

*These notes refer to the Welfare Reform Act (Northern Ireland)
2010 (c.13) which received Royal Assent on 13 August 2010*

Welfare Reform Act (Northern Ireland) 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Social security

Section 18: Payments on account

Section 18(2)(a) repeals section 5(1)(s) of the Social Security Administration (Northern Ireland) Act 1992, which enables regulations to be made providing for the making of a payment on account of benefit where it is impracticable for a claim to be made immediately, where it is impracticable for a claim to be determined immediately or where an award of benefit has been made, but it is impracticable to pay the whole immediately. Subsection (2)(c) of section 18 inserts a new subsection (1A) into section 5 of that Act. It provides a regulation-making power to allow a payment on account of housing benefit to be made where no claim has been made or a claim has been made (including where a claim has been determined and an award made) and, in either case, a person who is or would be covered by such a claim would be in need if no payment on account was made, and an award has been made but it is impracticable to pay the full amount of the benefit immediately.

The new subsection (1B) broadens the range of situations in which a payment on account may be made before an award has been made. It enables these payments to be made on a need basis rather than in situations where it is impracticable to make a claim, determine a claim or pay benefit. It provides the Department with improved flexibility to address short-term hardship.

The new subsection (1C) enables regulations to make provision about the manner in which payments on account of benefit are to be set against subsequent payments of benefit and to prescribe circumstances in which they are not to be set against subsequent payments and are not otherwise recoverable.

Subsections (3) and (4) of section 18 make consequential changes to references to section 5(1)(s) in other sections of the Social Security Administration (Northern Ireland) Act 1992.