Article 8(b) of S.R. 1999 No. 481  
(4) 1954 c. 33 (N.I.)  
(5) S.R. 1987 No. 465; relevant amending regulations are S.R. 1997 Nos. 156 and 417, S.R. 1999 No. 365, S.R. 2001 Nos. 108 and 175 and S.R. 2002 No. 67  
(6) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156 and amended by regulation 2(3) of S.R. 1997 No. 417, regulation 10(4) of S.R. 2001 No. 108, paragraph 2(7) of Schedule 2 to S.R. 2001 No. 175 and regulation 2(3) of S.R. 2002 No. 67

- (a) in paragraph (3)(ga)(7) after “bereavement benefit” there shall be added “, except for a bereavement payment within the meaning of section 36 of the Contributions and Benefits Act(8)”; and
  - (b) after paragraph (3) there shall be inserted the following paragraph –
    - “(3A) The prescribed time for claiming a bereavement payment is 12 months beginning with the day on which, apart from satisfying the condition of making a claim, the claimant is entitled to such a payment.”.
  - (3) Regulation 35(9) (payment to a partner as alternative payee) shall be renumbered paragraph (1) of regulation 35 and after that paragraph there shall be added the following paragraph –
    - “(2) Where a person is entitled to a winter fuel payment within the meaning of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(10) and –
      - (a) that person is one of a married or unmarried couple or a member of a polygamous marriage;
      - (b) the other member of that couple or another member of that marriage (“the other person”) is in receipt of income support or an income-based jobseeker’s allowance; and
      - (c) both members of the couple or marriage are living together within the meaning of regulation 1(3)(b) of those Regulations(11)
- the Department may pay the winter fuel payment to the other person on behalf of the person entitled to the payment as an alternative to paying the person entitled notwithstanding that the other person has not yet attained the age of 60 in the qualifying week.”.

### **Amendment of the Social Fund Winter Fuel Payment Regulations**

3. In regulation 2 of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000 (social fund winter fuel payments) after “regulation 3” there shall be inserted “and regulation 35(2) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987”.

### **Transitional provision**

4. Regulation 2(2) shall only have effect in respect of a person who is entitled to a bereavement payment because of the death of a spouse occurring on or after 1st April 2003.

Sealed with the Official Seal of the Department for Social Development on 23rd October 2002.

L.S.

*John O'Neill*  
Senior Officer of the  
Department for Social Development

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(7) Sub-paragraph (ga) was added by regulation 10(4) of [S.R. 2001 No. 108](#)

(8) Section 36 was substituted by Article 51 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. [1999/3147 \(N.I. 11\)](#))

(9) Regulation 35 was amended by regulation 2(6) of [S.R. 1999 No. 365](#)

(10) [S.R. 2000 No. 91](#)

(11) Regulation 1(3) was amended by regulation 2(2)(a) of [S.R. 2001 No. 373](#)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

Regulation 2 of these Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 to –

- extend the period for claiming a bereavement payment from 3 to 12 months; and
- provide for a winter fuel payment out of the social fund to be paid, alternatively, to the partner of the person entitled despite the partner being aged under 60 where partner is in receipt of income support or an income-based jobseeker's allowance.

Regulation 3 makes a consequential amendment to the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000.

Regulation 4 provides for the extended period for claiming a bereavement payment to apply only in respect of deaths occurring on or after 1st April 2003.

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.