1981 No. 187

SOCIAL SECURITY

The Social Security Benefits (Interim Payments) Regulations (Northern Ireland) 1981

Made	*16th June 1981*
Coming into operation . . .	*18th June 1981*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 119(3)(*a*) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits (Interim Payments) Regulations (Northern Ireland) 1981 and shall come into operation on 18th June 1981.

(2) In these regulations—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"determining authority" means, as the case may require, an insurance officer, a local tribunal or a Commissioner within the meaning of the Act.

Interim payments by way of benefit under the Act

2.—(1) Where, under arrangements made by the Department with the consent of the Department of Finance payment by way of benefit has been made pending determination of a claim for it without due proof of the fulfilment of the relevant conditions or otherwise than in accordance with the provisions of the Act and orders and regulations made under it, the payment so made shall, for the purposes of those provisions but subject to the following provisions of this regulation be deemed to be a payment of benefit duly made.

(2) When a claim for benefit in connection with which a payment has been made under arrangements such as are referred to in paragraph (1) is determined by a determining authority—

(*a*) if that authority decides that nothing was properly payable by way of the benefit in respect of which the payment was made or that the amount properly payable by way of that benefit was less than the amount of the payment, it may, if appropriate, direct that the whole or part of the overpayment be treated as paid on account of benefit (whether benefit under the Act or the Supplementary Benefits (Northern Ireland) Order 1977(**c**)) which is properly payable, but subject as aforesaid shall require repayment of the overpayment; and

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(**a**) 1975 c. 15

(**b**) 1980 c. 30

(**c**) S.I. 1977/2156 (N.I. 27): provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(*b*) if that authority decides that the amount properly payable by way of the benefit in respect of which the payment was made equals or exceeds the amount of that payment, it shall treat that payment as paid on account of the benefit properly payable.

(3) Unless before a payment made under arrangements such as are referred to in paragraph (1) has been made to a person that person has been informed of the effect of sub-paragraph (*a*) of paragraph (2) as it relates to repayment of an overpayment, repayment of an overpayment shall not be required except where the determining authority is satisfied that in the obtaining and receipt of such a payment the person to whom it has been made, and any person acting for him, has not throughout exercised due care and diligence to avoid overpayment.

(4) An overpayment required to be repaid under the provisions of this regulation shall, without prejudice to any other method of recovery, be recoverable by deduction from any benefit then or thereafter payable to the person by whom it is to be repaid or any persons entitled to receive his benefit on his death.

Revocations

3. Regulation 13(9) and (10) of the Social Security (General Benefit) (Northern Ireland) Regulations 1975(**a**) (repayment of interim payments by way of unemployment benefit, sickness benefit, invalidity benefit and maternity benefit) and regulation 41 of the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976(**b**) (repayment of interim payments by way of injury benefit) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 16th June 1981.

(L.S.) *J. M. Steele*

Assistant Secretary

(**a**) S.R. 1975 No. 26, to which there are amendments not relevant to the subject matter of these regulations

(**b**) S.R. 1976 No. 42, to which there are amendments not relevant to the subject matter of these regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations contain provisions relating to interim payments made by the Department with the consent of the Department of Finance pending the determination by independent statutory authorities (insurance officers, local tribunals and the Social Security Commissioners) of claims for benefit under the Social Security (Northern Ireland) Act 1975 (regulation 2).

The regulations revoke earlier provisions which were limited to interim payments of unemployment, sickness, invalidity, maternity and injury benefit (regulation 3).