

Chapter 8 - Payment of benefit/ Deductions from benefit

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Appendix 1 – List of disqualifying benefits**Appendix 2 – List of benefits which are not disqualifying benefits**

Legislation Used in Chapter 8

Abbreviation	Full Title
CS (AIAMA) Regs (NI)	The Child Support (Arrears Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992 No 342
CS (MASC) Regs (NI)	The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 No 431
CS, Pens and SS Act (NI)	Child Support, Pensions and Social Security Act (Northern Ireland) 2000
Enduring Power of Attorney (NI) Order 87	Enduring Power of Attorney (Northern Ireland) Order 1987
Interpretation Act (NI) 54	Interpretation Act (Northern Ireland) 1954
JS (NI) Order 95	Jobseekers (Northern Ireland) Order 1995
JSA Regs (NI)	The Jobseeker's Allowance Regulations (Northern Ireland) 1996 No 198
SS (AA) Regs (NI)	The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992 No 20
SS C&B (NI) Act 92	Social Security Contributions and Benefits (Northern Ireland) Act 1992
SS (C&P) Regs (NI)	The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 No 465
SS (ICA) Regs (NI)	The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 No 99
SS (OB) Regs (NI)	The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 No 242
SS (POR) Regs (NI)	The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1987 No 122
SS Fraud Act (NI) 2001	Social Security Fraud Act (Northern Ireland) 2001

SS (Loss of Benefit) Regs
(NI) 2002

Social Security (Loss of Benefit) Regulations
(Northern Ireland) 2002 No 79

SS (C&I) Regs (NI)

Social Security (Claims and Information)
Regulations (Northern Ireland) 2007 No 467

Chapter 8 - Payment of benefit/ Deductions from benefit

Payment of benefit

Time and manner of payment

General

- 8001 The Department must pay benefit as soon as is reasonably practicable once an award has been made¹. In practice, benefits are generally paid into a claimant's bank account, known as direct payment, on a day and at an interval set out in legislation. Payment may also be made by means of the Payment Exception Service and at other times.

1 SS (C&P) Regs (NI), reg 20

- 8002 Guidance on payment of benefit follows but other guidance on this subject may be found in benefit specific DMG Chapters

1. Income Support/Jobseeker's Allowance - Chapter 33
2. Employment and Support Allowance - Chapter 46
3. Attendance Allowance/Disability Living Allowance - Chapter 61
4. State Pension Credit - Chapter 79.

Note 1: ADM Chapter B1 contains guidance on the payment of Universal Credit, Personal Independence Payment, new style Employment and Support Allowance and new style Jobseeker's Allowance.

Note 2: ADM Chapter M5 contains guidance on the meaning of new style Employment and Support Allowance and new style Jobseeker's Allowance.

Payment of benefit arrears by instalments

- 8003 In general, options for making payment of benefit arrears are
1. pay the arrears as a lump sum **or**
 2. with the claimant's consent, pay the whole amount to a third party.

8004 A further option is available which offers claimants payment of arrears by instalments if they would prefer to receive the money they are owed in this way, rather than be paid as a lump sum, when

1. the decision maker believes it is necessary to protect the interests of the claimant **and**
2. the claimant gives their consent¹.

1 C&P Regs (NI), reg 21ZA

Note: This option only applies to arrears of delayed payments for past periods and not for on-time payments of current entitlements.

8005 The Department will consider whether it is in the best interests of the claimant to stagger payments of arrears considering the individual circumstances of the claimant.

Note: Both the claimant and the decision maker must agree it is in the claimant's best interests (see DMG 8004).

Direct payment

8006 Direct payment is the Department's official term for what was formerly called automated credit transfer. The regulations currently use the term "direct credit transfer"¹.

1 SS (C&P) Regs (NI), reg 21

8007 The Department may pay benefit under this arrangement into a bank or other account

1. in the name of
 - 1.1 the person entitled to the benefit **or**
 - 1.2 their spouse or partner **or**
 - 1.3 someone authorized by, or acting on behalf of the person entitled to the benefit **or**
2. in the joint names of the person entitled to the benefit **and**
 - 2.1 their spouse or partner **or**
 - 2.2 someone authorized by or acting on behalf of the person entitled to the benefit¹.

1 SS (C&P) Regs (NI), reg 21(1)

8008 In relation to joint-claim Jobseeker's Allowance, the person entitled to benefit is the member of the joint-claim couple who is nominated to receive the benefit¹.

1 SS (C&P) Regs (NI), reg 21(5A)

8009 Benefit paid by direct payment will be paid within seven days of the last day of each successive period of entitlement¹ i.e. interval of payment. In respect of Income Support, it will be paid within seven days of the time determined for the payment of Income Support². However the Department may make different arrangements for paying³

1. arrears of benefit⁴ **or**
2. benefit when the award is ended or for any similar purpose⁵.

1 SS (C&P) Regs (NI), reg 21(3); 2 reg 21(3A); 3 reg 21(4); 4 reg 21(4)(a); 5 reg 21(4)(b)

8010 Payments can be made by direct payment to

1. persons under the age of 18¹
2. persons listed in DMG 8355 after the death of the claimant² **and**
3. appointees³

and payment by this means will discharge the Department's liability to make payment.

1 SS (C&P) Regs (NI), reg 29; 2 reg 30(2)(a); 3 reg 33(3)

Payment Exception Service

8011 The Payment Exception Service is an alternative short-term payment method available in exceptional circumstances to pay benefits to claimants who are unable to be paid by any other method. See operational guidance for further details.

8012

Treatment of fractions of a penny

8013 For all benefits other than Maternity Allowance, if the amount payable includes a fraction of a penny, the amount is rounded down if it is less than half a penny, otherwise it is rounded up to the next penny¹. If the amount of Maternity Allowance includes a fraction of a penny, it is rounded up to the next penny².

1 SS (C&P) Regs (NI), reg 28(1); 2 reg 28(2)

Definition of long term benefit

8014 Long term benefits¹ are

1. Retirement Pension of any category
2. State Pension
3. Shared Additional Pension

4. Widowed Mother's Allowance
5. Widow's Pension
6. Widowed Parent's Allowance
7. Attendance Allowance/Disability Living Allowance
8. Carer's Allowance
9. Industrial Injuries Disablement Benefit.

I SS (C&P) Regs (NI), reg 2(1)

Definition of working age benefit

8015 Working age benefits¹ are

1. Employment and Support Allowance
2. Incapacity Benefit
3. Income Support
4. Jobseeker's Allowance
5. Widowed Mother's Allowance
6. Widowed Parent's Allowance
7. Widow's Pension.

I SS (C&P) Regs (NI), reg 2(1)

8016 – 8019

Retirement Pension

General

8020 Legislation provides that Retirement Pension is paid in different ways depending on when the person reaches pensionable age and their circumstances at that time.

Identification

8021 The following criteria are used to identify which system applies to the time and manner of payment of Retirement Pension for a particular person. If the person

1. reaches pensionable age before 6.4.10¹ or

2. is a man², who reaches pensionable age on or after 6.4.10 **and**
 - 2.1 was in receipt of State Pension Credit for any period which begins on the day four months and four days before the day on which he reaches pensionable age and ends on 5.4.10 **or**
 - 2.2 was in continuous receipt of State Pension Credit from 5.4.10 until at least the first day of the period of four months and four days which ends immediately before the day on which he reaches pensionable age

these are “old” cases and guidance in DMG 8023 - 8027 applies. The guidance in DMG 8028 - 8042 applies to all other cases referred to as “new” cases in this guidance.

Note: The period of four months and four days does not include the day they reach pensionable age. If the date they reach pensionable age is 7.9.10, they must have continued to be in receipt of State Pension Credit until at least 3.5.10.

1 SS (C&P) Regs (NI), reg 22C(1); reg 26BA(1); 2 reg 22C(7)

Pensionable age

8022 Pensionable age for Retirement Pension purposes is defined in DMG 75015.

Retirement Pension - “old cases”

Pay day

8023 The pay day for
Retirement Pension is Monday¹

except

1. when a person became entitled to Retirement Pension before 28.9.84, when it is payable on Thursdays
2. where
 - 2.1 a woman was entitled to a Widow's Benefit **or**
 - 2.2 a person was entitled to a Bereavement Benefit

immediately before becoming entitled to Retirement Pension, the Retirement Pension payday will be the same as the payday determined in accordance with that benefit

3. where a woman becomes entitled to Retirement Pension immediately following the payment to her husband of an increase of Retirement Pension for her. Her Retirement Pension is payable on the same day as her husband's
4. where a particular day has become the appropriate day for any person for the payment of Retirement Pension. That day remains unchanged
5. the Department may where payment is by direct payment or in the circumstances of any particular case arrange for the pension to be paid on any day of the week². When this happens the decision maker will be advised and should take into account the changed pay-day when awarding benefit.

1 SS (C&P) Regs (NI), reg 22; Sch 6, para 5; 2 reg 22C(4)

Interval of payment

8024 Retirement Pension may be paid at intervals of¹

1. four weeks in arrears
2. weekly in advance
3. where the beneficiary agrees, not exceeding 13 weeks in arrears
4. where the weekly amount of benefit is less than £5.00, as specified by the Department not exceeding 12 months².

1 SS (C&P) Regs (NI), reg 22(1); 2 reg 22(2)

Day payment starts and date of change in the amount of benefit

8025 If the earliest date of entitlement to Retirement Pension is not the first day of the benefit week, - see DMG 8027 - entitlement starts and benefit is payable from the first day of the following benefit week¹.

1 SS (C&P) Regs (NI), reg 16(1)

8026 When there is a change in the rate of Retirement Pension, including termination of the award, the change, if it would otherwise take effect on a day which is not the first day of benefit week, takes effect from the first day of the following benefit week¹. The exception to this is if the reason for the termination is the death of the claimant. In this case the award is terminated from the first day of the benefit week immediately following the date of death².

1 SS (C&P) Regs (NI), reg 16(2); 2 reg 16(2D)

Benefit week

- 8027 The first day of the benefit week is the day of the week on which the benefit is payable¹.

1 SS (C&P) Regs (NI), reg 16(3)(c)

Retirement Pension - “new cases”

Pay day

- 8028 The person's pay day is determined by the last two digits of their national insurance number either

1. as is shown in the following table¹

National insurance number	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

or

2. on any other day of the week in particular cases as the Department may arrange².

