1982 No. 400

SOCIAL SECURITY

The Family Income Supplements (General) (Amendment) Regulations (Northern Ireland) 1982

Made	*30th November 1982*
Coming into operation . . .	*31st December 1982*

The Department(a) of Health and Social Services, in exercise of the powers conferred on it by section 10(2)(*ii*) of the Family Income Supplements Act (Northern Ireland) 1971(b) 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(c) 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 Family Income Supplements (General) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 31st December 1982.

(2) In these regulations "the principal regulations" means the Family Income Supplements (General) Regulations (Northern Ireland) 1980(d).

Insertion of regulation 11A in the principal regulations

2. After regulation 11 of the principal regulations there shall be inserted the following regulation—

"*Interim payments on account of benefit*

11A.—(1) Subject to paragraph (2), an interim payment shall be deemed for the purposes of the Act to be a payment of benefit duly made.

(2) When a claim in connection with which an interim payment has been made is determined by a determining authority—

(*a*) if that authority decides that nothing was properly payable by way of benefit or decides that the amount properly so payable was less than the amount of the interim payment, it may, if appropriate, direct that the whole or part of the overpayment be treated as paid on account of benefit which is properly payable or on account of any benefit under the Social Security (Northern Ireland) Act 1975(e) or the Child Benefit (Northern Ireland) Order 1975(f), but subject to any such direction the Department shall be entitled to recover the amount of the overpayment;

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

(a) Formerly Ministry: *see* paragraph 8(1) of Schedule 5 to the Northern Ireland Constitution Act 1973 c. 36
(b) 1971 c. 8 (N.I.); section 10 was amended by Article 38 of, and paragraph 2 of Schedule 4 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))
(c) 1980 c. 30
(d) S.R. 1980 No. 375
(e) 1975 c. 15
(f) S.I. 1975/1504 (N.I. 16)

(3) Unless, before an interim payment has been made to a person, he 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 the interim payment he, and any person acting for him, has not throughout disclosed all material facts.

(4) In this regulation "interim payment" has the meaning assigned to it by section 10(6) of the Act.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 30th November 1982.

(L.S.) *I. M. S. Jordan* (Miss)
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Family Income Supplements (General) Regulations (Northern Ireland) 1980 ("the principal regulations").

Regulation 2 inserts a new regulation 11A in the principal regulations. It contains provisions relating to interim payments made by the Department of Health and Social Services with the consent of the Department of Finance and Personnel pending the determination by independent statutory authorities (supplement officers, Supplementary Benefit Appeal Tribunals and the Social Security Commissioners) of claims for family income supplement.