



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART I

#### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

##### *Claims and payments regulations*

#### **5 Regulations about claims for and payments of benefit.**

(1) Regulations may provide—

- (a) for requiring a claim for a benefit to which this section applies to be made by such person, in such manner and within such time as may be prescribed;
- (b) for treating such a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
- (c) for permitting such a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
- (d) for permitting an award on such a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable under the award;
- [<sup>F1</sup>(e) for any such award to be revised under Article 10 of the Social Security (Northern Ireland) Order 1998, or superseded under Article 11 of that Order, if any of those requirements are found not to have been satisfied;]
- (f) for the disallowance on any ground of a person's claim for a benefit to which this section applies to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
- (g) for enabling one person to act for another in relation to a claim for a benefit to which this section applies and for enabling such a claim to be made and proceeded with in the name of a person who has died;

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- (h) for requiring any information or evidence needed for the determination of such a claim or of any question arising in connection with such a claim to be furnished by such person as may be prescribed in accordance with the regulations;
- [<sup>F2</sup>(hh) for requiring such person as may be prescribed in accordance with the regulations to furnish any information or evidence needed for a determination whether a decision on an award of benefit to which this section applies—
  - (i) should be revised under Article 10 of the Social Security (Northern Ireland) Order 1998 [<sup>F3</sup>or, as the case may be, under paragraph 3 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000]; or
  - (ii) should be superseded under Article 11 of that Order [<sup>F4</sup>or, as the case may be, paragraph 4 of that Schedule;]]
- (i) for a claim for any one benefit to which this section applies to be treated, either in the alternative or in addition, as a claim for any other such benefit that may be prescribed;
- (j) for the person to whom, time when and manner in which a benefit to which this section applies is to be paid and for the information and evidence to be furnished in connection with the payment of such a benefit;
- (k) for notice to be given of any change of circumstances affecting the continuance of entitlement to such a benefit or payment of such a benefit;
- (l) for the day on which entitlement to such a benefit is to begin or end;
- (m) for calculating the amounts of such a benefit according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or facilitate computation;
- (n) for extinguishing the right to payment of such a benefit if payment is not obtained within such period, not being less than 12 months, as may be prescribed from the date on which the right is treated under the regulations as having arisen;
- [<sup>F5</sup>(o) for suspending payment, in whole or in part, where it appears to the Department that a question arises whether—
  - (i) the conditions for entitlement are or were fulfilled;
  - (ii) an award ought to be revised;
  - (iii) an appeal ought to be brought against an award;]
- [<sup>F6</sup>(p) for withholding payments of a benefit to which this section applies in prescribed circumstances and for subsequently making withheld payments in prescribed circumstances;]
- (q) for the circumstances and manner in which payments of such a benefit may be made to another person on behalf of the beneficiary for any purpose, which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person;
- (r) for the payment or distribution of such a benefit to or among persons claiming to be entitled on the death of any person and for dispensing with strict proof of their title;
- (s) for the making of a payment on account of such a benefit—
  - (i) where no claim has been made and it is impracticable for one to be made immediately;

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- (ii) where a claim has been made and it is impracticable for the claim or an appeal, reference, review or application relating to it to be immediately determined;
    - (iii) where an award has been made but it is impracticable to pay the whole immediately.
  - [<sup>F7</sup>(t) for treating any payment on account made by virtue of paragraph (s) above as made on account of any benefit to which this section applies that is subsequently awarded or paid.]
- (2) This section applies to the following benefits—
  - (a) benefit as defined in section 121 of the Contributions and Benefits Act;
  - [<sup>F8</sup>(aa) a jobseeker’s allowance;]
  - [<sup>F9</sup>(ab) state pension credit;]
  - [<sup>F10</sup>(ac) an employment and support allowance;]
  - (b) income support;
  - [<sup>F11</sup>(c) .....
  - [<sup>F11</sup>(d) .....
  - (e) housing benefit;
  - (f) any social fund payments such as are mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act;
  - [<sup>F12</sup>(fa) health in pregnancy grant;]
  - (g) child benefit; and
  - (h) Christmas bonus.
- [<sup>F13</sup>(2A) The references in paragraphs (h) and (hh) of subsection (1) above to information or evidence needed for the determination of a claim or of any question arising in connection with a claim or (as the case may be) for a determination whether a decision on an award should be revised or should be superseded, includes, in the case of state pension credit, a reference to information or evidence as to the likelihood of future changes in a person’s circumstances which is needed for determining—
  - (a) whether a period should be specified as an assessed income period under section 6 of the State Pension Credit Act (Northern Ireland) 2002 in relation to any decision; and
  - (b) if so, the length of the period to be so specified.]
- [<sup>F14</sup>(3) Subsection (1)(o) above shall have effect in relation to housing benefit as if the reference to the Department were a reference to the authority paying the benefit.]
- (4) Subsection (1)(g), (j), (m), (q) and (r) above shall have effect as if statutory sick pay and statutory maternity pay were benefits to which this section applies.
- [<sup>F15</sup>(“ Subsection (1)(g), (j), (m), (q) and (r) above shall have effect as if—
  - (a) [<sup>F16</sup>statutory paternity pay, statutory adoption pay and statutory shared parental pay] were benefits to which this section applies; and
  - (b) for the words “Regulations may” at the beginning of subsection (1) there were substituted the words “ The Department for Employment and Learning may by regulations subject to negative resolution (within the meaning of section 166(12)) ”.]
- [<sup>F17</sup>(5) As it has effect in relation to housing benefit subsection (1)(q) above authorises provision requiring the making of payments of benefit to another person, on behalf of the beneficiary, in such circumstances as may be prescribed.]