1 SS (C&P) Regs (NI), reg 22C(2); reg 22C(3); 2 reg 22C(4)

Interval of payment

- 8029 Retirement Pension will normally be paid four weeks in arrears¹. The Department may arrange to pay Retirement Pension

1. weekly in arrears
2. fortnightly in arrears
3. with the agreement of the beneficiary, 13 weeks in arrears²

4. if the weekly amount of Retirement Pension is less than £5.00, in arrears at intervals not exceeding 12 months³.

1 SS (C&P) Regs (NI), reg 22(1); reg 22C(2); 2 reg 22C(2); reg 22C(5); 3 reg 22C(6)

Day payment starts and date of change in the amount of benefit

8030 Retirement Pension is payable from the first day of entitlement¹ if

1. that day is the first day of the benefit week **or**
2. it is not the first day of the benefit week but the circumstances in DMG 8031 apply.

1 SS (C&P) Regs (NI), reg 16(1D); reg 22D(1); reg 22D(2)

8031 The circumstances in DMG 8030 **2.** are¹

1. the person has not deferred entitlement to Retirement Pension **and**
2. either that person
 - 2.1 was in receipt of a working age benefit for a day in the period of eight weeks and one day which ends immediately before the person reaches pensionable age **or**
 - 2.2 has reached pensionable age and is a dependent spouse of a person who is in receipt of an adult dependency increase under certain legislation².

1 SS (C&P) Regs (NI), reg 16(1D); reg 22D; 2 SS C&B (NI) Act 92, sec 83 & 84

8032 In any other case entitlement starts and Retirement Pension is payable from the first day of the following benefit week¹. No benefit is payable for any days before that day.

1 SS (C&P) Regs (NI), reg 16(1D)

8033 Any change in the rate of Retirement Pension takes effect from the date of change¹ if

1. that day is the first day of the benefit week **or**
2. it is not the first day of the benefit week but the circumstances in DMG 8034 apply.

1 SS (C&P) Regs (NI), reg 16(2E)

8034 The circumstances referred to in DMG 8033 **2.** are¹

1. the change of rate is caused by annual uprating **and**
2. the change takes effect later in the same benefit week that the person first became entitled to Retirement Pension **and**
3. the person has not deferred entitlement to Retirement Pension² **and**

4. either the person

4.1 was in receipt of a working age benefit for a day in the period of eight weeks and one day which ends immediately before the day they reach pensionable age **or**

4.2 has reached pensionable age and is a dependent spouse of a person who is in receipt of an adult dependency increase under certain legislation³.

1 SS (C&P) Regs (NI), reg 16(2E); reg 22D(2); 2 reg 22D(3); 3 SS C&B (NI) Act 92, sec 83 & 84

8035 If the change is annual uprating and the circumstances in DMG 8034 do not apply, any change in the rate of Retirement Pension takes effect from¹

1. the date of change, if that is the first day of the benefit week **or**

2. the first day of the following benefit week.

1 SS (C&P) Regs (NI), reg 16(2F)

8036 In any other case, the change is effective from the first day of the benefit week in which the change occurs¹.

1 SS (C&P) Regs (NI), reg 16(2E)

Termination of award on death

8037 When the person dies, the award of Retirement Pension is terminated from the first day of the benefit week immediately following the date of death¹.

1 SS (C&P) Regs (NI), reg 16(2D)

Benefit week

8038 The first day of the benefit week for Retirement Pension which is paid in arrears is¹ the first day of a seven day period which ends on the day on which benefit is payable in accordance with DMG 8028.

1 SS (C&P) Regs (NI), reg 16(3)(c)(ii)

Daily payment

8039 Retirement Pension can be paid for individual days where¹

1. Retirement Pension is payable from the first day of entitlement as in DMG 8030

2. and

2. the first day of entitlement is not the first day of the benefit week.

1 SS (C&P) Regs (NI), reg 22D(1); reg 22D(2)

8040 It is paid at the daily rate for the period from the first day of entitlement to the last of that benefit week.

8041 When considering daily payment of Retirement Pension, benefit week means the period of seven days which ends on the day on which benefit is payable as in DMG 8028¹.

1 SS (C&P) Regs (NI), reg 22D(5)

8042 The daily rate of Retirement Pension is 1/7th of the weekly rate of that benefit¹. The appropriate weekly rate is that which would have applied in respect of that day if entitlement had started on the first day of that benefit week.

1 SS (C&P) Regs (NI), reg 22D(4)

8043 – 8049

State Pension

Date of entitlement for the purposes of payment

8050 Except when payable at a daily rate¹, a claimant is entitled to State Pension from

1. the first day of the benefit week **or**
2. if it is not the first day of the benefit week, the first day of the next following benefit week².

1 SS (C&P) Regs (NI), reg 22DA; 2 reg 16(1E)

Effective date of change of rate

8051 Except where a change of rate is caused by annual uprating¹ any change in the rate of State Pension takes effect

1. from the date of change, if that day is the first day of the benefit week **or**
2. if it is not the first day of the benefit week, from the start of the benefit week in which the change occurs².

1 SS A (NI) Act 92, sec 132, 132A, 132B; SS (C&P) Regs (NI), reg 16(2H); 2 reg 16(2G)

8052 Where a change of rate is caused by annual uprating¹ any change in the rate of State Pension takes effect from

1. the first day of the benefit week **or**
2. if it is not the first day of the benefit week, the first day of the next following benefit week².

1 SS A (NI) Act 92, sec 132, 132A, 132B; 2 SS (C&P) Regs (NI), reg 16(2H)

Pay day

8053 A State Pension claimant's pay day is determined by the last two digits of their National Insurance number either

1. as is shown in the following table¹

National insurance number	Pay day
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

or

2. on any other day that the Department may choose².

1 SS (C&P) Regs (NI), reg 22CA(4)(a); 2 reg 22CA(4)(b)

Interval of payment

8054 State Pension is paid in arrears¹. The Department may arrange to pay State Pension at intervals of

1. one week²
2. two weeks, if the claimant was in receipt of a working age benefit which was paid fortnightly, immediately before becoming entitled to State Pension³
3. four weeks⁴
4. thirteen weeks if the claimant agrees⁵
5. such length not exceeding twelve months as the Department may choose⁶, if

5.1 the Department makes a direction specifying that length **and**

5.2 the amount of State Pension payable is less than £5.00 per week.

1 SS (C&P) Regs (NI), reg 22CA(2); 2 reg 22CA(3)(a); 3 reg 22CA(3)(b); 4 reg 22CA(3)(c);

5 reg 22CA(3)(d); 6 reg 22CA(3)(e)(i) & (ii)

Payment at a daily rate

8055 State Pension is paid at a daily rate where¹

1. the day on which the claimant's first benefit week begins is after
 - 1.1 the day on which the claimant reaches pensionable age² **or**
 - 1.2 where the claimant has deferred their State Pension under specified legislation³, the first day in respect of which the claimant makes a claim for their State Pension⁴ **or**
2. the day on which the claimant's last benefit week begins is before the day on which the claimant dies⁵.

*1 SS (C&P) Regs (NI), reg 22DA(1); 2 reg 22DA(1)(a)(i); 3 Pensions (NI) Act 15, sec 16 & 17;
4 reg 22DA(1)(a)(ii); 5 reg 22DA(1)(b)*

8056 The period for which a daily rate is to be paid is¹

1. where DMG 8055 1.1 or 1.2 applies, the period
 - 1.1 beginning on the day on which the claimant reaches pensionable age or the first day in respect of which the claimant makes a claim for State Pension² **and**
 - 1.2 ending on the day before the day on which the claimant's first benefit week begins³ **or**
2. where DMG 8055 2. applies, the period beginning on the day on which the claimant's last benefit week begins and ending on the day on which the claimant dies⁴.

1 SS (C&P) Regs (NI), reg 22DA(2); 2 reg 22DA(2)(a)(i); 3 reg 22DA(2)(a)(ii); 4 reg 22DA(2)(b)

Amount of daily rate

8057 The daily rate at which State Pension is payable is 1/7th of the claimant's weekly rate which would have had effect on the day if a weekly rate had been payable¹.

1 SS (C&P) Regs (NI), reg 22DA(3)

Benefit week

8058 A "benefit week"¹ means the period of 7 days ending on the day on which the claimant's State Pension is payable in accordance with specified legislation².

1 SS (C&P) Regs (NI), reg 22DA(4); 2 reg 22CA(4)

8059 – 8079

Widowed Mother's Allowance, Widowed Parent's Allowance and Widow's Pension

Pay day

8080 Awards of Widowed Mother's Allowance, Widowed Parent's Allowance and Widow's Pension

1. made before 6.4.09 and not migrated, are payable on
 - 1.1 Tuesdays **or**
 - 1.2 such other day as the Department may determine where payment is by direct payment or in the circumstances of any particular case **or**
 - 1.3 a day which has become the appropriate day for payment for one of these benefits¹
2. made from 6.4.09, or made prior to that date and have been migrated, are payable on²
 - 2.1 the day specified based on the last two digits of their national insurance number as follows

National insurance number	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

- 2.2 such other day as the Department may determine where payment is by direct payment or in the circumstances of any particular case³.

Note: If the Department changes the claimant's pay day, any days that would have been paid had the change not been made can be paid at the daily rate which is 1/7th of the weekly rate⁴.

1 SS (C&P) Regs (NI), reg 22A(2); 2 reg 22A(3); 3 reg 22A(2); 4 reg 22B(2)

Interval of payment

- 8081 From 6.4.09 these benefits are normally payable fortnightly in arrears¹. Awards before that date may be payable as in DMG 8080 1. but will be migrated to fortnightly in arrears.

1 SS (C&P) Regs (NI), reg 22A(1)

- 8082 The Department may arrange for payment to be made¹

1. weekly in advance
2. weekly in arrears **or**, with the beneficiary's agreement
3. four weeks in arrears
4. 13 weeks in arrears.

1 SS (C&P) Regs (NI), reg 22A(4)

Day payment starts and date of change in the amount of benefit

- 8083 For awards of Bereavement Allowance and Widowed Parent's Allowance made before 6.4.09 if the earliest date of entitlement to benefit is not the first day of the benefit week, entitlement starts and benefit is payable from the first day of the following benefit week¹. From 6.4.09, entitlement starts on the first day that the person satisfies all the conditions² and benefit is paid at the daily rate of 1/7th of the weekly rate³ from the day entitlement starts until the day before the first day of the following benefit week.

