
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 81

**The Social Security (Miscellaneous Amendments
No. 3) Regulations (Northern Ireland) 2010**

Amendment of the Social Security (Claims and Payments) Regulations

3.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽¹⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation 6(22)⁽²⁾ (date of claim) in paragraph (c) of the definition of “qualifying benefit” for “regulation 4(1)(a) or 6(1)(a) of the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987” substitute “regulation 5(1)(a) or 7(4)(a) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005⁽³⁾”.

(3) In regulation 16 (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate)—

- (a) in paragraph (2D)⁽⁴⁾ for “Where a retirement pension is paid in arrears under regulation 22C and the award” substitute “Where an award of retirement pension”;
- (b) in paragraph (2E) after “Except in a case where” insert “paragraph (2F) or”; and
- (c) after paragraph (2E) insert—

“(2F) Except in a case where regulation 22D(2)⁽⁵⁾ applies, where a retirement pension is paid in arrears under regulation 22C and a change in the rate of that benefit takes effect under an order made under section 132 or 132A of the Administration Act⁽⁶⁾ (annual up-rating of benefits, basic pension etc. and standard minimum guarantee) the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect on the first day of the benefit week next following.”.

(4) In regulation 16A⁽⁷⁾ (date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate) for paragraph (4) substitute—

“(4) For the purpose of this regulation “benefit week” means—

- (a) where state pension credit is paid in advance, the period of 7 days beginning on the day on which, in the claimant’s case, that benefit is payable;
- (b) where state pension credit is paid in arrears, the period of 7 days ending on the day on which, in the claimant’s case, that benefit is payable.”.

(1) S.R. 1987 No. 465; relevant amending Rules are S.R. 1988 Nos. 67 and 141, S.R. 1992 No. 271, S.R. 1997 No. 156, S.R. 1999 No. 472 (C. 36), S.R. 2000 No. 215, S.R. 2002 Nos. 67, 297 and 323, S.R. 2003 No. 191, S.R. 2008 Nos. 112 and 286 and S.R. 2009 Nos. 92 and 409

(2) Paragraph (22) was added by regulation 3(4)(e) of S.R. 1997 No. 156 and substituted by regulation 3(2)(a) of S.R. 2000 No. 215 and the definition of “qualifying benefit” was amended by regulation 2(2)(f)(ii) of S.R. 2002 No. 67 and paragraph 2(a) of the Schedule to S.R. 2002 No. 323

(3) S.R. 2005 No. 506; regulations 5(1)(a) and 7(4)(a) were amended respectively by regulation 34(3) and (4) of S.R. 2008 No. 286

(4) Paragraphs (2D) and (2E) are inserted by regulation 2(3)(b) of S.R. 2009 No. 409

(5) Regulations 22C and 22D are inserted by regulation 2(5) of S.R. 2009 No. 409

(6) Section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49) and paragraph 9 of Schedule 4 to the Tax Credits Act 2002 and section 132A was inserted by section 5(1) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))

(7) Regulation 16A was inserted by regulation 7(2) of S.R. 2003 No. 191 and amended by regulation 13(12) of S.R. 2008 No. 286

- (5) In regulation 22 (long term benefits)—
- (a) in paragraph (1A)(8) for “Disability” substitute “Subject to paragraph (1B), disability”; and
 - (b) after paragraph (1A) insert—

“(1B) The Department may, in any particular case or class of case, arrange that attendance allowance or disability living allowance shall be paid at such other intervals not exceeding four weeks as may be specified.”
- (6) In paragraph 5 of Schedule 8A(9) (deductions from benefits and direct payment to third parties)—
- (a) in sub-paragraph (1)(b) at the end add “or is resident in premises provided and maintained by virtue of Article 4(2) of the Probation Board (Northern Ireland) Order 1982(10)”; and
 - (b) after sub-paragraph (1A)(11) insert—

“(1B) For the purposes of sub-paragraphs (1) and (1A) references to “rent” include charges incurred in respect of accommodation in premises provided and maintained by virtue of Article 4(2) of the Probation Board (Northern Ireland) Order 1982.”; and
 - (c) in sub-paragraph (5)(12) after “landlord” insert “or the person or body to whom charges are payable in respect of the residence of the beneficiary or the beneficiary’s partner in premises provided and maintained by virtue of Article 4(2) of the Probation Board (Northern Ireland) Order 1982”.
- (7) In paragraph 6 of Schedule 8B(13) (deductions of mortgage interest from benefit and payment to qualifying lenders) for “£0·55” substitute “£0·45”.

(8) Paragraph (1A) was inserted by regulation 2(3) of [S.R. 2002 No. 297](#)

(9) Schedule 8A was inserted by regulation 2(3) of [S.R. 1988 No. 67](#); relevant amending Rules are [S.R. 1988 No. 141](#), [S.R. 1999 No. 472 \(C. 36\)](#) and [S.R. 2008 No. 112](#)

(10) [S.I. 1982/713 \(N.I. 10\)](#)

(11) Sub-paragraph (1A) was inserted by regulation 3(b) of [S.R. 2008 No. 112](#)

(12) Sub-paragraph (5) was amended by regulation 11(b) of [S.R. 1988 No. 141](#), Article 9(2) of [S.R. 1999 No. 472 \(C. 36\)](#) and regulation 3(c) of [S.R. 2008 No. 112](#)

(13) Schedule 8B was inserted by regulation 5 of [S.R. 1992 No. 271](#) and paragraph 6 was amended by regulation 14(2)(h) of [S.R. 2003 No. 191](#) and regulation 3 of [S.R. 2009 No. 92](#)