

1993 No. 146

SOCIAL SECURITY

**The Social Security (Claims and Payments) (Amendment)
Regulations (Northern Ireland) 1993**

Made 29th March 1993

Coming into operation 1st April 1993

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 5(1)(q) of the Social Security Administration (Northern Ireland) Act 1992(a) 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) 1993 and shall come into operation on 1st April 1993.

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

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) Schedule 8A to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(c) (deductions from benefits and direct payments to third parties) shall be amended in accordance with paragraphs (2) to (5).

(2) In paragraph 2(1) (general) for heads (d) and (e) there shall be substituted the following heads—

“(d) fuel costs;

(e) rates; and

(f) payments in place of payments of child support maintenance under Article 40(1) of the Child Support (Northern Ireland) Order 1991(d) and regulation 28 of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(e).”.

(3) After paragraph 7 (rates) there shall be inserted the following paragraph—

(a) 1992 c. 8

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

(c) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 67, S.R. 1989 No. 40, S.R. 1991 No. 488 and S.R. 1992 No. 271

(d) S.I. 1991 No. 2628 (N.I. 23)

(e) S.R. 1992 No. 341

“Payments in place of payments of child support maintenance

7A.—(1) Subject to paragraph 8, this paragraph applies to a beneficiary where a child support officer (within the meaning of Article 15 of the Child Support (Northern Ireland) Order 1991) has determined that he or his partner is liable in respect of payments under Article 40(1) of that Order and regulation 28 of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 in place of payments of child support maintenance.

(2) Subject to sub-paragraph (3), in a case to which sub-paragraph (1) applies, the adjudicating authority shall determine that a weekly amount of any specified benefit awarded to that beneficiary equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 years shall be paid to the person or persons entitled to it.

(3) Not more than one deduction shall be made under this paragraph in any one benefit week.

(4) In sub-paragraph (3) “benefit week” has the same meaning as in paragraph 4 of Schedule 7.”

(4) In paragraph 8(2) (aggregate amounts and maximum amount of payments to third parties) for “and 7(3)” there shall be substituted “, 7(3) and 7A”.

(5) In paragraph 9(1) (priority as between debts)—

(a) for “paragraphs 3 to 7” there shall be substituted “paragraphs 3 to 7A”; and

(b) after head (d) there shall be added the following head—

“(e) any liability mentioned in paragraph 7A (payments in place of payments of child support maintenance).”

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 29th March 1993.

(L.S.)

A. Devlin

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 so as to provide that where a person in receipt of any specified benefit has a liability to make payments in place of payments of child support maintenance then, subject to certain restrictions, a deduction may be made from those benefits towards satisfying that liability.

These regulations make in relation to Northern Ireland only provision corresponding 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 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.