

2023 No. 67

SOCIAL SECURITY

**The Social Security Benefits (Claims and Payments)
(Amendment) Regulations (Northern Ireland) 2023**

Made - - - -

19th April 2023

Coming into operation

10th May 2023

The Department for Communities^(a) makes the following Regulations in exercise of the powers conferred by sections 5(1)(q) and 165(1), (4) and (6) of the Social Security Administration (Northern Ireland) Act 1992^(b) and vested in it.

In accordance with section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2023 and come into operation on 10th May 2023.

(2) These Regulations apply in relation to an application that is made on or after the date on which these Regulations come into operation—

- (a) for a deduction for a fuel item under paragraph 6 (Fuel Costs) of Schedule 8A to the 1987 Regulations or paragraph 8 (Fuel Costs) of Schedule 5 to the 2016 Regulations;
- (b) for supersession in relation to a deduction for a fuel item that is in place under either paragraph on or after that date,

and to any decision made on such an application.

(3) In these Regulations—

“the 1987 Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987^(c);

“the 2016 Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016^(d);

“fuel item” has the same meaning as in paragraph 6 of Schedule 8A to the 1987 Regulations or paragraph 8(8) of Schedule 5 to the 2016 Regulations;

(a) section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(b) 1992 c.8. Section 165(1) was amended by paragraph 49(2) of Schedule 3 to Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 (S.I. 1999/671) and Section 18(5) of the National Insurance Contributions Act 2014 (c.7.)

(c) S.R. 1987 No. 465

(d) S.R. 2016 No. 220

“supersession” means a supersession decision under section 11 of the Social Security (Northern Ireland) Order 1998(a).

Amendment of the Social Security (Claims and Payments) Regulations

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

(2) In paragraph 6 (Fuel Costs) of Schedule 8A (deductions from benefits and direct payments to third parties)—

(a) In sub-paragraph (1), for “paragraph (8)” substitute “paragraphs (3A) and (8)”.

(b) In sub-paragraph (2)(b), for “equal to” substitute “not more than”.

(c) After sub-paragraph (2), insert—

“(3A) The Department may only include an amount under sub-paragraph (2)(b) in the amount deductible if—

(a) an application for a determination under sub-paragraph (1) or (4)(a) is made by the person or body to whom payment is due; and

(b) except where the application is for a reduction in the amount deductible, the beneficiary consents to the application.”.

Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payment) Regulations

3.—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 are amended in accordance with paragraphs 2 to 5.

(2) In paragraph 8 (Fuel Costs) of Schedule 5 (deductions from benefits and direct payments to third parties)

(3) In sub-paragraph (3), for “(5) and (6)” substitute “(4A), (5) and (6)”.

(4) In sub-paragraph (4)(b), for “equal to” substitute “not more than”.

(5) After sub-paragraph (4), insert—

“(4A) The Department may only make deductions under sub-paragraph (4)(b) if—

(a) an application for deductions is made by the person to whom the payment is due; and

(b) except where the application is for a reduction in the amount of a deduction, the claimant consents to the application.”.

Sealed with the Official Seal of the Department for Communities on 19th April 2023

(L.S.)

David Tarr
A senior officer of the Department for Communities

(a) S.R. 1998 No. 1506 (N.I. 10)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend paragraph 6 of Schedule 8A to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 465) (“the 1987 Regulations”) and paragraph 8 of Schedule 5 to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 220) (“the 2016 Regulations”). These paragraphs contain provisions under which the Department for Communities may make deductions from benefit in respect of arrears for fuel costs and ongoing consumption of fuel to pay the fuel supplier directly.

Under regulation 1, these Regulations apply in relation to an application, made on or after the date on which these Regulations come into operation, for a deduction for fuel costs, or for a supersession of a deduction for fuel costs that is in place on the date these Regulations come into operation, and to any decision made on such an application.

Regulations 2 and 3 make amendments to paragraph 6 of Schedule 8A to the 1987 Regulations and paragraph 8 of Schedule 5 to the 2016 Regulations so that a new deduction for ongoing consumption of fuel, or an application for an increase to a deduction for ongoing consumption, may only be made following an application by the fuel supplier and with the claimant’s consent. Fuel suppliers may still apply for a deduction for arrears of fuel costs only without the claimant’s consent.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

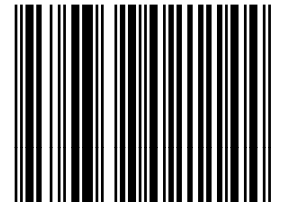
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