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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 67**

**SOCIAL SECURITY**

**The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations (Northern Ireland) 2002**

*Made* - - - - *27th February 2002*

*Coming into operation* *2nd April 2002*

The Department for Social Development, in exercise of the powers conferred by section 5(1)(a) and (b) of the Social Security Administration (Northern Ireland) Act 1992<sup>(1)</sup> and Articles 10(1) and 11(3) and (6) of the Social Security (Northern Ireland) Order 1998<sup>(2)</sup>, and now vested in it<sup>(3)</sup>, 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 and Miscellaneous Amendments) Regulations (Northern Ireland) 2002 and shall come into operation on 2nd April 2002.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(4)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Social Security (Claims and Payments) Regulations**

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987<sup>(5)</sup> shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 6 (date of claim)—

- (a) in paragraph (16)(b)(6) for “payable” there shall be substituted “awarded”;
- (b) in paragraph (17)(c) after “claimant” there shall be inserted “, a member of his family or the disabled person”;
- (c) in paragraph (18) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

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(1) 1992 c. 8

(2) S.I. 1998/1506 (N.I. 10)

(3) See Article 8(b) of S.R. 1999 No. 481

(4) 1954 c. 33 (N.I.)

(5) S.R. 1987 No. 465; relevant amending regulations are S.R. 1997 Nos. 156 and 417 and S.R. 2000 No. 215

(6) Paragraphs (16) to (19), (21) and (22) were substituted by regulation 3(2)(a) of S.R. 2000 No. 215

- “(a) a claim for the qualifying benefit was made not later than ten working days after the date of the original claim, and the claim for the qualifying benefit had not been decided;
- (b) after the original claim had been decided the claim for the qualifying benefit had been decided in favour of the claimant, a member of his family or the disabled person; and”;
- (d) in paragraph (19)(b) for “again becomes payable” there shall be substituted “is re-awarded”;
- (e) in paragraph (21)(a) for “the claimant’s or the disabled person’s favour” there shall be substituted “favour of the claimant, a member of his family or the disabled person”;
- (f) in paragraph (22)—
  - (i) after “paragraphs (16) to (21)” there shall be inserted “and (30)”,
  - (ii) in the definition of “qualifying benefit”, in paragraph (d), after “any other relevant benefit which” there shall be inserted “, when awarded or re-awarded,”, and
  - (iii) after the definition of “the disabled person” there shall be added the following definition—
    - ““family” has the same meaning as in section 133(1) of the Contributions and Benefits Act or, as the case may be, Article 2(2) of the Jobseekers Order.”; and
- (g) after paragraph (29)(7) there shall be added the following paragraph—
  - “(30) Where—
    - (a) a claimant was awarded income support or income-based jobseeker’s allowance (“the original award”);
    - (b) the original award was terminated and not later than ten working days after the termination, the claimant, a member of his family or a disabled person claimed a qualifying benefit; and
    - (c) the claimant makes a further claim for income support or income-based jobseeker’s allowance within three months of the date on which the claim for the qualifying benefit was decided,
 the further claim shall be treated as made on the date of termination of the original award or the first date in respect of which the qualifying benefit is awarded, whichever is the later.”.
- (3) In regulation 19(8) (time for claiming benefit)—
  - (a) in paragraph (4)(a) after “any” there shall be inserted “one or more”;
  - (b) for paragraph (6) there shall be substituted the following paragraph—
    - “(6) In the case of a claim for income support or jobseeker’s allowance, where the claim is not made within the time specified for that benefit in Schedule 4, the prescribed time for claiming the benefit shall be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—
      - (a) any one or more of the circumstances specified in paragraph (7) applies or has applied to the claimant; and
      - (b) as a consequence the claimant could not reasonably have been expected to make the claim earlier.”; and
  - (c) in paragraph (7)(d)—

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(7) Paragraph (29) was added by regulation 2(2) of S.R. 1997 No. 417

(8) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156

- (i) after “claimant” there shall be inserted “or his partner”, and
- (ii) after “him” there shall be inserted “or, as the case may be, his partner”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations**

**3.—**(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(9) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 3 (revision of decisions) for paragraph (7)(10) there shall be substituted the following paragraph—

“(7) Where—

- (a) the Department makes a decision under Article 9 or 11 awarding a relevant benefit (“the original award”); and
- (b) an award of another relevant benefit or of an increase in the rate of another relevant benefit is made to the claimant or a member of his family for a period which includes the date on which the original award took effect,

the Department may revise the original award.”.

(3) In regulation 6(2)(e)(ii)(11) (supersession of decisions)—

- (a) for “on a date after entitlement to that benefit arises” there shall be substituted “subsequent to the first day of the period to which entitlement to that benefit relates”; and
- (b) “and is paid” shall be omitted.

(4) In regulation 7 (date from which a decision superseded under Article 11 takes effect) for paragraph (7)(12) there shall be substituted the following paragraph—

“(7) A decision which is superseded in accordance with regulation 6(2)(e) shall be superseded from the date on which entitlement arises to the other relevant benefit referred to in that sub-paragraph or to the increase in the rate of that other relevant benefit.”.

### **Revocation**

**4.** Regulation 6(3) and (5)(d) of the Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2000(13) is hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 27th February 2002.

L.S.

*John O'Neill*  
Senior Officer of the  
Department for Social Development

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(9) S.R. 1999 No. 162; relevant amending regulations are S.R. 2000 No. 215  
(10) Paragraph (7) was substituted by regulation 6(3) of S.R. 2000 No. 215  
(11) Sub-paragraph (e) was substituted by regulation 6(4) of S.R. 2000 No. 215  
(12) Paragraph (7) was substituted by regulation 6(5)(d) of S.R. 2000 No. 215  
(13) S.R. 2000 No. 215

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) and the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”).

Regulation 2 amends the Claims and Payments Regulations to—

- provide that where a claimant’s partner or child is awarded a benefit which has the effect of making a benefit which the claimant receives payable or payable at an increased rate, the periods of entitlement to those benefits shall be the same in the circumstances specified;
- link certain provisions to the award rather than the payability of a benefit; and
- provide for an extension of the time for claiming income support and jobseeker’s allowance in specified circumstances.

Regulation 3 amends the Decisions and Appeals Regulations—

- as to the power to revise or supersede a decision; and
- as regards the effective date of a superseding decision in specified circumstances.

Regulation 4 makes a consequential revocation.

These Regulations correspond to provision contained in Regulations made by the Secretary of State for Work and Pensions 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.

These Regulations do not impose a charge on business.