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### Textual Amendments

- F1** S. 5(1)(e) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 60(1)(a)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1** and S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472)
- F2** S. 5(1)(hh) inserted (10.3.1999 and 29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 70; S.R. 1999/102, art. 2(a), **Sch. 1 Pt. I**; S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472)
- F3** Words in s. 5(1)(hh)(i) inserted (22.11.2000 for certain purposes, otherwise 2.7.2001) by 2000 c. 4 (N.I.), s. 59, **Sch. 7 para. 21** (with s. 66(6)); S.R. 2000/358, art. 2, **Sch. Pt. II**; S.R. 2001/141, art. 2(1), **Sch. Pt. III**
- F4** Words in s. 5(1)(hh)(ii) inserted (22.11.2000 for certain purposes, otherwise 2.7.2001) by 2000 c. 4 (N.I.), s. 59, **Sch. 7 para. 21** (with s. 66(6)); S.R. 2000/358, art. 2, **Sch. Pt. II**; S.R. 2001/141, art. 2(1), **Sch. Pt. III**
- F5** S. 5(1)(o) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999, 29.11.1999 and 2.7.2001 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 60(1)(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1**; S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472) and S.R. 2001/260, art. 2(a)  
S. 5(1)(o) repealed (2.7.2001 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 2001/260, **art. 2**
- F6** S. 5(1)(p) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999, 29.11.1999 and 2.7.2001 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 60(1)(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1**, S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472) and S.R. 2001/260, **art. 2(a)**  
S. 5(1)(p) repealed (2.7.2001 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 2001/260, **art. 2**
- F7** S. 5(1)(t) added (*retrospectively*) by S.I. 1993/1579 (N.I. 8), **art. 3(1)(4)**
- F8** S. 5(2)(aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 22**; S.R. 1996/180, **art. 2(a)**
- F9** S. 5(2)(ab) inserted (2.12.2002 for certain purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 11, 21(2), **Sch. 1 Pt. 1 para. 3(a)**; S.R. 2002/366, **art. 2(1)(i)**; S.R. 2003/211, art. 2(a)
- F10** S. 5(2)(ac) inserted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(4)**; S.R. 2008/276, art. 2(2)(c), **Sch. Pt. 1**
- F11** S. 5(2)(c)(d) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), **Sch. 2** (with art. 3)
- F12** S. 5(2)(fa) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(1)**, 170; S.I. 2008/3137, art. 2
- F13** S. 5(2A) inserted (2.12.2002 for certain purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 11, 21(2), **Sch. 1 Pt. 1 para. 3(b)**; S.R. 2002/366, **art. 2(1)(i)**; S.R. 2003/211, art. 2(a)
- F14** S. 5(3) repealed (2.7.2001 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 60(2)**, **Sch. 7**; S.R. 2001/260, **art. 2**
- F15** S. 5(4A) inserted (8.12.2002) by The Employment (Northern Ireland) Order 2002 (S.I. 2002/2836), arts. 1(2)(3), 17(1), **Sch. 2 para. 2(1)** (with art. 16); S.R. 2002/356, **art. 2(2)**, **Sch. 1 Pt. II**
- F16** Words in s. 5(4A)(a) substituted (15.3.2015 for specified purposes) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 3(2)**; S.R. 2015/86, arts. 3(2)(i), 5

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**F17** S. 5(5) inserted (*retrospectively*) by S.I. 1995/2597 (N.I. 20), **art. 3(1)(2)**

**Modifications etc. (not altering text)**

- C1** S. 5 extended by S.I. 1991/2628 (N.I. 23), **art. 40** (as substituted 22.11.2000 for specified purposes, otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 20, 68(1)(2)** (with s. 66(6)); S.R. 2000/358, art. 2(b), **Sch. Pt. II**
- C2** S. 5(1) modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 5**
- C3** S. 5(1) modified (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 5(2), 60(1)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

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