1 SS (C&P) Regs (NI), reg 16(1); reg 16(4); 2 reg 22B(1); 3 reg 22B(6)

- 8084 Any change in the rate of Widowed Mother's Allowance, Widowed Parent's Allowance and Widow's Pension that would take effect from a day other than the first day of the benefit week will take effect from the first day of the following benefit week¹ except where the award is to be terminated².

1 SS (C&P) Regs (NI), reg 16(2A); 2 reg 16(2B)

Termination of award

- 8085 When the award is to be terminated, it takes effect from

1. the date of change, when the benefit is paid in arrears¹ **or**
2. the first day of the following benefit week² when the benefit is paid in advance and the award would terminate on a day other than the first day of the benefit week.

1 SS (C&P) Regs (NI), reg 16(2B); 2 reg 16(2C)

- 8086 If Widowed Mother's Allowance, Widowed Parent's Allowance and Widow's Pension are paid in arrears and the award terminates on a day other than the last day of the benefit week, the claimant can be paid at the daily rate for the days from the first day of the final benefit week to the last day of entitlement¹. The daily rate of benefit is 1/7th of the weekly rate².

1 SS (C&P) Regs (NI), reg 22B(3); reg 22B(4); reg 22B(5); 2 reg 22B(6)

Benefit week

- 8087 For the purpose of determining the first day from which these benefits are payable and the effective date of change of rate of long-term benefits, the first day of the benefit week is

1. before 6.4.09, the day of the week on which the long-term benefit is payable
2. from 6.4.09¹
 - 2.1 if the benefit is paid in advance, the day of the week on which the benefit is payable
 - 2.2 if paid in arrears, the first day of the period of seven days which ends on the day on which the benefit is payable.

1 SS (C&P) Regs (NI), reg 16(3)(c); reg 22; reg 22A

8088 – 8089

Other long term benefits

Pay day

- 8090 The pay days for other long term benefits are

1. shared additional pension - Monday¹

except

- 1.1 where Retirement Pension is payable to the claimant, shared additional pension is payable on the same day as the Retirement Pension²
- 1.2 the Department may arrange for shared additional pension to be payable on such other day of the week as he may, in the circumstances of any particular case, determine³

2. Attendance Allowance/Disability Living Allowance⁴
 - 2.1 Attendance Allowance - Monday
 - 2.2 Disability Living Allowance - Wednesday
 - 2.3 the Department may however pay Attendance Allowance/Disability Living Allowance on some other day of the week
3. Carer's Allowance - Monday⁵. However, where a person is entitled because of receiving a prescribed payment out of public funds⁶, the allowance is paid on Wednesday
4. Industrial Injuries Disablement Benefit (including increases) - Wednesday⁷.

1 SS (C&P) Regs (NI), Sch 6, para 5A; 2 Sch 6, para 5A(a); 3 Sch 6, para 5A(b); 4 Sch 6, para 1; 5 Sch 6, para 4; 6 SS (ICA) Regs (NI), reg 3; 7 SS (C&P) Regs (NI), Sch 6, para 3

Intervals of payment

8091 These long term benefits may be paid at intervals of¹

1. four weeks in arrears
2. weekly in advance
3. where the beneficiary agrees, not exceeding 13 weeks in arrears
4. where the weekly amount of benefit is less than £5.00, as specified by the Department not exceeding 12 months².

1 SS (C&P) Regs (NI), reg 22(1); 2 reg 22(2)

Attendance Allowance/Disability Living Allowance

8092 Disability Living Allowance may be paid at any interval as long as it is not more than four weeks¹. Both Attendance Allowance and Disability Living Allowance can be paid at a daily rate in specified circumstances - see DMG 61880 - in which case they are paid weekly or as the Department directs².

1 SS (C&P) Regs (NI), reg 22(1A); reg 22(1B); 2 reg 25

Day payment starts and date of change in the amount of benefit

- 8093 If the earliest date of entitlement to benefit is not the first day of the benefit week, entitlement starts and benefit is payable from the first day of the following benefit week¹.

1 SS (C&P) Regs (NI), reg 16(1)

- 8094 When there is a change in the rate of one of these long term benefits, including termination of the award, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, takes effect from the first day of the following benefit week¹.

1 SS (C&P) Regs (NI), reg 16(2)

Benefit week

- 8095 For the purposes of determining the first day from which these benefits are payable and the effective date of change of rate of long-term benefits, the first day of the benefit week is

1. before 6.4.09, the day of the week on which the long-term benefit is payable
2. from 6.4.09¹
 - 2.1 if the benefit is paid in advance, the day of the week on which the benefit is payable
 - 2.2 if paid in arrears, the first day of the period of seven days which ends on the day on which the benefit is payable.

1 SS (C&P) Regs (NI), reg 16(3)(c); reg 22; reg 22A

8096 – 8099

Incapacity Benefit, Maternity Allowance and Severe Disablement Allowance**Pay day**

- 8100 Awards made from 6.4.09 will be paid on
1. the day specified based on the last two digits of their national insurance number as follows¹

National insurance number	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

2. such other day as the Department may determine where payment is by direct payment or in the circumstances of any particular case².

1 SS (C&P) Regs (NI), reg 24(1A); reg 24(1C); 2 reg 24(1B)

Interval of payment

8101 Although these benefits may be paid for individual days, payment is normally fortnightly in arrears¹ unless

1. the weekly amount of Incapacity Benefit or Severe Disablement Allowance is less than £1.00 when it can be paid in arrears at four weekly intervals²
2. the weekly amount of Incapacity Benefit is less than £5.00 after reduction for pension payments under relevant legislation³, when it can be paid in arrears at any interval not exceeding 12 months
3. other benefits are in payment
4. the Department arranges otherwise.

1 SS (C&P) Regs (NI), reg 24(1); 2 reg 24(3); 3 reg 24(3A); SS C&B (NI) Act 92, sec 30DD

8102 – 8109

State Pension Credit

General

8110 Legislation provides that State Pension Credit is paid in different ways depending on when the person reaches pensionable age and their circumstances at that time.

Identification

8111 The following criteria are used to identify which system applies to the time and manner of payment of State Pension Credit for a particular person. If the person

1. reaches pensionable age before 6.4.10¹ **or**
2. is a man², who reaches pensionable age on or after 6.4.10 **and**
 - 2.1 was in receipt of State Pension Credit for any period which begins on the day four months and four days before the day on which he reaches pensionable age and ends on 5.4.10 **or**
 - 2.2 was in continuous receipt of State Pension Credit from 5.4.10 until at least the first day of the period of four months and four days which ends immediately before the day on which he reaches pensionable age

these are “old” cases and guidance in DMG 8114 - 8118 applies. The guidance in DMG 8119 - 8123 applies to all other cases referred to as “new” cases in this guidance.

Note: The period of four months and four days does not include the day they reach pensionable age. If the date they reach pensionable age is 7.9.10, they must have continued to be in receipt of State Pension Credit until at least 3.5.10.

1 SS (C&P) Regs (NI), reg 26BA(1); 2 reg 22C(7)

Pensionable age

8112 Pensionable age¹ is

1. 65 years for a man **or**
2. 60 years for a woman born before 6.4.50 **or**
3. the date in Appendix 3 to DMG Chapter 15 for a woman born between 6.4.50 and 5.4.55 **or**
4. 65 years for a woman born on or after 6.4.55.

1 SS A (NI) Act 92, sec 191; Pensions Act, Sch 4, para 1

8113

State Pension Credit - “old” cases

Pay day

8114 State Pension Credit is paid on Mondays¹

except

1. if Retirement Pension or State Pension is in payment to the claimant, it is paid on the same day as Retirement Pension or State Pension²
2. on such other day as the Department may determine where payment is by direct payment or in the circumstances of any particular case³.

1 SS (C&P) Regs (NI), reg 26B(1); 2 reg 26B(2)(a); 3 reg 26B(2)(b)

Interval of payment

8115 State Pension Credit is payable weekly in advance¹ unless the weekly amount of State Pension Credit is less than £1.00 when it may be paid at some other interval not exceeding 13 weeks².

1 SS (C&P) Regs (NI), reg 26B(4); 2 reg 26B(5)

Day payment starts and date of change in the amount of benefit

8116 Where the earliest date of entitlement to State Pension Credit is not the first day of the benefit week, entitlement starts and State Pension Credit is payable from the first day of the following benefit week¹ but in respect of guarantee credit it is payable from the first day of entitlement if²

1. immediately before attaining the qualifying age the claimant was entitled to Income Support, Universal Credit, income-based Jobseeker's Allowance or income-related Employment and Support Allowance and is awarded State Pension Credit from the day qualifying age is obtained **or**
2. the claimant was entitled to income-based Jobseeker's Allowance or Universal Credit after attaining the qualifying age and is awarded State Pension Credit from the day which falls after the date that entitlement ends.

1 SS (C&P) Regs (NI), reg 16A(1); 2 reg 16A(2)

8117 Any change in the rate of State Pension Credit that would take effect from a day other than the first day of the benefit week will take effect from the first day of the following benefit week¹.

1 SS (C&P) Regs (NI), reg 16A(3)

Benefit week

- 8118 Benefit week means where State Pension Credit is paid in advance, the period of seven days beginning on the day on which the claimant's State Pension Credit is payable¹.

1 SS (C&P) Regs (NI), reg 16A(4); reg 26B

State Pension Credit - "new" cases

Pay day

- 8119 State Pension Credit is paid on
1. the day specified based on the last two digits of their national insurance number as follows¹

National insurance number	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

2. such other day as the Department may determine where payment is by direct payment or in the circumstances of any particular case².

1 SS (C&P) Regs (NI), reg 26BA(2); 2 reg 26BA(3)

Interval of payment

- 8120 State Pension Credit will normally be payable four weekly in arrears. In certain circumstances the Department may arrange to pay it weekly or fortnightly¹. If the weekly amount of State Pension Credit is less than £1.00 it may be payable at any interval not exceeding 13 weeks².

