

2021 No. 267

SOCIAL SECURITY

**The Social Security Benefits (Claims and Payments)
(Amendment) Regulations (Northern Ireland) 2021**

Made - - - - - *22nd September 2021*

Coming into operation - - - - - *18th October 2021*

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

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security Benefits (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2021 and come into operation on 18th October 2021.

(2) These Regulations apply to payment of the following benefits—

- (a) attendance allowance;
- (b) carer’s allowance;
- (c) disability living allowance;
- (d) industrial injuries disablement benefit;
- (e) severe disablement allowance;
- (f) social fund cold weather payment;
- (g) social fund funeral payment;
- (h) social fund payment in respect of maternity expenses; and
- (i) social fund winter fuel payment.

Amendment of the Social Security (Claims and Payments) Regulations

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

(2) After Regulation 21 (Direct credit transfer) insert—

(a) 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.)
(b) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Department’s Act (Northern Ireland) 2016 (c.5 (N.I.))
(c) S.R. 1987 No. 465

“Payment of arrears of benefit by instalments

21ZA.—(1) Except where Regulation 23 (Child Benefit and Guardian’s Allowance) applies, the Department may pay arrears of benefit in instalments where—

- (a) the Department considers it is necessary for protecting the interests of the beneficiary; and
- (b) the beneficiary agrees that those arrears may be paid in instalments.”.

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

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

(2) In Regulation 42 (Payment of universal credit), after paragraph (6), insert—

“(6A) The Department may pay arrears of universal credit in instalments where—

- (a) the Department considers it is necessary for protecting the interests of the claimant or, in the case of joint claimants, either of the claimants; and
- (b) the claimant agrees, or in the case of joint claimants, both claimants agree, that those arrears must be paid in instalments. ”.

(3) In Regulation 43 (Payment of personal independence payment), after paragraph (3), insert—

“(4) The Department may pay arrears of personal independence payment in instalments where—

- (a) the department considers it is necessary for protecting the interests of the claimant; and
- (b) the claimant agrees that those arrears may be paid in instalments.”.

(4) In Regulation 46 (Payment of an employment and support allowance), after paragraph 10, insert—

“(11) The Department may pay arrears of employment and support allowance in instalments where—

- (a) the department considers it is necessary for protecting the interests of the claimant; and
- (b) the claimant agrees that those arrears may be paid in instalments.”.

(5) In Regulation 47 (Payment of a jobseeker’s allowance), after paragraph 6, insert—

“(7) The Department may pay arrears of jobseeker’s allowance in instalments where—

- (a) the department considers it is necessary for protecting the interests of the claimant; and
- (b) the claimant agrees that those arrears may be paid in instalments.”.

Sealed with the Official Seal of the Department for Communities on 22nd September 2021

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 and 3 of these Regulations amend respectively the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 465) and 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) to allow the Department to pay benefit arrears in instalments where the Department considers it to be in the interest of the person entitled to the benefit and that person agrees, or as the case may be, those persons agree, to the payment of the arrears in that fashion.

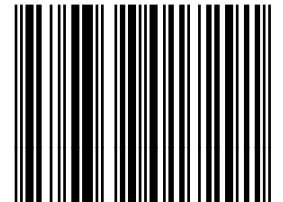
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