

2008 No. 410

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments No. 3)
Regulations (Northern Ireland) 2008**

Made - - - - *3rd October 2008*

Coming into operation - *6th October 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 171(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and sections 5(1)(a) and 165(1) and (3) to (5) of the Social Security Administration (Northern Ireland) Act 1992(b), and now vested in it(c), and sections 1(5) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(d).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 4 and 5 should not be referred to it(e).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2008 and shall come into operation on 6th October 2008.

(2) The Interpretation Act (Northern Ireland) 1954(f) 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(g) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 19(3)(h) (time for claiming benefit)—

(a) at the end of sub-paragraph (ga) omit “and”;

(b) in sub-paragraph (h) for “dependant.” substitute “dependant; and”, and

(a) 1992 c. 7

(b) 1992 c. 8; 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) and section 165(3) was amended by paragraph 10 of Schedule 4 to, the Tax Credits Act 2002 (c. 21)

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

(d) 2002 c. 14 (N.I.)

(e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

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

(g) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1997 No. 156, S.R. 2002 No. 323, S.R. 2004 No. 304 and S.R. 2005 Nos. 122 and 139

(h) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156 and paragraph 3 was amended by paragraph 2 of the Schedule to, S.R. 2002 No. 323, regulation 2(2) of S.R. 2004 No. 304, regulation 2(3) of S.R. 2005 No.122 and regulation 2(2)(a) of S.R. 2005 No. 139

- (c) after that sub-paragraph add—
 - “(i) state pension credit.”.

(3) In Schedule 4 (prescribed times for claiming benefit) omit paragraph 12(a).

Amendment of the State Pension Credit Regulations

3.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(b) are amended in accordance with paragraphs (2) to (4).

(2) For regulation 3(c) (persons temporarily absent from Northern Ireland) substitute—

“Persons temporarily absent from Northern Ireland

3. A claimant’s entitlement to state pension credit during periods of temporary absence from Northern Ireland is to continue for up to 13 weeks if—

- (a) the period of the claimant’s absence from Northern Ireland is unlikely to exceed 52 weeks, and
- (b) while absent from Northern Ireland the claimant continues to satisfy the other conditions of entitlement to state pension credit.

Persons temporarily absent from Northern Ireland on 6th October 2008

3A. Where a claimant—

- (a) is already temporarily absent from Northern Ireland on 6th October 2008;
- (b) had a continuing entitlement to state pension credit immediately before that day, and
- (c) while absent from Northern Ireland, continues to satisfy the other conditions of entitlement to state pension credit,

the claimant’s entitlement to state pension credit is to continue during that period of absence from Northern Ireland for up to 13 weeks.”.

(3) In regulation 5 (persons treated as being or not being members of the same household)—

- (a) for paragraph (1)(f)(d) substitute—
 - “(f) he is absent from Northern Ireland for more than 13 weeks;”, and
- (b) omit paragraph (3)(e).

(4) In Schedule 3 (special groups) in paragraph 1(8) after “regulations” omit “3.”.

Amendment of the Housing Benefit Regulations

4. In regulation 81(12)(b) of the Housing Benefit Regulations (Northern Ireland) 2006(f) (time and manner in which claims are to be made) for “52 weeks” substitute “6 months”.

(a) Paragraph 12 was inserted by regulation 2(3) of S.R. 2004 No. 304
(b) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2003 No. 421 and S.R. 2006 No. 128
(c) Regulation 3 was amended by regulation 2(4) of S.R. 2003 No. 421 and regulation 5(2) of S.R. 2006 No. 128
(d) Paragraph (1)(f) was substituted by regulation 2(5)(a)(ii) of S.R. 2003 No. 421
(e) Paragraph (3) was inserted by regulation 2(5)(b) of S.R. 2003 No. 421
(f) S.R. 2006 No. 405, to which there are amendments not relevant to these Regulations

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

5. In regulation 62 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(a) (time and manner in which claims are to be made)—

- (a) in paragraph (1) for “12 months” substitute “3 months”, and
- (b) in paragraph (13)(b) for “52 weeks” substitute “3 months”.

Revocations

6. The following regulations are revoked—

- (a) regulation 2(4), (5)(a)(ii) and (5)(b) of the State Pension Credit (Transitional and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2003(b);
- (b) regulation 2(3) of the Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 2004(c), and
- (c) regulation 5(2) of the Social Security (Young Persons) (Amendment) Regulations (Northern Ireland) 2006(d).

Sealed with the Official Seal of the Department for Social Development on 3rd October 2008

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

(a) S.R. 2006 No. 406; to which there are amendments not relevant to these Regulations
(b) S.R. 2003 No. 421
(c) S.R. 2004 No. 304
(d) S.R. 2006 No. 128

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987, the State Pension Credit Regulations (Northern Ireland) 2003, the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.

Regulation 2 amends regulation 19 of, and Schedule 4 to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987. Regulation 2(2) adds state pension credit to the list of benefits set out in regulation 19(3) so that the time for claiming it, is prescribed as 3 months beginning with any day on which, apart from satisfying the condition of making the claim, the claimant is entitled to the benefit concerned. Regulation 2(3) omits state pension credit from Schedule 4.

Regulation 3 amends the State Pension Credit Regulations (Northern Ireland) 2003 so that the period in which entitlement to state pension credit continues during a period of temporary absence abroad, is increased to 13 weeks in all cases and makes consequential amendments to regulation 5 and Schedule 3 to those Regulations.

Regulation 4 amends regulation 81(12)(b) of the Housing Benefit Regulations (Northern Ireland) 2006 so as to enable a claim for housing benefit to be backdated for 6 months.

Regulation 5 amends regulation 62(1) and (13)(b) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006. Regulation 5(a) amends regulation 62(1) so as to amend the time for claiming housing benefit from 12 months to 3 months. Regulation 5(b) amends regulation 62(13)(b) so as to enable a claim for housing benefit to be backdated for 3 months.

Regulation 6 makes consequential revocations.

In so far as these Regulations are required, for the purposes of regulations 4 and 5, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they 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, that Act, are not subject to the requirement of section 149(2) for prior reference to the Social Security Advisory Committee.

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