

**2003 No. 412**

**SOCIAL SECURITY**

**The Social Security (Third Party Deductions and  
Miscellaneous Amendments) Regulations  
(Northern Ireland) 2003**

*Made* - - - - - *16th September 2003*

*Coming into operation* *6th October 2003*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a), 131(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and sections 5(1)(q) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(b), and now vested in it(c), 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 (Third Party Deductions and Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation on 6th October 2003.

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

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

2. In paragraph 4 (miscellaneous accommodation costs) of Schedule 8A to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(e) (deductions from benefits and direct payment to third parties) –

- (a) in sub-paragraph (1)(f) for “or jobseeker’s allowance” there shall be substituted “, jobseeker’s allowance or state pension credit”;
- (b) in sub-paragraph (1)(a) –
  - (i) before “is made” there shall be inserted “in the case of income support”; and
  - (ii) for “as the case may be,” there shall be substituted “in the case of jobseeker’s allowance”;
- (c) in sub-paragraph (1), for head (b) there shall be substituted the following head –  
“(b) is made –

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(a) 1992 c. 7  
(b) 1992 c. 8; see section 11 of, and paragraph 3(a) of Schedule 1 to, the State Pension Credit Act (Northern Ireland) 2002 (c.14)  
(c) See Article 8(b) of S.R. 1999 No. 481  
(d) 1954 c. 33 (N.I.)  
(e) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1989 Nos. 40 and 398, S.R. 1993 Nos. 149 and 375, S.R. 1996 No. 354, S.R. 1999 No. 472 and S.R. 2002 No. 132  
(f) Sub-paragraph (1) was amended by regulation 8(a)(ii) of S.R. 1989 No. 398, paragraph 2(2) of Schedule 1 to, S.R. 1993 No. 149, regulation 2(26)(d) of S.R. 1996 No. 354, Article 9(2) of S.R. 1999 No. 472 (c. 36) and regulation 3(3)(a) and (b) of S.R. 2002 No. 132

- (i) in the case of an award of income support, to a person who is in residential accommodation within the meaning given by regulation 21(3) of the Income Support Regulations(a); or
  - (ii) in the case of an award of jobseeker's allowance, to a person who is in residential accommodation within the meaning given by regulation 85(4) of the Jobseeker's Allowance Regulations; or
  - (iii) in the case of an award of state pension credit, to a person who is in accommodation provided within the meaning of regulation 15(7) of the State Pension Credit Regulations,";
- (d) in sub-paragraph (1) for “(hereafter in this paragraph referred to as “miscellaneous accommodation costs”)” there shall be substituted “or to a person who is only temporarily absent from such accommodation”;
- (e) for sub-paragraphs (2)(b) and (3)(c) there shall be substituted the following sub-paragraphs –

“(2) Subject to sub-paragraphs (3) and (3A), the amount of any payment of any specified benefit to a third party determined under sub-paragraph (1) shall be –

(a) in a case where a beneficiary is not in accommodation –

(i) as specified in sub-paragraph (1)(b)(i) or (ii), or

(ii) as specified in regulation 15(7)(c) of the State Pension Credit Regulations,

an amount equal to the award of income support, jobseeker's allowance, or guarantee credit payable to the claimant but excluding an amount, if any, which when added to any other income of the beneficiary as determined in accordance with regulation 28 of the Income Support Regulations, regulation 93 of the Jobseeker's Allowance Regulations or regulation 17 of the State Pension Credit Regulations will equal the amount prescribed in respect of personal expenses in sub-paragraph (2A), and

(b) in any other case, the amount of the award of income support, jobseeker's allowance or guarantee credit, excluding the amount allowed by sub-paragraph (2A) in respect of personal expenses.

(2A) The amount in respect of personal expenses where a beneficiary is in accommodation referred to in sub-paragraph (1) shall be –

(a) for a single person the sum of £17.50;

(b) for a couple where both members of the couple are in such accommodation, £17.50 for each member;

(c) for a member of a polygamous marriage where more than one member is in such accommodation, £17.50 for each member in such accommodation.

