1975 No. 218

SOCIAL SECURITY

The Family Allowances (Determination of Claims and Questions) Amendment Regulations (Northern Ireland) 1975

Made . . . . . *28th July* 1975

Coming into operation . . . *26th August* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 119(3) and (4) of the Social Security (Northern Ireland) Act 1975(a), as that section has effect by virtue of section 8(1) of the Family Allowances Act (Northern Ireland) 1966(b), as amended by paragraph 89 of Schedule 2 to the Social Security (Consequential Provisions) Act 1975(c), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Family Allowances (Determination of Claims and Questions) Amendment Regulations (Northern Ireland) 1975 and shall come into operation on 26th August 1975.

Amendment of the Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland) 1968

2. In the Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland) 1968(d), after regulation 5 there shall be inserted the following regulation:

"*Overpaid allowances to be treated as properly paid where additional supplementary benefit would otherwise have been payable*

5A.—(1) Subject to paragraph (2) where—

(*a*) by a decision given on appeal or review, as respects a period for which sums on account of an allowance (in this regulation referred to as "family allowance") have been paid, it is decided that the whole or part of the family allowance was for that period not payable and but for this regulation would be required to be repaid; and

(*b*) the Supplementary Benefits Commission for Northern Ireland certifies that the person who would otherwise be required to repay the family allowance, or some other person, would have been paid supplementary benefit of a specified amount, additional to that which was paid for that period, had there been no overpayment of the family allowance,

the decision on appeal or review shall direct that the overpaid family allowance shall be treated as properly paid to the extent of the additional amount shown in the certificate.

(2) Where the overpaid family allowance resulted from the exclusion from the family of a child not living with the person who would otherwise be required to repay the family allowance, paragraph (1) shall not apply unless in respect of any period either—

(a) 1975 c. 15
(b) 1966 c. 8 (N.I.)
(c) 1975 c. 18
(d) S.R. & O. (N.I.) 1968 No. 174 (p. 818)

(*a*) that person has contributed to the cost of providing for such child at a weekly rate not less than that for the time being specified in section 3(2) of the Family Allowances Act; or

(*b*) it appears from the certificate that less supplementary benefit was paid than would have been the case had there been no overpayment of family allowance and, where the payment of supplementary benefit was to some other person, that either he was a member of the same household as the person who would otherwise be required to repay the family allowance or the latter was his spouse and they were living together.

(3) In this regulation "supplementary benefit" means benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966(e).".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 28th July 1975.

(L.S.) *C. G. Oakes*
Assistant Secretary

EXPLANATORY NOTE

(*This note is not part of the regulations but is intended to indicate their general purport.*)

These regulations amend the Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland) 1968 ("the principal regulations").

Regulation 1 is formal.

Regulation 2 inserts a new regulation into the principal regulations which provides that, where a person has been overpaid family allowance for a period for which that person or some other person was paid benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966, then, in certain circumstances, the overpaid family allowance is to be treated as properly paid to the extent of the difference between the amount actually paid by way of benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966 and the amount that would have been payable under that Act had there been no overpayment of family allowance.

(e) 1966 c. 28 (N.I.)