
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 220

**The Universal Credit, Personal Independence Payment,
Jobseeker's Allowance and Employment and Support Allowance
(Claims and Payments) Regulations (Northern Ireland) 2016**

PART 5

Third Parties

Persons unable to act

52.—(1) Where a person (“P1”) is, or may be, entitled to benefit (whether or not a claim for benefit has been made by P1 or on P1's behalf) but P1 is unable for the time being to act, the Department may, if all the conditions in paragraph (2) and the additional conditions in paragraph (3) are met, appoint a person (“P2”) to carry out the functions set out in paragraph (4).

(2) The conditions are that—

- (a) no controller has been appointed by the High Court under Part VIII of the Mental Health (Northern Ireland) Order 1986^{M1} with power to claim or receive benefit on P1's behalf; and
- (b) no attorney with a general power, or a power to claim or receive benefit, has been appointed by P1 under the Powers of Attorney Act (Northern Ireland) 1971^{M2}, the Enduring Powers of Attorney (Northern Ireland) Order 1987^{M3} or otherwise.

(3) The additional conditions are that—

- (a) P2 has made a written application to the Department to be appointed; and
- (b) if P2 is an individual, P2 is over the age of 18.

(4) The functions are exercising on behalf of P1 any right to which P1 may be entitled and receiving and dealing on behalf of P1 with any sums payable to P1.

(5) Anything required by these Regulations to be done by or in relation to P1 may be done by or in relation to P2 or any person mentioned in paragraph (2).

(6) Where a person has been appointed under regulation 80(3) of the Housing Benefit Regulations (Northern Ireland) 2006^{M4} by a relevant authority within the meaning of those Regulations to act on behalf of another in relation to a benefit claim or award, the Department may, if the person so appointed agrees, treat that person as if the Department had appointed that person under paragraph (1).

(7) A direct credit transfer under regulation 41 into the account of P2 or any person mentioned in paragraph (2), or the receipt by such a person of a payment made by some other means, is sufficient discharge for the Department for any sum paid.

(8) An appointment under paragraph (1) or (6) comes to an end if—

- (a) the Department at any time revokes it;

Status: Point in time view as at 20/06/2016.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, PART 5. (See end of Document for details)

- (b) P2 resigns P2's office having given one month's notice in writing to the Department of an intention to do so; or
- (c) the Department is notified that any condition in paragraph (2) is no longer met.

Marginal Citations

- M1** [S.I. 1986/595 \(N.I. 4\)](#).
- M2** [1971 c. 33 \(N.I.\)](#).
- M3** [S.I. 1987/1627 \(N.I. 16\)](#).
- M4** [S.R. 2006 No. 405](#).

Payment to another person on the claimant's behalf

53.—(1) The Department may direct that universal credit be paid wholly or in part to another person on the claimant's behalf if this appears to the Department necessary to protect the interests of—

- (a) the claimant;
- (b) the claimant's partner;
- (c) a child or qualifying young person for whom the claimant or the claimant's partner or both are responsible; or
- (d) a severely disabled person, where the calculation of the award of universal credit includes, by virtue of regulation 30 of the Universal Credit Regulations, an amount in respect of the fact that the claimant has regular and substantial caring responsibilities for that severely disabled person.

(2) The Department may direct that personal independence payment be paid wholly to another person on the claimant's behalf if this appears to the Department necessary to protect the interests of the claimant.

Direct payment to lender of deductions in respect of interest secured on loans

54. Schedule 4 has effect where section 13A(1) of the Administration Act ^{M5} (payment out of benefit of sums in respect of mortgage interest, etc.) applies in relation to a case where a claimant is entitled to universal credit.

Marginal Citations

- M5** [Section 13A](#) was inserted by paragraph 1 of the Schedule to the [Social Security \(Mortgage Interest Payments\) \(Northern Ireland\) Order 1992 \(S.I. 1992/1309 \(N.I. 9\)\)](#) and amended by paragraph 23 of Schedule 2 to the [Jobseekers \(Northern Ireland\) Order 1995 \(S.I. 1995/2705 \(N.I. 15\)\)](#), [paragraph 9](#) of Schedule 2 to the [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14 \(N.I.\)\)](#), [paragraph 109](#) of Schedule 24 to the [Civil Partnership Act 2004 \(c. 33\)](#), [paragraph 4\(5\)](#) of Schedule 3 to the [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2 \(N.I.\)\)](#) and Article 18 of [S.I. 2002/1555](#).

Deductions which may be made from benefit and paid to third parties

55. Except as provided for in regulation 54 and Schedule 4, deductions may be made from benefit and direct payments may be made to third parties on behalf of a claimant in accordance with the provisions of Schedules 5 and 6.

Status:

Point in time view as at 20/06/2016.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, PART 5.