(3) This sub-paragraph shall apply where an award is made of –

(a) income support calculated in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks); or

(b) jobseeker's allowance calculated in accordance with Part XI of the Jobseeker's Allowance Regulations (part-weeks), or

(c) state pension credit for a period of less than a week calculated under regulation 13A of the State Pension Credit Regulations(d) (part-weeks), or a part-week payment of state pension credit calculated otherwise.

(3A) Where sub-paragraph (3) applies then the amount of any payment to a third party determined under sub-paragraph (1) shall be an amount calculated in accordance with sub-paragraph (2)(a) or (b) as appropriate except that in respect of –

(a) the income of the beneficiary, if any; and

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(a) Regulation 21(3) was amended by paragraph 1(4) of Schedule 1 to, S.R. 1993 No. 149 and paragraph 1(f) of Schedule 12 to, S.R. 1994 No. 65

(b) Sub-paragraph (2) was amended by regulation 6(4)(b) of S.R.1989 No. 40, regulation 8(b) of S.R.1989 No. 398, paragraph 2(3) of Schedule 1 to, S.R.1993 No. 149, regulation 3(11)(b) of S.R.1993 No. 375, regulation 2(26)(e)(ii) and (v) of S.R.1996 No. 354 and regulation 3(3)(c) of S.R.2002 No. 132

(c) Sub-paragraph (3) was amended by regulation 2(26)(f) of S.R.1996 No. 354

(d) Regulation 13A was inserted by regulation 23(3) of S.R.2003 No. 191

(b) the amount allowed for personal expenses by sub-paragraph (2A),  
the amount shall be the amount used in the calculation under the provisions listed in sub-paragraph (3)(a), (b) or (c), divided by 7 and multiplied by the number of days in the part-week and no payment shall be made to a third party where the Department certifies that it would be impracticable to do so in that particular case.”.

### **Amendment of the Income Support (General) Regulations**

**3.** In regulation 21 (special cases) of the Income Support (General) Regulations (Northern Ireland) 1987(a) –

(a) paragraph (1B)(b) shall be omitted, and

(b) in paragraph (2) for “paragraph 1, 2, 3 or 16 (patients)” there shall be substituted “paragraph 1, 2 or 3 (patients)”.

Sealed with the Official Seal of the Department for Social Development on 16th September 2003.

(L.S.)

*John O'Neill*

Senior Officer of the Department for Social Development

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(a) S.R. 1987 No. 459; relevant amending Regulations are S.R. 2002 No. 132 and S.R. 2003 No. 267

(b) Paragraph (1B) was inserted by regulation 2(1) of, and paragraph 6(b) of Part I of the Schedule to, S.R. 2002 No. 132 and amended by regulation 2(5) of S.R. 2003 No. 267

## EXPLANATORY NOTE

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

These Regulations provide for amendments to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) and the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”).

Regulation 2 substitutes references to the residential accommodation rate contained in paragraph 13 of Schedule 7 of the Income Support Regulations and paragraph 15 of Schedule 4 of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”) which are being revoked and replaces them with references to regulation 21(3) of the Income Support Regulations or regulation 85(4) of the Jobseeker’s Allowance Regulations as appropriate.

Regulation 2 also provides for direct payments to third parties to be made from the guarantee credit award of state pension credit. The circumstances where deductions from state pension credit may be taken are those specified in regulation 15(7) of the State Pension Credit Regulations (Northern Ireland) 2003.

The Regulations provide for a specific amount to form the amount prescribed for personal expenses which is the minimum amount kept by a claimant after deductions have been made.

Regulation 3 omits paragraph (1B) of regulation 21 of the Income Support Regulations which is no longer relevant due to the change in the hospital down-rating period from 6 weeks to 52 weeks. This regulation also removes an obsolete reference to paragraph 16 of Schedule 7 (applicable amounts in special cases) to the Income Support Regulations in regulation 21(2) of the same Regulations.

These Regulations make in relation to Northern Ireland only provision corresponding 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 (c. 8), 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.

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