

2012 No. 140

SOCIAL SECURITY; HOUSING; RATES

**The Social Security (Suspension of Payment of Benefits
and Miscellaneous Amendments) Regulations
(Northern Ireland) 2012**

Made - - - - *26th March 2012*

Coming into operation - *17th April 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(hh) and (j) and (2A) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(a) and Articles 10(1)(a), 22 and 74(1), (3), (5) and (6) of the Social Security (Northern Ireland) Order 1998(b) and now vested in it(c).

Citation and commencement

1. These Regulations may be cited as the Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 and shall come into operation on 17th April 2012.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

2.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(d) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3 (revision of decisions) after paragraph (7E)(e) insert—

“(7EA) The Department may revise a decision made under regulation 18(1) that a person ceases to be entitled to a benefit specified in paragraph (7EB).

(7EB) Those benefits are—

- (a) a Category A or Category B retirement pension;
- (b) a shared additional pension;
- (c) graduated retirement benefit.”.

(a) 1992 c. 8; in section 5 subsection (1)(hh) was inserted by Article 70 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by paragraph 21 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and subsection (2A) was inserted by paragraph 3(b) of Schedule 1 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and 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 No. 671)

(b) S.I. 1998/1506 (N.I. 10); Article 22 was amended by paragraph 8 of Schedule 1 to the State Pension Credit Act (Northern Ireland) 2002 and Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(c) See Article 8(b) of S.R. 1999 No. 481

(d) S.R. 1999 No. 162; relevant amending Regulations are S.R. 2006 No. 104

(e) Paragraph (7E) was inserted by regulation 9(3) of S.R. 2006 No. 104

- (3) In regulation 17(a) (provision of information or evidence)—
- (a) in paragraph (2) for sub-paragraph (c) substitute—
 - “(c) a person from whom the Department requires information or evidence under regulation 32(1) of the Claims and Payments Regulations;
 - (ca) a person from whom the Department requires documents, certificates or other evidence under regulation 24(5) or (5A) of the Jobseeker’s Allowance Regulations(b);”;
 - (b) in paragraph (4)—
 - (i) in sub-paragraph (a) for head (i) substitute—
 - “(i) a period of 14 days beginning with the date on which the notification under paragraph (3) was sent to him or such longer period as the Department allows in that notification, or”, and
 - (ii) in sub-paragraph (b) for “period of time specified in” substitute “period applicable under”; and
 - (c) after paragraph (4) insert—
 - “(4A) In relation to a person to whom paragraph (2)(ca) refers, paragraph (4)(a)(i) has effect as if for “14 days” there were substituted “7 days”.”.

Amendment of the Social Security (Claims and Payments) Regulations

3. In regulation 32 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(c) (information to be given and changes to be notified)—

- (a) in paragraph (1)(d) for “and at such times as the Department may determine” substitute “as the Department may determine and within the period applicable under regulation 17(4) of the Decisions and Appeals Regulations”;
- (b) in paragraph (6)(e) for sub-paragraphs (b) and (c) substitute—
 - “(b) except to the extent that sub-paragraph (a) applies, changes to an element of the claimant’s retirement provision need not be notified if—
 - (i) an assessed income period is current in his case, or
 - (ii) the period applicable under regulation 17(4) of the Decisions and Appeals Regulations has not expired.”; and
- (c) after paragraph (6) add—
 - “(7) In this regulation “the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.”.

Amendment of the Jobseeker’s Allowance Regulations

4. In regulation 24 of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(f) (provision of information and evidence)—

- (a) in paragraph (9)(g) omit “or (5) or (5A)”; and

(a) To which there are amendments not relevant to these Regulations
 (b) Paragraph (5A) was inserted by paragraph 3(d) of Schedule 2 to S.R. 2000 No. 350
 (c) S.R. 1987 No. 465; relevant amending Regulations are S.R. 2003 Nos. 191, 224 and 421 and S.R. 2008 No. 262
 (d) Paragraph (1) was substituted by regulation 2 of S.R. 2003 No. 224
 (e) Paragraph (6) was added by regulation 11(b) of S.R. 2003 No. 191 and amended by regulation 4 of S.R. 2003 No. 421 and regulation 3 of S.R. 2008 No. 262
 (f) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2000 No. 350
 (g) Paragraph (9) was amended by paragraph 3(g) of Schedule 2 to S.R. 2000 No. 350

(b) after paragraph (9) insert—

“(9A) Where, pursuant to paragraph (5) or (5A), a claimant is required to provide certificates, documents or other evidence, he shall do so within the period applicable under regulation 17(4) of the Decisions and Appeals Regulations.”.

Amendments relating to housing benefit: offsetting

5. In regulation 95(1) of the Housing Benefit Regulations (Northern Ireland) 2006(a) and regulation 76(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(b) (offsetting) for “further revised” substitute “superseded or further revised or superseded”.

Revocations

6. Paragraph 3(g) of Schedule 2 to the Jobseeker’s Allowance (Joint Claims) Regulations (Northern Ireland) 2000(c), regulation 4(b) of the State Pension Credit (Transitional and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2003(d) and regulation 3(b) of the Social Security (Students and Miscellaneous Amendments) Regulations (Northern Ireland) 2008(e) are revoked.

Sealed with the Official Seal of the Department for Social Development on 26th March 2012

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

(a) S.R. 2006 No. 405
(b) S.R. 2006 No. 406
(c) S.R. 2000 No. 350
(d) S.R. 2003 No. 421
(e) S.R. 2008 No. 262

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 to—

provide that decisions that a person ceases to be entitled to Category A or Category B retirement pension, a shared additional pension or graduated retirement benefit may be revised (paragraph (2));

provide that notification that payment of benefit may be suspended in the event of non-compliance with a requirement to provide information or evidence must be given at the time the information is first requested and to reduce the period for compliance from a minimum of one month to a minimum of 14 days (paragraph (3)(a) and (b)); and

provide for the suspension of payment of a jobseeker's allowance for non-compliance with a requirement to provide documents, certificates or other evidence under regulation 24(5) or (5A) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ("the Jobseeker's Allowance Regulations"), although in such cases, the minimum period for compliance of 7 days under those Regulations will remain unchanged (paragraph (3)(a) and (c)).

Regulations 3 and 4 make consequential amendments to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations.

Regulation 5 amends the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 to enable sums paid under a decision to be offset against arrears of entitlement under a subsequent decision where that subsequent decision is a supersession or a further supersession.

Regulation 6 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.

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