
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 14

SOCIAL SECURITY

The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) (Amendment) Regulations (Northern Ireland) 2005

Made - - - - *13th January 2005*

Coming into operation *2nd May 2005*

The Department for Social Development, in exercise of the powers conferred by sections 5(1)(a), 69(4) and 165(1), (4) and (6) of the Social Security Administration (Northern Ireland) Act 1992(1), and now vested in it(2), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 2nd May 2005.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(3) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 4 (making a claim for benefit) –

(a) in paragraph (1)(4) at the beginning there shall be inserted “Subject to paragraphs (10) and (11),”; and

(b) after paragraph (10)(5) there shall be added the following paragraphs –

(1) 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)

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

(3) S.R. 1987 No. 465; relevant amending regulations are S.R. 1992 No. 83, S.R. 1997 No. 156, S.R. 2001 No. 176 and S.R. 2003 No. 191

(4) Paragraph (1) was amended by regulation 7(3) of S.R. 1992 No. 83 and regulation 3(3)(a) of S.R. 1997 No. 156

(5) Paragraph (10) was added by regulation 4(1) of S.R. 2003 No. 191

“(11) A claim for graduated retirement benefit or retirement pension may be made by telephone call to the telephone number specified by the Department, unless the Department directs, in any particular case, that the claim must be made in writing.

(12) A claim made by telephone in accordance with paragraph (11) is defective unless the Department is provided, during that telephone call, with all the information it requires to determine the claim.

(13) Where a claim made by telephone is defective, the Department may refer the claim to the person making it.

(14) If the person corrects the defect within one month, or such longer period as the Department considers reasonable, of the date it referred the claim to the person, the Department shall treat the claim as if it had been duly made in the first instance.”.

(3) In regulation 5(1) (amendment and withdrawal of claim) after “office” there shall be inserted “except where the claim was made by telephone in accordance with regulation 4(11), where the amendment may be made by telephone.”.

(4) In regulation 6(1)(6) (date of claim) after sub-paragraph (b) there shall be added the following sub-paragraphs –

“(c) in the case of a claim made by telephone in accordance with regulation 4(11), the date of that telephone call;

(d) in the case of a claim made by telephone which is defective but which is treated under regulation 4(14) as having been duly made, the date of that telephone call.”.

Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations

3. In regulation 11(2) of the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(7) (recovery of overpayments by automated or other direct credit transfer) for sub-paragraph (b) there shall be substituted the following sub-paragraph –

“(b) notice of the effect which this regulation would have, in the event of an overpayment, was given to the beneficiary or to a person acting for him-

(i) in writing, where the claim was made in writing; or

(ii) either orally or in writing, where the claim was made by telephone, before he agreed to the arrangement.”.

Sealed with the Official Seal of the Department for Social Development on 13th January 2005.

John O'Neill
A senior officer of the
Department for Social Development

(6) Paragraph (1) was amended by regulation 3(4)(a) of S.R. 1997 No. 156 and paragraph 3 of Schedule 3 to S.R. 2001 No. 176
(7) S.R. 1988 No. 142; to which there are amendments not relevant to these regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) and the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 (“the Payments on account, Overpayments and Recovery Regulations”).

Regulation 2 amends the Claims and Payments Regulations to –

enable a person to make a claim for graduated retirement benefit and retirement pension by telephone, unless the Department for Social Development (“the Department”) directs that the claim must be made in writing;

enable a person who has made such a claim to amend it by telephone; and

provide for the date of a claim for graduated retirement benefit or retirement pension made by telephone.

Regulation 3 amends regulation 11 of the Payments on account, Overpayments and Recovery Regulations to enable the Department to give notice, either orally or in writing, of the effect that regulation would have in the event of an overpayment, to a person who makes a claim for graduated retirement benefit and retirement pension by telephone.

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.