
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 98

The Social Security (Fines) (Deductions from Benefits) Regulations (Northern Ireland) 2018

Deduction from debtor's income support, state pension credit, jobseeker's allowance or employment and support allowance

3.—(1) Subject to regulation 4, where—

- (a) the Department receives an application from a collection officer in respect of a debtor who is entitled to income support, state pension credit, income-based jobseeker's allowance or income-related employment and support allowance;
- (b) the amount payable by way of that benefit, after any deduction under this paragraph, is 10 pence or more; and
- (c) the aggregate amount payable under one or more of paragraphs 3(2)(a), 5(5), 6(2)(a), 6A(3) or (5) and 7(2) and (3) of Schedule 8A(1) to the Claims and Payments Regulations, together with the amount to be deducted under this paragraph does not exceed an amount equal to 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years,

the Department may deduct a sum from that benefit which is equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 or £5, whichever is the greater amount allowed by sub-paragraphs (b) and (c) and pay that sum to the court towards satisfaction of the outstanding amount.

(2) Subject to regulation 4, where—

- (a) the Department receives an application from a collection officer in respect of a debtor who is entitled to contribution-based jobseeker's allowance or contributory employment and support allowance; and
- (b) the amount of that allowance payable, before any deduction under this paragraph, is 10 pence or more,

the Department may deduct a sum from that allowance, up to the appropriate maximum specified in paragraph (3), and pay that sum to the court towards satisfaction of the outstanding amount.

(3) The appropriate maximum is 40 per cent. of the appropriate age-related amount for the debtor specified—

- (a) where the debtor is entitled to contribution-based jobseeker's allowance, in regulation 79(2) of the Jobseeker's Allowance Regulations or, as the case may be, regulation 49 of the Jobseeker's Allowance Regulations (Northern Ireland) 2016(3);
- (b) where the debtor is entitled to contributory employment and support allowance, in paragraph 1(1) of Schedule 4 to the Employment and Support Allowance Regulations

(1) Schedule 8A was inserted by regulation 2(3) of [S.R. 1988 No. 67](#) to which there are amendments not relevant to these Regulations
(2) Regulation 79 was amended by Article 21(c) of [S.R. 2015 No. 124](#) and regulation 4(9) of [S.R. 2017 No. 116](#)
(3) [S.R. 2016 No. 218](#)

or, as the case may be, regulation 62(1)(b) of the Employment and Support Allowance Regulations (Northern Ireland) 2016(4).

(4) The Department shall notify the debtor and the court in writing of a decision to make a deduction under this regulation so far as is practicable within 14 days from the date on which it made the decision and at the same time shall notify the debtor of a right to appeal.