1 SS (C&P) Regs (NI), reg 26BA(1); 2 reg 26BA(4)

Day payment starts and date of change in the amount of benefit

8121 Where the earliest date of entitlement to State Pension Credit is not the first day of the benefit week, entitlement starts and State Pension Credit is payable from the first day of the following benefit week¹ but in respect of guarantee credit it is payable from the first day of entitlement if²

1. immediately before attaining the qualifying age the claimant was entitled to Income Support, Universal Credit, income-based Jobseeker's Allowance or income-related Employment and Support Allowance and is awarded State Pension Credit from the day qualifying age is obtained **or**
2. the claimant was entitled to income-based Jobseeker's Allowance or Universal Credit after attaining the qualifying age and is awarded State Pension Credit from the day which falls after the date that entitlement ends.

1 SS (C&P) Regs (NI), reg 16A(1); 2 reg 16A(2)

8122 Any change in the rate of State Pension Credit that would take effect from a day other than the first day of the benefit week will take effect from the first day of the following benefit week¹.

1 SS (C&P) Regs (NI), reg 16A(3)

Benefit week

8123 Benefit week means¹

1. where State Pension Credit is paid in advance, the period of seven days beginning on the day on which the claimant's State Pension Credit is payable
2. where State Pension Credit is paid in arrears, the period of seven days ending on the day on which State Pension Credit is payable to the claimant.

1 SS (C&P) Regs (NI), reg 16A(4)

8124 – 8129

Employment and Support Allowance

Pay day

8130 Employment and Support Allowance is paid on

1. the day specified based on the last two digits of their national insurance number as follows¹

National insurance number	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

2. such other day as the Department may determine where payment is by direct payment or in the circumstances of any particular case².

1 SS (C&P) Regs (NI), reg 26C(1); reg 26C(2); 2 reg 26C(4)

- 8131 Where the day on which Employment and Support Allowance is payable is changed, it is paid at a daily rate of 1/7th of the weekly rate for any days for which payment would have been made but for that change¹.

1 SS (C&P) Regs (NI), reg 26C(4)

Office closure

- 8132 Where Employment and Support Allowance is paid in arrears and payment would be affected by the closure of an office of the Department because of a public holiday, the Department may decide to make the payment on any day either

1. wholly in advance **or**
2. partly in advance and partly in arrears

in which case it will for any other purposes be treated as if it was paid in arrears¹.

1 SS (C&P) Regs (NI), reg 26C(7)

- 8133 Public holiday means¹

1. Christmas Day
2. any prescribed Bank Holiday².

1 SS (C&P) Regs (NI), reg 26; Sch 7, para 2A(1)(a); 2 Banking and Financial Dealings Act 1971

Interval of payment

- 8134 Normally Employment and Support Allowance is payable fortnightly in arrears¹ but the Department may arrange in a particular case for it to be paid at a different interval². If the weekly amount of benefit is less than £1.00 it can be paid in arrears at intervals

not exceeding 13 weeks³ but if weekly entitlement amounts to less than 10 pence that allowance is not payable⁴.

1 SS (C&P) Regs (NI), reg 26C(1); 2 reg 26C(3); 3 reg 26C(5); 4 reg 26C(6)

Benefit week

8135 Benefit week means¹ a period of seven days ending on such day as the Department may direct.

1 ESA Regs (NI), reg 2(1)

8136 – 8139

Income Support

Pay day

8140 The Department may decide on what day to pay Income Support

1. in respect of any benefit week¹
2. for any part-week².

1 SS (C&P) Regs (NI), reg 26; Sch 7, para 3(2); 2 Sch 7, para 3A

Office closure

8141 Where Income Support is paid in arrears and payment would be affected by the closure of an office of the Department because of a public holiday, the Department may decide to make the payment on any day either

1. wholly in advance **or**
2. partly in advance and partly in arrears

in which case it will for any other purposes be treated as if it was paid in arrears¹.

1 SS (C&P) Regs (NI), reg 26; Sch 7, para 2A(2); Sch 7, para 2A(1)(b); Sch 7, para 2A(3)

8142 Public holiday means¹

1. Christmas Day
2. any prescribed Bank Holiday².

1 SS (C&P) Regs (NI), reg 26; Sch 7, para 2A(1)(a); 2 Banking and Financial Dealings Act 1971

Interval of payment

8143 Income Support is normally paid in arrears¹ but will be paid in advance where² the claimant

1. had been involved, or whose partner had been involved, in a trade dispute but who has returned to work and the same employer but such payment will be for only 15 days (beginning with the day the claimant or partner returned to work)
2. is in receipt of Widow's Benefit or Bereavement Benefit payable in advance and is not providing or required to provide medical evidence of incapacity for work.

1 SS (C&P) Regs (NI), reg 26; Sch 7, para 1; 2 Sch 7, para 2; Sch 7, para 2ZA

Alignment of Income Support with relevant social security benefit

8144 Where DMG 8143 does not apply and the claimant is

1. entitled to Income Support (but see DMG 8145 if entitlement is on the basis of incapacity for work) **and**
2. entitled, or would be entitled to Incapacity Benefit, Severe Disablement Allowance, Retirement Pension, Bereavement Benefit or Widow's Benefit but for
 - 2.1 failure to satisfy the contribution conditions **or**
 - 2.2 exhaustion of benefit

Income Support is paid on the same day at the same interval as the other benefit¹.

1 SS (C&P) Regs (NI), Sch 7, para 3 & 4

8145 Income Support is paid fortnightly in arrears¹ where

1. DMG 8143 does not apply **and**
2. the claimant is paid Income Support on the basis of incapacity for work, entitlement to which started on or after 13.4.95 **and**
3. no Incapacity Benefit, Severe Disablement Allowance, Retirement Pension, Bereavement Benefit or Widow's Benefit is paid to the claimant.

1 SS (C&P) Regs (NI), Sch 7, para 3(1A); Sch 7, para 4

8146 Where the weekly amount of Income Support payable is less than £1.00, it may be payable at any interval not exceeding 13 weeks¹.

1 SS (C&P) Regs (NI), reg 26, Sch 7, para 5

- 8147 If a claimant's weekly entitlement amounts to less than
1. £5, in the case of a person who had been involved in a trade dispute but has returned to work **or**
 2. 10 pence in any other case
- no benefit is payable unless the claimant is entitled to another benefit which may be paid together¹.

1 SS (C&P) Regs (NI), reg 26(4)

Date payment starts

- 8148 Subject to DMG 8150, where Income Support is payable in arrears, entitlement begins on the date of claim¹.

1 SS (C&P) Regs (NI), Sch 7, para 6(1)

- 8149 Subject to DMG 8150, where Income Support is payable in advance, entitlement normally begins on¹

1. the date of claim, if that is the first day of the benefit week **or**
2. the first day of the following benefit week.

1 SS (C&P) Regs (NI), Sch 7, para 6(2)

- 8150 When Income Support is awarded for a definite period, which is not a benefit week or a multiple of such a benefit, entitlement begins on the date of claim regardless of whether it is paid in arrears or advance¹.

1 SS (C&P) Regs (NI), Sch 7, para 6(2A)

- 8151 In the case of an advance claim¹, an award is made from a date after the date of claim, entitlement starts on the first day that the conditions of entitlement are satisfied² unless the Income Support is paid in advance when entitlement begins on

1. the first day that the conditions of entitlement are satisfied, if that is the first day of the benefit week **or**
2. the first day of the following benefit week.

1 SS (C&P) Regs (NI), reg 13; 2 Sch 7, para 6(3)

Benefit week

- 8152 A benefit week is a period of seven days. It is¹

1. the week for which any relevant social security benefit
 - 1.1 is payable, if there is entitlement to such a benefit **or**

1.2 would be payable but for

1.2.a the failure to satisfy contribution conditions **or**

1.2.b exhaustion of entitlement **or**

2. in any other case, a period of seven days beginning or ending on a day decided by the Department.

1 SS (C&P) Regs (NI), Sch 7, para 4

8153 Relevant benefit means¹ Incapacity Benefit, Severe Disablement Allowance, Retirement Pension, Widow's Benefit or Bereavement Benefit.

1 SS (C&P) Regs (NI), Sch 7, para 4

8154 – 8159

Jobseeker's Allowance

Benefit week

8160 A benefit week means¹ a period of seven days ending with the day determined by the last two digits of the claimant's national insurance number as is shown in the following table unless the Department arranges otherwise.

National insurance number	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

1 JSA Regs (NI), reg 1(3)

Interval of payment

8161 Jobseeker's Allowance is normally paid fortnightly in arrears unless in any particular case the Department arranges otherwise¹.

1 SS (C&P) Regs (NI), reg 26A(1)

- 8162 Jobseeker's Allowance can be paid at any interval not exceeding 13 weeks if the weekly amount payable is less than £1.00¹ but if the weekly entitlement amounts to less than 10 pence the allowance is not payable².

1 SS (C&P) Regs (NI), reg 26A(3); 2 JSA Regs (NI), reg 87A

Office closure

- 8163 Where Jobseeker's Allowance is paid in arrears and payment would be affected by the closure of an office of the Department because of a public holiday, the Department may decide to make the payment on any day either

1. wholly in advance **or**
2. partly in advance and partly in arrears

in which case it will for any other purposes be treated as if it was paid in arrears¹.

1 SS (C&P) Regs (NI), reg 26A(2); Sch 7, para 2A(2); Sch 7, para 2A(1)(b); Sch 7, para 2A(3)

- 8164 Public holiday means¹

1. Christmas Day
2. any prescribed Bank Holiday².

1 SS (C&P) Regs (NI), reg 26; Sch 7, para 2A(1)(a); 2 Banking and Financial Dealings Act 1971

Date payment starts

- 8165 The claimant is not usually entitled for the first seven days of a jobseeking period. For guidance see DMG 33027.

8166 – 8199

Failure to obtain payment

General

- 8200 Except in the cases of Graduated Retirement Benefit and single payments of an industrial injuries gratuity¹, normally a person's right, or the right of any person authorised or appointed to act on their behalf², to a payment of benefit ends if they do not obtain the payment within 12 months of the date that right to the payment arose³. See DMG 8206 for guidance on when this period can be extended.

1 SS (C&P) Regs (NI), reg 37(5); 2 reg 37(4); 3 reg 37(1)

Right to payment

- 8201 A right to payment for the purposes of DMG 8200 can only arise where
1. a sum has been calculated¹ **and**
 2. some steps along the administrative process of making payment have been taken, leaving the person with only some relatively mechanical steps to take to obtain payment.

