

1994 No. 484

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 4) Regulations (Northern Ireland) 1994

Made 14th December 1994

Coming into operation 10th January 1995

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(j) and 165(6) of the Social Security Administration (Northern Ireland) Act 1992(a) 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. 4) Regulations (Northern Ireland) 1994 and shall come into operation on 10th January 1995.

(2) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(c) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation) for the definition of “instrument of payment” there shall be substituted the following definition—

“ “instrument for benefit payment” means an instrument issued by the Department under regulation 20A on the presentation of which benefit due to a beneficiary shall be paid in accordance with the arrangements set out in that regulation;”.

(3) In regulation 20 (time and manner of payment: general provision) for “regulations 21 to 27” there shall be substituted “regulations 20A to 27”.

(4) After regulation 20 there shall be inserted the following regulation—

“Payment on presentation of an instrument for benefit payment

20A.—(1) Where it appears to the Department to be appropriate in any class of case, benefit due to a beneficiary falling within such a class

(a) 1992 c. 8

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

(c) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 369, S.R. 1989 No. 398, S.R. 1991 No. 488, S.R. 1992 Nos. 7 and 83 and S.R. 1993 No. 375

shall be paid on presentation of an instrument for benefit payment in accordance with the arrangements set out in this regulation.

(2) Where a beneficiary falls within a class mentioned in paragraph (1), the Department shall issue an instrument for benefit payment to—

- (a) that beneficiary;
- (b) the person authorised by that beneficiary to act on his behalf;
- (c) the person appointed by the Department under regulation 33 to act on behalf of that beneficiary; or
- (d) the person to whom benefit is to be paid on that beneficiary's behalf further to a direction by the Department under regulation 34.

(3) Instruments for benefit payment shall be in such form as the Department may from time to time approve.

(4) Benefit shall not be paid under this regulation other than to—

- (a) a person to whom an instrument for benefit payment has been issued in accordance with paragraph (2); or
- (b) a person not falling within sub-paragraph (a) who has been authorised by a beneficiary to whom an instrument for benefit payment has been issued to act on his behalf.

(5) The Department shall provide the paying agent with information as to the amount of benefit, if any, due to the beneficiary where the paying agent uses the instrument for benefit payment to request that information.

(6) Where a paying agent pays benefit in accordance with this regulation, the person receiving it shall sign a receipt in a form approved by the Department and such signature shall be sufficient discharge to the Department for any sum so paid.

(7) In this regulation “paying agent” means a person authorised by the Department to make payments of benefit in accordance with the arrangements for payment set out in this regulation.”

(5) In regulation 22(1) (long term benefits) for “payable in each case to the beneficiary” there shall be substituted “or on presentation of an instrument for benefit payment”.

(6) In regulation 23 (child benefit)—

- (a) in paragraph (2) for “by serial orders” there shall be substituted “by means of serial orders or on presentation of an instrument for benefit payment”; and
- (b) in paragraph (3)(a) after “serial orders” there shall be inserted “or on presentation of an instrument for benefit payment”.

(7) In regulation 27(1) (family credit and disability working allowance) after “by means of a book of serial orders” there shall be inserted “or on presentation of an instrument for benefit payment”.

(8) For regulation 46 (instruments of payment) there shall be substituted the following regulation—

“Instruments of payment, etc.

46.—(1) Instruments of payment, books of serial orders and instruments for benefit payment issued by the Department shall remain its property.

(2) Any person having an instrument of payment or book of serial orders shall, on ceasing to be entitled to the benefit to which such instrument or book relates, or when so required by the Department, deliver it to the Department or such other person as it may direct.

(3) Any person having an instrument for benefit payment shall, when so required by the Department, deliver it to the Department or such other person as it may direct.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 14th December 1994.

(L.S.)

C. P. Moore

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) by inserting regulation 20A to provide for the payment of benefit on presentation of an instrument for benefit payment to a paying agent.

Consequential amendments are made to regulations 20, 22, 23, 27 and 46 of the Claims and Payments Regulations.

These regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security 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 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.