
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 392

**The Social Security (Miscellaneous Amendments
No. 4) Regulations (Northern Ireland) 2007**

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(1) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 3 (claims not required for entitlement to benefit in certain cases)—

(a) after sub-paragraph (c) insert—

“(ca) in the case of a Category A retirement pension where the beneficiary—

(i) is entitled to any category of retirement pension other than a Category A retirement pension; and

(ii) becomes divorced or the beneficiary’s civil partnership is dissolved;

(cb) in the case of a Category B retirement pension where the beneficiary—

(i) is entitled to either a Category A retirement pension or to a graduated retirement benefit or to both; and

(ii) marries or enters into a civil partnership;”;

^{F1}(b)

(3) In regulation 6 (date of claim)—

(a) after paragraph 15(2) insert—

“(15A) Paragraphs (16) to (34) shall not apply in any case where it would be advantageous to the claimant to apply the provisions of regulation 19.”;

(b) in paragraph (19)(3)—

(i) after “been terminated” insert “or reduced or payment under that award ceases”, and

(ii) in sub-paragraph (b) at the end add “or becomes payable again”;

(c) in paragraph (20)(4)—

(i) omit “or” after sub-paragraph (a), and

(ii) after sub-paragraph (b) add—

“or

(c) that the qualifying benefit has ceased to be payable in accordance with—

(1) [S.R. 1987 No. 465](#); relevant amending Regulations are [S.R. 1997 No. 156](#), [S.R. 2000 Nos. 215 and 365](#), [S.R. 2002 No.67](#), [S.R. 2005 No. 139](#) and [S.R. 2006 Nos. 168 and 365](#)

(2) Paragraphs (15) and (19) to (21) were added by regulation 3(4)(e) of [S.R. 1997 No.156](#)

(3) Paragraph(19) was substituted by regulation 3(2)(a) of [S.R. 2000 No. 215](#) and amended by regulation 2(2)(d) of [S.R. 2002 No. 67](#) and regulation 2(3)(a) of [S.R. 2006 No. 365](#)

(4) Paragraph(20) was substituted by regulation 2(3)(b) of [S.R. 2006 No. 365](#)

- (i) regulation 6(1) of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992⁽⁵⁾ or regulation 8(1) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992⁽⁶⁾ because the claimant is undergoing treatment as an in-patient in a hospital or similar institution, or
- (ii) regulation 7 of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992 or regulation 9 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 because the claimant is resident in certain accommodation other than a hospital.”;
- (d) in paragraph (21)⁽⁷⁾—
 - (i) at the beginning insert “Subject to paragraph (21A),”;
 - (ii) omit “and” after sub-paragraph (a), and
 - (iii) for sub-paragraph (b) substitute—
 - “(b) the qualifying benefit is re-awarded following revision, supersession or appeal;
 - (c) the qualifying benefit is re-awarded on a renewal claim when an award for a fixed period expires; or
 - (d) the cessation of payment ends when the claimant leaves the hospital or similar institution or accommodation referred to in paragraph (20)(c); and the further claim referred to in paragraph (19), is made within three months of the date on which the additional circumstances apply.”;
- (e) after paragraph (21) insert—
 - “(21A) Paragraph (21) applies whether the benefit is re-awarded when the further claim is decided or following a revision of, or an appeal against, such a decision.”;
- (f) in paragraph (30)(b)⁽⁸⁾ omit “not later than ten working days after the termination,”;
- (g) in paragraph (33)⁽⁹⁾ at the beginning insert “Subject to paragraph (34),”;
- ^{F2}(h)
- (4) In regulation 19⁽¹⁰⁾ (time for claiming benefit) after paragraph (3B) insert—
 - “(3C) In any case where the application of regulation 6(16) to (34) would be advantageous to the claimant, this regulation shall apply subject to those provisions.”.
- (5) In regulation 30 (payments on death)—
 - (a) in paragraph (4) at the beginning insert “Subject to paragraph (4B),”.
 - (b) after paragraph (4A)⁽¹¹⁾ insert—

(5) S.R. 1992 No. 20; regulation 6(1) was substituted by regulation 2(2)(a) of S.R. 1992 No. 481 and regulation 7 was amended by regulation 5(3) of S.R. 1993 No. 149, regulation 2(2)(a) of S.R. 1993 No. 165, regulation 2 of S.R. 2002 No. 31, regulation 4(2) (a) of S.R. 2002 No. 132, regulation 2(2) of S.R. 2003 No. 397 and regulation 7 of S.R. 2005 No. 458

(6) S.R. 1992 No. 32; regulation 8(1) was substituted by regulation 3(2)(a) of S.R. 1992 No. 481 and regulation 9 was amended by regulation 3(3)(b) of S.R. 1992 No. 481, regulation 4(2) of S.R. 1993 No. 149, regulation 3(2) of S.R. 1993 No. 165, paragraph 1(b) of Schedule 17 to S.R. 1994 No. 65, regulation 3(2) of S.R. 1994 No. 263, regulation 5(2)(a) of S.R. 2002 No. 132, regulation 3(2) of S.R. 2003 No. 397 and regulation 8 of S.R. 2005 No. 458

(7) Paragraph (21) was substituted by regulation 3(2)(a) of S.R. 2000 No. 215 and amended by regulation 2(2)(e) of S.R. 2002 No. 67 and regulation 2(3)(c) of S.R. 2006 No. 365

(8) Paragraph (30) was added by regulation 2(2)(g) of S.R. 2002 No. 67

(9) Paragraph (33) was added by regulation 2(7)(f) of S.R. 2006 No. 168

(10) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156 and paragraph (3B) was inserted by regulation 2(2) (c) of S.R. 2005 No. 139

(11) Paragraph (4A) was inserted by regulation 2(7)(b) of S.R. 2000 No. 365

- “(4B) A written application is not required where—
- (a) an executor or administrator has not been appointed;
 - (b) the deceased was in receipt of a retirement pension of any category or state pension credit including where any other benefit was combined for payment purposes with either of those benefits at the time of death;
 - (c) the sum payable by way of benefit to the deceased is payable to a person who was the spouse or civil partner of the deceased at the time of death; and
 - (d) either—
 - (i) the spouse or civil partner and the deceased were living together at the time of death; or
 - (ii) they would have been living together at the time of death but for the fact that either or both of them were in a residential care or nursing home or in a hospital.”.

Textual Amendments

F1 Reg. 2(2)(b) revoked (30.10.2008) by [The Social Security \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/417\)](#), reg. 1, **Sch.**

F2 Reg. 2(3)(h) revoked (30.10.2008) by [The Social Security \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/417\)](#), reg. 1, **Sch.**

Commencement Information

I1 Reg. 2 in operation at 24.9.2007, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2007, Section 2.