1 R(U) 1/02

Start date of the 12 month period

- 8202 The period of 12 months within which the person must obtain payment of the benefit starts from the date the right to that payment arose¹. That right is treated as arising on
1. when the payment was made by giving or sending a cheque or other instrument of payment to the person or sending it to a place approved by the Department for collection²
 - 1.1 the date of the cheque **or**
 - 1.2 the date of any replacement, or if there is more than one, the date of the last one
 2. if a cheque or instrument of payment has not been issued but written or oral notice has been given or sent telling the person that the sum contained in the notice is available for collection, the date of the notice or if there is more than one, the date of the first one³
 3. in the case of direct payment, the due date for payment of the sum⁴

4. if none of the above apply, the date determined by the Department⁵.

1 SS (C&P) Regs (NI), reg 37(1); 2 reg 37(1)(a); 3 reg 37(1)(b); 4 reg 37(1)(bb); 5 reg 37(1)(c)

- 8203 In respect of DMG 8202 4. it is not open to the Department simply to look at the due dates of a period of unpaid arrears and decide whether the person has applied to have the money paid to them. It is confined to situations similar to that where a cheque is sent but not cashed or a person is notified that a sum is waiting for collection¹.

1 R(U) 1/02

- 8204 If the sum contained in either

1. a cheque **or**
2. a notice

is incorrect, it is still effective for the purpose of identifying the date on which right to payment of that sum arose. If the sum incorrectly notified is less than the full amount due, the Department will consider payment of the balance¹.

1 SS (C&P) Regs (NI), reg 37(2); reg 37(1)

- 8205 The date of a cheque or other instrument of payment is¹ the later of either

1. the date of its issue **or**
2. the earliest date on which payment can be obtained.

1 SS (C&P) Regs (NI), reg 37(3)

Extension of the 12 month period

- 8206 If the Department first receives a written request for payment outside the 12 month period, the decision maker can extend the 12 month period if¹

1. the person had continuous good cause for not requesting payment for the period starting with a day within the 12 month period and continuing to the day that they gave the written request for payment **and**
2. either
 - 2.1 the payment had not been sent or given to the person **or**
 - 2.2 no direct payment had been made to them **or**
 - 2.3 the payment had been issued but had been returned to the Department and not re-issued as a replacement.

1 SS (C&P) Regs (NI), reg 37(2A)

- 8207 If the conditions in DMG 8206 are satisfied the right to payment is treated as arising on the day that the decision maker determines the question. This means that a new 12 month period starts on that day¹.

1 SS (C&P) Regs (NI), reg 37(2A)

8208 – 8249

People unable to act

Appointments by the Department

- 8250 A person, or body of people, may apply to the Department to act on behalf of a claimant, or potential claimant, who is unable to act on their own behalf¹.

1 SS (C&P) Regs (NI), reg 33(1)

- 8251 The application must be in writing¹ and can be from a

1. person who is at least 18 years old²
2. body of people, for example a firm of solicitors, a Health and Social Services Board, but not an officer of such a group named by their title only (for example Finance Director)³.

1 SS (C&P) Regs (NI), reg 33(1); 2 reg 33(1); 3 R(SB) 2/87

- 8252 Providing that no controller has been appointed by the High Court with power to act on the claimant's behalf¹ and the applicant satisfies the conditions in DMG 8251, the Department may appoint them to act for the claimant, or potential claimant, in all respects relating to any rights that they may be entitled to and to receive and deal on Guide but see also DMG 8255, where Power of Attorney has been granted.

1 SS (C&P) Regs (NI), reg 33(1)(c)

- 8253 When an appointment is made on or after 11.4.88, that appointment allows the person to act, subject to the discretion of the Department, for all social security benefits¹.

An appointment made before 11.4.88 remains in force but only for benefits in the same act as the benefit for which the appointment was originally made².

1 SS (C&P) Regs (NI), reg 2(1) & 33;

2 Interpretation Act (NI) 54, sec 28(1) & (2); R(IS) 5/91

Example 1

A person entitled to Incapacity Benefit is unable to act and a person is appointed to act on 19.10.95. On 15.8.96 the claimant retires and becomes entitled to Retirement Pension. The appointment made for Incapacity Benefit purposes is valid for Retirement Pension.

Example 2

A claimant entitled to Invalidity Benefit from 1986 was unable to act. The claimant's partner was appointed to act from the beginning of the claim. The claimant later became entitled to Retirement Pension and the appointment remained in force because Retirement Pension and Invalidity Benefit were benefits under the same act.

However, in 2000 the claimant made a claim for Income Support. As the appointment was made before 11.4.88 it is not valid for Income Support and a further appointment is needed.

- 8254 An appointee takes the place of the claimant and assumes all the claimant's responsibilities including any duty to disclose changes of circumstances¹. The Department may arrange for benefit to be paid to the appointee².

1 R(A) 2/81; 2 SS (C&P) Regs (NI), reg 33(3)

Power of attorney

- 8255 Appointments by the Department may not be appropriate if someone already has power of attorney.

- 8256 A Power of Attorney is an appointment of an agent by means of a deed. The attorney can be given either general powers or restricted powers to deal with transactions on behalf of the donor. Appointment by the Department would still be necessary if the attorney has restricted powers which do not extend to the claiming of social security benefits. A Power of Attorney must be made while the donor is still mentally capable and it ceases immediately upon the donor's death. Any question as to the validity of a Power of Attorney should be referred to Decision Making Services for advice.

From 1 January 1971¹ a general Power of Attorney can be granted for an attorney to do on behalf of the donor anything he can lawfully do. Deeds executed under that Act are not lodged with the Supreme Court. This Power of Attorney is automatically revoked once a person becomes mentally incapable. Therefore, appointment by the Department would still be necessary if a claimant is mentally incapable and the Power of Attorney has been granted under this Act.

1 Powers of Attorney Act (NI) 71, sec 10

- 8257 From 10 April 1989 it has been possible to grant an enduring Power of Attorney¹. The main difference between this and the 1971 Act is that the Power of Attorney remains in force even if the donor later suffers from mental incapacity. Accordingly, if a claimant becomes mentally incapable and the Power of Attorney has been granted under this Order, it will not be necessary for the Department to appoint someone to act on the claimant's behalf.

1 Enduring Power of Attorney (NI) Order 87

- 8258 Where the Department has made an appointment, or treated an appointment as made¹, as in DMG 8252

1. the appointment can be revoked by either party at any time

2. the appointee may resign their appointment after giving the Department one month's notice in writing
3. the Department must terminate the appointment when told that a person has been appointed by the High Court to act as controller on the claimant's behalf².

1 SS (C&P) Regs (NI), reg 33(2); 2 reg 33(2)(c)

Person acting at the time of claimant's death

8259 See DMG Volume 1 Chapter 2 when

1. there is a claim proceeding when the claimant dies **or**
2. there was no claim made at the date of death.

Person appointed to act for housing benefit purposes

8260 With effect from 18.3.05, where someone has been appointed to act for a person unable to act for themselves in respect of a claim for housing benefit under specific legislation¹ by a relevant authority administering housing benefit the Department may, with the permission of the person appointed by the relevant authority, treat them as an appointee for social security benefit purposes².

1 HB (Gen) Regs (NI), reg 71(3); 2 SS (C&P) Regs (NI), reg 33(1A)

8261 – 8299

Benefit paid to someone other than the claimant

Payment to another person

- 8300 The Department may direct that all or part of a claimant's benefit entitlement should be paid to another person on behalf of the beneficiary where it is necessary to protect the interests of the beneficiary or the dependant for whom the benefit is paid¹.

1 SS (C&P) Regs (NI), reg 34(1)

- 8301 In joint-claim Jobseeker's Allowance cases the Department may direct that all or part of the benefit may be paid to a person who is not the nominated member of the joint-claim couple where it is necessary to protect the interests of the other member of the couple or both members of that couple¹.

1 SS (C&P) Regs (NI), reg 34(2)

- 8302 The person who the Department directs that payment should be made to must be an individual, benefit can not be paid to corporate bodies, for example a firm of solicitors¹.

1 SS (C&P) Regs (NI), reg 34

8303

Payment to a third party

- 8304 Guidance about deductions that may be made from benefit and paid to third parties¹ including deductions of mortgage interest which must be paid to qualifying lenders² and those which may be paid to qualifying lenders³ can be found in benefit specific DMG Chapters.

1. Income Support/Jobseeker's Allowance - Chapter 33
2. Employment and Support Allowance - Chapter 46
3. State Pension Credit - Chapter 79

However see DMG paragraphs 8800 et seq for detailed guidance on third party deductions.

1 SS (C&P) Regs (NI), reg 34A(1); Sch 8A; 2 reg 34ZA; Sch 8B; 3 reg 34ZB; Sch 8B

Social Fund payments

8305 Where a social fund payment for

1. funeral expenses
2. maternity expenses
3. heating expenses incurred in cold weather

is made wholly or partly in respect of a debt which is or will be due to a third party, payment may be (and in the case of funeral expenses, shall be) made payable to a third party¹. Where a cheque is made payable to a third party, it may be sent to the Social Fund beneficiary.

1 SS (C&P) Regs (NI), reg 34A(2)

Alternative payee - winter fuel payments

8306 Where a person is entitled to a Social Fund winter fuel payment and

1. that person is a member of
 - 1.1 a couple **or**
 - 1.2 a polygamous marriage **and**
2. that person's partner or another member of the polygamous marriage is receiving Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance **and**
3. both members of the couple or another member of the polygamous marriage are living together within the meaning given in DMG 39913.

The Department may pay the Winter Fuel payment to the partner on behalf of the person entitled to the payment¹. In other words the partner can be an alternative payee. This applies even if that partner is under 60 years of age.

1 SS (C&P) Regs (NI), reg 35(2)

Meaning of couple

8307 "Couple" means¹

1. a man and a woman who are married to each other and are members of the same household
2. a man and a woman who are not married to each other but are living together as husband and wife

3. two people of the same sex who are civil partners and are members of the same household
4. two people of the same sex who are not civil partners but who are living together as if they were civil partners and for this purpose they are to be regarded as living together as if they were civil partners, if they would be regarded as living together as husband and wife if they were two people of the opposite sex.

