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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 527**

**SOCIAL SECURITY**

**The Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2003**

*Made - - - - 10th December 2003*

*Coming into operation 6th January 2004*

The Department for Social Development, in exercise of the powers conferred by sections 5(1)(k), 105A(1A), (1B), (1D) and (1E), 106(1A) to (1D) and 165(1), (4) and (6) of the Social Security Administration (Northern Ireland) Act 1992<sup>(1)</sup>, and now vested in it<sup>(2)</sup>, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2003 and shall come into operation on 6th January 2004.

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

2. In regulation 32 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987<sup>(3)</sup> (information to be given and changes to be notified) for paragraph (1B) there shall be substituted the following paragraph –

“(1B) Except in the case of a jobseeker’s allowance, every beneficiary and every person by whom, or on whose behalf, sums by way of benefit are receivable shall notify the Department of any change of circumstances which he might reasonably be expected to know might affect –

- (a) the continuance of entitlement to benefit; or
- (b) the payment of the benefit,

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(1) 1992 c. 8; sections 105A was inserted by Article 12 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)); subsections (1A) to (1G) of section 105A were inserted and section 106(1A) to (1D) was substituted by section 15 of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17) and 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) See Article 8(b) of S.R. 1999 No. 481

(3) S.R. 1987 No. 465; regulation 32(1) to (1B) was substituted for regulation 32(1) by regulation 2 of S.R. 2003 No. 224

as soon as reasonably practicable after the change occurs by giving notice of the change to the appropriate office –

- (i) in writing or by telephone (unless the Department determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (ii) in writing if in any class of case it requires written notice (unless it determines in any particular case to accept notice given otherwise than in writing).”.

### **Amendment of the Social Security (Notification of Change of Circumstances) Regulations**

**3.** In regulation 5(1) of the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001(4) (change affecting other benefit, payment or advantage) for “or sent to the Department in writing (except where it determines in any particular case that it will accept a notice other than in writing) at the appropriate office” there shall be substituted

“to the Department at the appropriate office –

- (a) in writing or by telephone (unless the Department determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case it requires written notice (unless it determines in any particular case to accept notice given otherwise than in writing)”.

Sealed with the Official Seal of the Department for Social Development on 10th December 2003.

L.S.

*John Deery*  
Senior Officer of the  
Department for Social Development

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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 1987 Regulations”) and the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”) in respect of notification of changes of circumstances by benefit recipients.

Regulation 2 amends the 1987 Regulations to provide that changes of circumstances affecting the continuance of entitlement to benefit or the payment of benefit shall be notified to the Department for Social Development in writing or by telephone (unless it requires the person to give written notice or accepts another means of notification) or, if it so requires in a class of case, the changes shall be notified in writing unless it accepts another means of notification in any particular case.

Regulation 3 amends the 2001 Regulations to make similar provision for the purpose of offences relating to failure to notify such changes of circumstances.

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, 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.