
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 215

SOCIAL SECURITY

The Social Security (Fines) (Deduction from Benefits) Regulations (Northern Ireland) 2021

Made - - - - *20th July 2021*

Coming into operation *11th August 2021*

The Department for Communities makes the following regulations in exercise of the powers conferred by sections 5(1)(m) and (q), 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992⁽¹⁾ and now vested in it⁽²⁾ and sections 15(1) and 60(2), (4) and (7) of the Justice Act (Northern Ireland) 2016⁽³⁾.

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Fines) (Deduction from Benefits) Regulations (Northern Ireland) 2021 and shall come into operation on 11th August 2021.

Interpretation

2.—(1) In these Regulations—

“the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015⁽⁴⁾;

“the 2016 Act” means the Justice Act (Northern Ireland) 2016;

“application” means an application for deduction from benefit made under section 14 of the 2016 Act;

“assessment period” means the period prescribed by regulation 22 of the Universal Credit Regulations (Northern Ireland) 2016⁽⁵⁾;

(1) 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 18(5) of the National Insurance Contributions Act 2014 (c. 7)

(2) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))

(3) 2016 c. 21 (N.I.) as amended by Article 2 of The Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021 S.R. 2021 No.203

(4) S.I. 2015/2006 (N.I. 1)

(5) S.R. 2016 No. 216

“the Claims and Payments regulations” means the Universal Credit, Personal Independence Payment, Jobseekers Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016⁽⁶⁾;

“collection officer”, means a person so designated under section 2(1) of the 2016 Act;

“court” means the responsible court under section 27(1) of the 2016 Act;

“debtor” has the meaning as defined under section 1(2) of the 2016 Act;

“standard allowance” means, in relation to any claimant, any amount included in the claimant’s award of universal credit under Article 14(1) of the 2015 Order;

“universal credit” means universal credit under Part 2 of the 2015 Order.

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954⁽⁷⁾ applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

Deduction from debtor’s universal credit

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

- (a) the Department receives an application from the collections officer in respect of a debtor who is entitled to universal credit;
- (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 that may be deducted from a claimant’s award of universal credit in relation to any assessment period and paid to a third party under paragraphs 6(3), 7(5), 8(3) and (4), 9(3), 10(3) of Schedule 5 to the Claims and Payments Regulations, together with the amount to be deducted under this paragraph does not exceed the maximum amount under paragraph 4 of Schedule 5 to the Claims and Payments Regulations,

the Department may deduct a sum from that benefit which is equal to 5 per cent. of the standard allowance or £5, whichever is the greater amount allowed by sub-paragraphs (b) and (c) and pay that sum to the court by or for which the application was made towards satisfaction of the sum due.

(2) 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.

Circumstances, time of making and termination of deductions

4.—(1) The Department may make deductions from universal credit under regulation 3(1) only if—

- (a) the debtor is entitled to universal credit throughout any assessment period; and
- (b) no deductions are being made in respect of the offender under any other application.

(2) The Department shall make deductions from universal credit by reference to the times at which payment of universal credit is made to the debtor.

(3) The Department shall cease to making deductions from universal credit if—

(6) S.R. 2016 No. 220

(7) 1954 c. 33 (N.I.)

- (a) there is no longer sufficient entitlement to universal credit to enable it to make the deduction;
 - (b) entitlement to universal credit ceases;
 - (c) a collection officer withdraws the application for deductions to be made; or
 - (d) the liability to make payment of the outstanding amount has ceased.
- (4) Payments of sums deducted from universal credit under these Regulations shall be made to the court at intervals of 13 weeks.
- (5) The Department shall notify the debtor in writing of the total of sums deducted under any application—
- (a) on receipt of a written request for such information from the debtor; or
 - (b) on the termination of deductions made under any such application.

Amendment to the Claims and Payments Regulations

5. Schedule 5 of the Universal Credit, Personal Independence Payment, Jobseekers Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 is amended as follows—

- (a) in paragraph 1(1) (interpretation) after the definition of “child element” insert—
 - ““the Fines Regulations” means the Social Security (Fines) (Deduction from Benefits) Regulations (Northern Ireland) 2021”;
- (b) in paragraph 3(2) (limitations applicable to deductions made under this Schedule) after sub-paragraph (g) insert—
 - “(h) regulation 3 (deductions from debtor’s universal credit) of the Fines Regulations”;
- (c) in paragraph 5(2) (priority as between certain debts) after sub-paragraph (e) insert—
 - “(ee) regulation 3 (deductions from debtor’s universal credit) of the Fines Regulations”;

Sealed with the Official Seal of the Department for Communities on 20th July 2021

(L.S.)

Anne McCleary
A senior officer of the Department of
Communities

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are designed to prevent imprisonment of debtors in relation to non-payment of court fines and provide a manageable way to pay court fines through deductions from benefits.

Regulation 3 provides for deductions to be made from universal credit where a fine has been imposed upon a person (the debtor) by a court to meet the sums due in respect of such fines.

Regulation 4 provides for deductions to be made one application at a time, establishes the circumstances in which deductions should cease and that the payment of deduction shall be made at intervals of 13 weeks by the Department for Communities to the court.

Regulation 5 makes supplemental amendments to the Universal Credit, Personal Independence Payment, Jobseekers Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 to include these fines in the priority order of debt.

Provisions for appeal can be found in section 14(6) of the Justice Act (Northern Ireland) 2016.