I SS (C&P) Regs (NI), reg 2(1)

Meaning of partner

8308 A “partner” means¹ one of a couple.

I SS (C&P) Regs (NI), reg 2(1)

8309 – 8349

Payments after death

General

- 8350 The Department may pay or distribute any sum of benefit which is payable¹ where
1. at their date of death, the claimant had not obtained payment of a sum of benefit to which they were entitled **or**
 2. a person dies after making a claim and the Department has appointed someone to proceed with that claim and any related issue of
 - 2.1 revision **or**
 - 2.2 supersession **or**
 - 2.3 appeal.

1 SS (C&P) Regs (NI), reg 30

- 8351 The following paragraphs give guidance on how such payment or distribution of sums of benefit is to be carried out.

Automatic payment of arrears to spouse or civil partner

- 8352 Subject to DMG 8353, if at the time of their death the deceased was in receipt of
1. Retirement Pension **or**
 2. State Pension **or**
 3. State Pension Credit **or**
 4. any other benefit combined for payment purposes with either of these benefits
- then, provided that the right to the sum had not been extinguished at the date of death, any arrears of benefit will be paid automatically to a spouse or civil partner on the death of the claimant. No written application is required¹.

1 SS (C&P) Regs (NI), reg 30(4B)

- 8353 DMG 8352 will only apply where¹
1. no executor or administrator has been appointed **and**
 2. the spouse or civil partner was
 - 2.1 living with the claimant at the time of death **or**

- 2.2** would have been living with the claimant at the time of death if it were not for the fact that one or both of them were in residential care or a nursing home or hospital.

I SS (C&P) Regs (NI), reg 30(4B)

Other cases

- 8354 In other cases, the Department must have a written application requesting payment of such sums of benefit. The application must be made within 12 months of the date of the deceased's death, or within such longer period as the Department allows in a particular case¹.

I SS (C&P) Regs (NI), reg 30(4)

- 8355 On receipt of the written application, except in the case of joint-claim Jobseeker's Allowance, the Department may, provided that the right to the sum had not been extinguished at the date of death, and subject to the guidance in DMG 8358, pay or distribute the sum to or amongst the persons over the age of 16 claiming as

1. personal representatives
2. legatees
3. next of kin **or**
4. creditors

of the deceased¹.

Note: The above list is not in priority order.

I SS (C&P) Regs (NI), reg 30(2) & (3)

- 8356 "Next of kin" means the persons who would take beneficially on an intestacy under the provisions of Part II of the Administration of Estates Act (Northern Ireland) 1995¹.

I SS (C&P) Regs (NI), reg 30(9)

- 8357 If part or all of the arrears are for the benefit of a person who is under the age of 16, the Department can pay the arrears provided that the Department is satisfied that the arrears will be used for the benefit of the person who is under the age of 16¹.

I SS (C&P) Regs (NI), reg 30(2)(b)

Joint-claim Jobseeker's Allowance

- 8358 If the deceased was a member of a joint-claim couple, any sums of joint-claim Jobseeker's Allowance payable should be paid to the other member of that couple¹.

I SS (C&P) Regs (NI), reg 30(4A)

Extinguishment of right to benefit

- 8359 The rules of extinguishment of right to benefit¹ apply to these payments. In a case to which DMG 8352 1. applies the period of 12 months is calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any of the persons in DMG 8355².

1 SS (C&P) Regs (NI), reg 37; 2 reg 30(3)

8360 – 8389

Suspension of benefit

Doubt on entitlement or payment of benefit

- 8390 For guidance about suspension of benefit other than on appeal see DMG Chapter 4.
For guidance in appeal cases see DMG Chapter 6.

Suspension under European Community law

- 8391 For guidance on suspension under European Community law see DMG Chapter 7.
- 8392 – 8399

Restrictions on payment of benefit - benefit fraud offences

8400 Decision makers should note that all guidance on this topic has been moved and can now be found in ADM Chapter B2.

8401 – 8500

Deductions from specified benefits for Child Support Maintenance

Introduction

8501 Guidance within this section deals with deductions from specified benefits for Child Support Maintenance.

8502 – 8504

Definitions

Meaning of fee

8505 Fee¹ means any collection fee under specified legislation² which is payable by the non-resident parent.

1 SS (C&P) Regs (NI), Sch 8C, para 1; 2 Child Support Fees Regulations (NI) 2014, Part 2

Meaning of beneficiary

8506 Beneficiary¹ means a person who has been awarded a specified benefit and includes each member of a joint-claim couple awarded joint-claim Jobseeker's Allowance.

1 SS (C&P) Regs (NI), Sch 8C, para 1

Meaning of maintenance

8507 Maintenance¹, with the exception of DMG 8541 - 8543, means Child Support Maintenance which a non-resident parent is liable to pay at a flat rate (or would be so liable but for a variation having been agreed to), and that rate applies (or would have applied) because the non-resident parent falls within specified legislation².

1 SS (C&P) Regs (NI), Sch 8C, para 1; 2 CS (NI) Order 91, Sch 1, para 4(1)(b), 4(1)(c) or 4(2); CS, Pens and SS Act (NI) 2000, sec 28(2)(a)

Meaning of non-resident parent

8508 A parent of a child is a non-resident parent¹ if, in relation to that child

1. that parent is not living in the same household with the child **and**
2. the child has their home with a person who is, in relation to him, a person with care.

1 CS (NI) Order 91, art 2(2)

Meaning of person with care

- 8509 A person is a person with care¹ in relation to any child, if that person is someone
1. with whom the child has his home **and**
 2. who usually provides day to day care for the child (whether exclusively or in conjunction with another person) **and**
 3. who does not fall within a prescribed category of person.

1 CS (NI) Order 91, art 2(2)

Meaning of specified benefit

- 8510 Deductions for Child Support Maintenance liability can be made from the following specified benefits¹

1. Carer's Allowance
2. State Pension
3. Retirement Pension (all categories)
4. State Pension Credit
5. Income Support
6. contribution-based Employment and Support Allowance
7. contribution-based Jobseeker's Allowance
8. Industrial Injuries Disablement Benefit
9. Widowed Parent's Allowance
10. Widow's Pension
11. War Widow's/War Widower's Pension
12. Maternity Allowance
13. Severe Disablement Allowance.

Note: This list only includes benefits from which deductions for Child Support Maintenance are currently made.

1 SS (C&P) Regs (NI), Sch 9B, para 1

8511 – 8520

Deductions for current Child Support Maintenance liability

- 8521 Where it has been determined that an non-resident parent is liable to pay Child Support Maintenance at a flat rate¹, a deduction of £8.40 may be made from one of the specified benefits in DMG 8510². £7.00 of that amount is paid to the person with care¹ or persons with care¹ and £1.40 is retained by the Department as a fee³.

1 CS (NI) Order 91, Sch 1, para 4; 2 SS (C&P) Regs (NI), Sch 8C, para 1; 3 para 2(1)

- 8522 Deductions for Child Support Maintenance are not part of the third party deduction scheme and third-party payment order of priority for deductions does not apply to them. However, in practice, such deductions are the first deduction to be made.

8523 – 8530

Minimum amount to be left after a deduction

- 8531 No deduction may be made unless there remains at least 10p per week of the benefit in addition to the amount of the deduction¹.

1 SS (C&P) Regs (NI), Sch 8C, para 2(3)

Prevention of duplicate deductions

- 8532 A deduction may only be made from one of the specified benefits in DMG 8510 in any one week¹.

1 SS (C&P) Regs (NI), Sch 8C, para 2(2)

- 8533 No deduction will be made from a specified benefit in DMG 08510 where

1. Universal Credit **or**
2. new style Employment and Support Allowance **or**
3. new style Jobseeker's Allowance

is in payment, unless the amount of benefit at **1.**, **2.** or **3.** is insufficient to meet the deduction¹.

1 SS (C&P) Regs (NI), Sch 8C, para 2(2A)

Example

Craig is in receipt of Carer's Allowance at the rate of £59.75 per week and Universal Credit of £197.33 per month. The decision maker receives a request for a deduction from benefit in respect of Child Support Maintenance. The decision maker decides that the deduction should be taken from Craig's Universal Credit, as there is sufficient Universal Credit in payment to meet the deduction.

8534 – 8540

Deductions for arrears of Child Support Maintenance

- 8541 The Department may deduct £8.40 per week from any one of the specified benefits in DMG 8510 in respect of arrears of Child Support Maintenance¹. £7.00 of that amount is paid to the person with care or persons with care and £1.40 is retained as a fee.

1 SS (C&P) Regs (NI), Sch 8C, para 3(1)

- 8542 No deduction may be made for arrears of Child Support Maintenance if the claimant is currently liable to pay Child Support Maintenance¹. However, deductions for arrears can commence once liability to pay Child Support Maintenance has ended.

1 SS (C&P) Regs (NI), Sch 8C, para 3(1A)

- 8543 No amount may be deducted from an award of a benefit listed in DMG 8510 if it would reduce the amount payable to the claimant to less than 10p¹.

1 SS (C&P) Regs (NI), Sch 8C, para 2(3)

Apportionment where more than one person with care

- 8544 Where maintenance is payable to more than one person with care¹, the amount deducted in respect of Child Support Maintenance will be apportioned between the persons with care in accordance with specified legislation².

1 SS (C&P) Regs (NI), Sch 8C, para 4; 2 CS (NI) Order 91, Sch 1, paras 6, 7 & 8

Claimant and partner both liable to pay Child Support Maintenance

- 8545 Where a claimant is a member of a couple and
1. it has been determined that both partners are liable to pay Child Support Maintenance at a flat rate¹ **and**
 2. either partner has an award of Income Support, State Pension Credit, income-based Jobseeker's allowance or income-related Employment and Support Allowance

an amount not exceeding £8.40² may be deducted from such an award in respect of the total liability of both partners to pay maintenance in the proportions described in specified legislation³ and paid to the persons with care, in discharge of both partners' respective liabilities to pay maintenance (after the deduction of a fee).

1 SS (C&P) Regs (NI), Sch 8C, para 5(1); 2 para 5(2);

3 CS (MCSC) Regs (NI), reg 4(3); CSMC Regs (NI), reg 43(3)

8546 – 8550

Polygamous marriages

8551 In DMG 8552, polygamous marriage means one in which a party is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy¹.

1 SS (C&P) Regs (NI), Sch 8C, para 6(3)

8552 Where

1. two or more members of a polygamous marriage are each liable to pay Child Support Maintenance at a flat rate **and**
2. any member of the polygamous marriage has been awarded Income Support, State Pension Credit, income-based Jobseeker's allowance or income-related Employment and Support Allowance¹ an amount not exceeding £8.40² may be deducted from such an award in respect of the total of all the members' liabilities to pay maintenance in the proportions described in specified legislation³ and paid to the persons with care in discharge of the respective liabilities to pay maintenance (after the deduction of a fee).

