
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) and the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”).

Regulation 2 amends the Claims and Payments Regulations to—

enable the Department for Social Development (“the Department”) to specify a postal address to which a claim in writing or other written material is to be submitted (paragraph (2));

provide for Category B retirement pension to be awarded without the need to make a claim if the beneficiary’s deceased spouse or civil partner was entitled to a Category A retirement pension (paragraph (3));

make further amendments consequential on the introduction of employment and support allowance (paragraphs (4)(a), (5) and (7));

bring the provisions of regulations 4 and 6 on telephone claims more closely into line with those relating to written claims (paragraphs (4)(b), (c), (e) and (f) and (6)(a) to (f));

allow the Department flexibility to accept telephone claims for income support or jobseeker’s allowance at its discretion as well as in relation to categories of cases (paragraph (4)(d));

reinstate a provision which was previously omitted in error regarding the time for providing a properly completed claim form (paragraph (6)(g)); and

include service charges for certain premises provided and maintained by virtue of Article 4(2) of the Probation Board (Northern Ireland) Order 1982 in payments that may be made to third parties (paragraph (8)).

Regulation 3 amends the Decisions and Appeals Regulations to—

provide that a decision may be revised where an award for income support is terminated and the claimant goes on to successfully claim jobseeker’s allowance but the termination is subsequently revised or reversed on appeal (paragraph (2)(c)); and

make minor clarificatory amendments (paragraphs (2)(a) and (b) and (3)).

Regulation 4 makes consequential revocations.

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.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2009.