
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 365

SOCIAL SECURITY

**The Social Security (Claims and Payments)
(Amendment) Regulations (Northern Ireland) 1999**

Made - - - - *23rd August 1999*

Coming into operation *20th September 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(j) and (l) and 165(1) and (3) to (5) of the Social Security Administration (Northern Ireland) Act 1992(1) 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) Regulations (Northern Ireland) 1999 and shall come into operation on 20th September 1999.

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

Amendment of the Social Security (Claims and Payments) Regulations

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

(2) In regulation 2(1) (interpretation), in the definition of “long term benefits”(4) “guardian’s allowance,” shall be omitted.

(3) In regulation 16(3)(a)(5) (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) after “child benefit” there shall be inserted “or guardian’s allowance”.

(1) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I.1999/671)
(2) 1954 c. 33 (N.I.)
(3) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 141, S.R. 1992 No. 7 and S.R. 1993 No. 217
(4) The definition of “long term benefits” was amended by regulation 2 of S.R. 1992 No. 7
(5) Paragraph (3) was substituted by regulation 3(b) of S.R. 1988 No. 141 and amended by S.R. 1992 No. 7

(4) In regulation 21 (direct credit transfer) after paragraph (3A)(6) there shall be inserted the following paragraphs—

“(3B) Where child benefit is payable in accordance with paragraph (1), any application to which paragraph (2) refers shall also have effect for any guardian’s allowance to which the claimant is entitled and that allowance shall be paid in the same manner as the child benefit which is due in his case.

(3C) Where guardian’s allowance is payable in accordance with paragraph (1), any application to which paragraph (2) refers shall also have effect for the child benefit to which the claimant is entitled and that benefit shall be paid in the same manner as the guardian’s allowance which is due in his case.”.

(5) In regulation 23 (child benefit)—

(a) for the heading there shall be substituted “Child benefit and guardian’s allowance”; and

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where a claimant for child benefit is also entitled to guardian’s allowance, that allowance shall be payable in the same manner and at the same intervals as child benefit under this regulation.”.

(6) In regulation 35(7) (payment to a partner as alternative payee)—

(a) at the beginning there shall be inserted “Except where a wife has elected in accordance with regulation 6A of the Social Security (Guardian’s Allowances) Regulations (Northern Ireland) 1975(8) that guardian’s allowance is not to be paid to her husband,”; and

(b) for “, family credit or disability working allowance” there shall be substituted “, family credit, disability working allowance or guardian’s allowance”.

(7) In Schedule 6 (days for payment of long term benefits) paragraph 2 shall be omitted.

Revocation

3. Regulation 17 of the Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1992(9) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

23rd August 1999.

W. B. J. Davis
Assistant Secretary

(6) Paragraph (3A) was inserted by regulation 2(2)(b) of S.R. 1993 No. 217

(7) Regulation 35 was amended by regulation 17 of S.R. 1992 No. 7

(8) S.R. 1975 No. 98; regulation 6A was inserted by regulation 9(4) of S.R. 1977 No. 73

(9) S.R. 1992 No. 7

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Regulation 2 of these Regulations amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 so as to align the conditions governing the payment of guardian's allowance with those governing child benefit.

Regulation 3 makes a consequential revocation.

These Regulations correspond 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 are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.