1 SS (C&P) Regs (NI), Sch 8C, para 6(1); 2 para 6(2);

3 CS (MCSC) Regs (NI), reg 4(3); CSMC Regs (NI), reg 43(3)

Notifications

8553 When deductions for Child Support Maintenance or Child Support Maintenance arrears commence, the beneficiary must be notified of the amount and frequency of the deductions and the benefits from which deductions are to be made. Further notice must be given when there is a change to any of the particulars specified in the notice¹.

1 SS (C&P) Regs (NI), Sch 8C, para 7

8554 – 8799

Third party deductions

General

8800 Deductions can be made from a specified benefit (see DMG 8801) and paid direct to a third party on the claimant's¹, or their partner's behalf to clear debts for

1. mortgage and housing costs (means tested benefits only)
2. miscellaneous accommodation costs (means tested benefits only)
3. hostel payments (means tested benefits only except State Pension Credit)
4. service charges for fuel, unrebated rent and rent arrears (see DMG 8815)
5. fuel costs (see DMG 8835)
6. water charges (deductions can only be taken from Incapacity Benefit, Retirement Pension and Severe Disablement Allowance if Income Support, State Pension Credit or Employment and Support Allowance is in payment and there is insufficient funds to make a deduction from those benefits)
7. rates (see DMG 8860)
8. arrears of Child Support Maintenance (contribution-based Jobseeker's Allowance and contribution-based Employment and Support Allowance cases only)
9. payments in place of payment of Child Support Maintenance
10. integration loan scheme (Incapacity Benefit, Retirement Pension and Severe Disablement Allowance only if there is insufficient funds to make a deduction from Income Support or State Pension Credit)
11. Child Support maintenance².

The decision maker decides whether a deduction should be made and the amount to be deducted and paid to the third party.

1 SS (C&P) Regs (NI), reg 34A, Sch 8A, para 2(1); 2 Sch 8C, para 2(1)

Meaning of specified benefit

8801 "Specified benefit" includes benefits that are now obsolete and have been replaced by new style benefits. So certain benefits listed below will no longer be available for

third party deductions but for the purposes of third party deduction legislation, specified benefit means¹

1. in relation to water charges and integration loans means
 - 1.1 Income Support or Income Support where it is paid together with Incapacity Benefit or Severe Disablement Allowance and the Income Support alone is insufficient to make the deduction
 - 1.2 State Pension Credit or State Pension Credit where it is paid together with Incapacity Benefit, Retirement Pension, State Pension or Severe Disablement Allowance, and the State Pension Credit is insufficient to make the deduction
2. in all other cases means
 - 2.1 Income Support
 - 2.2 Jobseeker's Allowance
 - 2.3 Incapacity Benefit
 - 2.4 Retirement Pension
 - 2.5 State Pension under Part 1 of the 2015 Act
 - 2.6 Severe Disablement Allowance
 - 2.7 Widow's Pension
 - 2.8 Widowed Mother's Allowance
 - 2.9 State Pension Credit
3. in relation to Employment and Support Allowance specified benefit means²
 - 3.1 income-related Employment and Support Allowance
 - 3.2 in a case where, if there was no entitlement to contribution-based Employment and Support Allowance, there would be entitlement to income-related Employment and Support Allowance at the same rate, contribution-based Employment and Support Allowance.

The decision maker can decide to make deductions from any of these benefits.

Note: See ADM Chapter D2 for third party deduction guidance on the following new style benefits

1. Universal Credit

2. new style Jobseeker's Allowance
3. new style Employment and Support Allowance

1 SS (C&P) Regs (NI), Sch 8A, para 1(1); 2 Sch 8A, para 1(2)

8802 Guidance on deductions to third parties for the following benefits can be found in the following Volumes and Chapters of the DMG.

- | | | |
|--|---|-----------------------|
| Income Support and Jobseeker's Allowance | - | Volume 6, Chapter 33 |
| Employment and Support Allowance | - | Volume 8, Chapter 46 |
| State Pension Credit | - | Volume 13, Chapter 79 |

8803 Guidance in the remainder of this chapter should be followed for the following benefits

1. Incapacity Benefit
2. Retirement Pension
3. State Pension
4. Severe Disablement Allowance
5. Widow's Pension **and**
6. Widowed Mother's Allowance.

Note: Again, most of the benefits listed above have since become obsolete.

Amount of benefit to be left for claimant

8804 The claimant must be left with a minimum of 10p of each specified benefit¹.

1 SS (C&P) Regs (NI), Sch 8A, para 8(1)

Maximum amount of payment

8805 The total deduction¹ for any combination of

1. service charges for fuel and rent arrears
2. fuel costs
3. rates
4. payments in place of payments of Child Support Maintenance

must **not** be more than an amount equal to 3 times 5% of the personal allowance for a single claimant aged 25 or over.

1 SS (C&P) Regs (NI), Sch 8A, para 8(2)

Personal allowance for a single claimant aged not less than 25 years

- 8806 Personal allowance for a single claimant aged not less than 25 means the income support personal allowance for a person aged not less than 25.

1 SS (C&P) Regs (NI), Sch 8A, para 8(1)

- 8807 Unless the claimant agrees¹ the decision maker cannot decide to make a deduction from a specified benefit and pay it direct to a third party for

1. service charges for fuel and rent arrears
2. fuel costs

where the total deduction for that item or the total of any combination of, or all of, these items is more than 25% of the applicable amount. The claimant's consent is required before deductions can be implemented. Where the claimant does not consent the decision maker shall determine an amount equal to 25% of the applicable amount rounded down to the next penny.

1 SS (C&P) Regs (NI), Sch 8A, para 8(3)

Applicable amount

- 8808 Applicable amount¹, in the case of the benefits listed in DMG 8803, means the total amount of the claimant's own specified benefits, together with any child benefit, but excluding any amount payable in respect of dependants not normally resident with the beneficiary, in payment to either the beneficiary or his partner.

1 SS (C&P) Regs (NI), Sch 8A, para 8(1)

Priority between debts

- 8809 Where the claimant satisfies the criteria for third party deductions of more than one charge but deductions cannot be made because the amount of any specified benefit is insufficient, the decision maker should give priority between the charges in the following order

1. service charges for fuel, unrebated rent and rent arrears
2. fuel costs - priority between fuel debts
3. rates
4. payments in place of payments of Child Support Maintenance.

1 SS (C&P) Regs (NI), Sch 8A, para 9(1)

Time and manner of payment to third party

8810 The Department will decide the time and manner of payment to a third party¹.

1 SS (C&P) Regs (NI), Sch 8A, para 2(2)

8811 – 8814

Third party deductions for unrebated rent/ rent arrears and fuel service charges

Definition

8815 For third party deduction purposes "rent" covers the items listed below, provided that they are paid with, or as part of the rent for the dwelling occupied as the home.

1. Eligible rent for Housing Benefit.
2. Water charges.
3. Rates.
4. Fuel service charges for heating, hot water, lighting or cooking.
5. Furniture charges.
6. Garage charges.
7. Other service charges.
8. Ground rent not payable with service charges.

8816 **Unrebated rent**¹ means the net amount of rent payable, excluding any amount in respect of a service charge for fuel and after deducting any rent rebate or rent allowance, by the claimant or their partner to the Northern Ireland Housing Executive or any Government Department.

Note: Only the unrebated part of the rent and arrears of rent can be deducted from the benefits listed in DMG 8803.

Unrebated rates² means the net amount of rates payable after deducting any rates rebate by the claimant or their partner to the Department of the Environment.

Note: Only the unrebated part of the rates and arrears of rates can be deducted from the benefits listed in DMG 8803.

1 & 2 SS (C&P) Regs (NI), Sch 8A, para 1

Criteria for third party deductions

8817 The decision maker should decide that a deduction is to be made from a specified benefit (as specified in DMG 8803) and paid direct to the landlord in respect of **unrebated rent, rent arrears and fuel service charges** where

1. the claimant or his partner has a current liability to the landlord making the request **and**
2. the claimant or their partner has rent arrears, except where the rent involves charges for services already included in hospital payments, which equal or exceed 50% of the personal allowance for a single claimant aged 25 or over and the rent arrears are in respect of
 - 2.1 6 weeks or more and the landlord has requested direct payment **or**
 - 2.2 less than 6 weeks and the decision maker considers that it is in the interests of the claimant or family (DMG 8820) to arrange direct payment.

In general, where joint tenancy applies, the joint tenants are jointly or severally liable for arrears. Consequently if a specified benefit is in payment to one of the tenants, full liability can be sought from that beneficiary. Where a specified benefit is in payment to both tenants full liability can be sought from either or from both beneficiaries, however the Department should seek, wherever possible, a mutually acceptable arrangement regarding the deduction.

Although Housing Benefit now covers 100% of the rent this does not do away with the individual's liability.

1 SS (C&P) Regs (NI), Sch 8A, para 5(2)(4) & (5)

Personal Allowance for a single claimant not less than 25 years

- 8818 "Personal Allowance" for a single claimant aged not less than 25 years" means the amount specified in column (2) of paragraph 1(1)(e) of Schedule 2 to the Income Support Regulations.
- 8819 Deductions should only be made where the decision maker is satisfied that the claimant or partner do have rent arrears¹. In cases of dispute the decision maker should give the claimant the opportunity to provide evidence to support any claim that they do not have rent arrears.

1 R(IS) 14/95

In the interests of the claimant or the family

- 8820 It would be in the interests of the claimant or the family to begin third party deductions where, for example there is a threat of

1. eviction **or**
 2. re-possession **or**
 3. disconnection of fuel **or**
 4. a court summons **and**
 5. there is no other suitable method of dealing with the debt.
- 8821 It would not be in the interests of the claimant or the family to begin third party deductions, if the claimant
1. has shown evidence of a determination to clear the debt **and**
 2. has undertaken to clear the debt.
- 8822 The decision maker should not consider third party deductions simply because the tenant or landlord has asked for it. On the other hand they should not refuse to consider it where, although other criteria are met, there is a reluctance to seek eviction. This may arise, for example, in the case of voluntary bodies who provide accommodation for groups such as low income or one parent families who are liable to experience budgeting difficulties.
- 8823 The decision maker should not consider third party deductions when rent is being withheld, or it is not being accepted because of a dispute between the claimant and the landlord, **unless** DMG 8817 applies.

Amount of deduction

- 8824 The decision maker should decide the weekly deduction to be
1. in respect of rent arrears¹, a fixed amount equivalent to 5% of the personal allowance for a single claimant aged 25 or over (rounded up to the next 5p)²
 2. in respect of fuel service charges³, the amount currently being deducted by the Northern Ireland Housing Executive when working out the claimant's Housing Benefit
 3. in respect of unrebated rent⁴ the weekly amount payable to the Northern Ireland Housing Executive or any Government Department.
- 1 SS (C&P) Regs (NI), Sch 8A, para 5(5); 2 Sch 8A, para 1; 3 Sch 8A, para 5(2); 4 Sch 8A, para 5(4)*
- 8825 Where the amount calculated under
1. rent arrears and fuel service charges (see DMG 8824)
 2. fuel service charges alone (see DMG 8824)

paid with or as part of the rent on the dwelling occupied as the home exceeds 25% of the total amount of the specified benefit and the claimant does not agree to such a deduction the decision maker should calculate an amount equal to 25% of the total amount of specified benefit (rounded down to the next penny)¹.

1 SS (C&P) Regs (NI), Sch 8A, para 5(7)

8826 If the amount to be deducted would leave the claimant with less than 10p of each specified benefit (see DMG 8803), the decision maker should adjust the amount so that 10p of each specified benefit is payable to the claimant.

8827 When a debt has been cleared by third party deductions the decision maker may decide that deductions of the weekly charge for fuel service charges and/or unrebated rent shall continue¹. Third party deductions should continue if the decision maker considers that it remains in the interests of the family. The decision maker should consider

1. the reasons for the claimant's failure to budget. If it is clear that the debt arose because the claimant was a persistent bad manager, and there is nothing to indicate that this is no longer so, third party deductions should normally continue **and**
2. any requests made by the landlord.

1 SS (C&P) Regs (NI), Sch 8A, para 5(6)

Superseding and changing the third party deductions

8828 The decision maker may supersede and change the amount to be deducted when a relevant change of circumstances occurs or it is anticipated that a relevant change of circumstances will occur¹ for example where the

1. fuel charges change **or**
2. fuel service charge ceases to be made by the landlord **or**
3. rent arrears are cleared **or**
4. the claimant changes their address to one with a different landlord **or**
5. entitlement to a specified benefit is reduced below the amount of the deduction plus 10p.

When the arrears for fuel service charges and/or unrebated rent are cleared, the decision maker may decide the deductions should continue, if it is in the interests of the family.

1 SS (NI) Order 98, art 11; SS & CS (D&A) Regs (NI), reg 6(2)(a)

8829 – 8834

Third party deductions for fuel costs

Criteria for third party deductions

8835 The decision maker should decide that a deduction is to be made from a specified benefit (see DMG 8803) and paid direct to the fuel board for mains gas or electricity where¹

1. the claimant or their partner has a debt for mains gas or electricity and the claimant still needs that fuel. Debt includes disconnection or reconnection charges and legal fees where the fuel board is properly entitled to require the claimant to pay such charges before reconnection of the supply **and**
2. it is in the interest of the claimant or the family that direct payment be made.

1 SS (C&P) Regs (NI), Sch 8A, para 6(1)

8836 Third party deductions will be in the interests of the claimant or the family where the claimant has a debt which

1. is unlikely to be paid before disconnection is threatened **or**
2. has resulted in the threat of disconnection **or**
3. has resulted in disconnection **or**
4. no other source of fuel is available for the same purpose.

8837 Third party deductions will **always** be in the interests of the claimant or the family where there is a risk to health or safety, for example, because the family includes

1. children under 11 **or**
2. persons over 70 **or**
3. persons who are disabled **or**
4. long-term sick in the family.

Note: This list is not exhaustive.

8838 The decision maker should not assume that third party deductions would not be in their interests where the family consists of a single claimant, or a couple without young children.

8839 The decision maker must consider alternative means of cooking and heating, etc, available to the family and to the availability and value of budget payment arrangements and seasonal factors should be taken into account.

Generally budget payment schemes are less beneficial to the claimant because they recover the debt at a higher weekly rate than do third party deductions.

8840 The decision maker should decide that

1. third party deductions are **not appropriate** where¹
 - 1.1 the debt is less than the weekly rate of personal allowance for a single claimant aged 25 or over **or**
 - 1.2 the debt is the responsibility of a person who deserted a partner (unless the deserted partner satisfied the criteria for direct payment) **or**
2. third party deductions **should be adjusted** where²
 - 2.1 the amount of the necessary weekly deduction (including the deduction for arrears) is greater than the award of specified benefit, so that it leaves the claimant with 10p² of each award.

1 SS (C&P) Regs (NI), Sch 8A, para 6(2); 2 Sch 8A, para 8(1)

Amount of deduction

8841 The decision maker should decide the weekly deduction to be¹

1. **before the debt is cleared** - an amount to pay off the arrears (see DMG 8844) plus an amount to cover current consumption (see DMG 8846) **or**
2. **after the debt is cleared** - where appropriate (see DMG 8846) only an amount to cover current consumption².

1 SS (C&P) Regs (NI), Sch 8A, para 6(2); 2 Sch 8A, para 6(4)(b)

8842 The decision maker should decide, if the amount in respect of the fuel costs would leave the claimant with less than the minimum (see DMG 8804), that the amount of the deduction should be adjusted to allow a payment of 10p of each specified benefit to the claimant¹.

1 SS (C&P) Regs (NI), Sch 8A, para 8(1)

Exception

8843 An exception to the rule in DMG 8842 should be made where a prepayment meter has been installed (or other arrangements have been made with the fuel board) to pay for current consumption¹. The decision maker should limit the deduction to the amount for arrears.

1 SS (C&P) Regs (NI), Sch 8A, para 6(2)(b)

Deduction for arrears

- 8844 The deduction for arrears of a fuel item is equivalent to 5% of the personal allowance for a single claimant aged 25¹ or over, (rounded up to the next 5p)². **Where** third party deductions for a second fuel item has to be introduced the deduction is 5% (rounded up to the next 5p) for each fuel item³.

1 SS (C&P) Regs (NI), Sch 8A, para 6(2)(a); 2 Sch 8A, para 1; 3 Sch 8A, para 6(2)(a)

- 8845 There is an overall limit on deductions for arrears of 3 times 5% of the personal allowance for a single claimant aged 25 or over¹.

1 SS (C&P) Regs (NI), Sch 8A, para 8(2)

Current consumption

- 8846 The fuel board will

1. provide an estimate of the average weekly cost of the claimant's fuel consumption, initially, on form PD1 **and**
2. review the consumption figures when the meter is read **and**
3. at 6-monthly intervals, notify the decision maker of the weekly amount which has been estimated for the following 26 weeks to
 - 3.1 cover consumption **and**
 - 3.2 take account of any credit or new debt which has accrued while direct payment has been operating.

- 8847 The fuel board will provide the estimate by sending

1. form PD8 - issued when the amount of deduction is to be adjusted for the next 26 weeks or longer period **or**
2. computer printout - issued when the amount of deduction is to continue unaltered for the next 26 weeks or longer period.

- 8848 If the estimate appears to be unreasonable or inaccurate, the decision maker should ask the fuel board for details of their calculation. Otherwise the decision maker should use the estimate for the following 26 weeks¹. If a subsequent decision maker's supersession shows that the current deduction for the fuel has been inadequate or excessive to meet current consumption an adjustment can be made for a period longer than 26 weeks, if necessary. This compensates for any under or over payment.

1 SS (C&P) Regs (NI), Sch 8A, para 6(4)(a)

Original debt recovered

8849 When a debt has been cleared by third party deductions, the decision maker should consider the continuing need for deductions in respect of current fuel consumption¹. Third party deductions should continue, if the decision maker considers that it remains in the interest of the family. The decision maker should consider

1. the reasons for the claimant's failure to budget. If it is clear that the debt arose because the claimant was a persistent bad manager, and there is nothing to indicate that this has changed, third party deductions should normally continue **and**
2. any seasonal factors likely to affect the claimant's ability to budget for the next bill should direct payment cease **and**
3. any requests made by the fuel board.

1 SS (C&P) Regs (NI), Sch 8A, para 6(4)(b)

Agreement of claimant required

8850 **Unless the claimant agrees**¹ no third party deductions can be made in excess of 25% of the applicable amount (see DMG 8808). The decision maker should not take into consideration any housing costs included in the applicable amount.

1 SS (C&P) Regs (NI), Sch 8A, para 6(5)

8851 Where the amount of third party deductions for current consumption and arrears exceeds 25% of the applicable amount (see DMG 8808) and the claimant has not consented to such a deduction, the decision maker will decide to deduct an amount equal to 25% of the applicable amount (rounded down to the next penny) **without** any regard to the interests of the family¹.

1 SS (C&P) Regs (NI), Sch 8A, para 6(5)

Priority between fuel debts

8852 Where the criteria for deductions are met for both gas and electricity debts, but deductions for both cannot be made (because, for example the specified benefit entitlement is insufficient), the decision maker should decide which debt takes priority taking into account all the circumstances and any requests of the claimant.

1 SS (C&P) Regs (NI), Sch 8A, para 9(3)

8853 The decision maker should give priority to whichever fuel is most needed to ensure the health and safety of the claimant or the family.

Example

In a household where heating and cooking are by gas, the decision maker should give priority to gas. In a household which includes very young children, or elderly or infirm adults, it may be necessary for the decision maker to give priority to electricity, so that the home is properly lit.

8854 Where debts other than fuel are involved see DMG 8809.

Superseding and changing the third party deductions

8855 The decision maker should supersede to stop or change the amount to be deducted for fuel costs when a relevant change of circumstances occurs, or it is anticipated that a relevant change of circumstances will occur¹ for example where

1. the average weekly cost estimated for the continuing need has proved insufficient or excessive (but note that the claimant's agreement must be obtained if the deduction required would increase to the level specified in DMG 8807) **or**
2. the original debt has been cleared and deductions cease or continue in respect of the estimated average weekly cost of consumption² **or**
3. the necessary weekly deductions (including arrears) would leave the claimant with less than 10p **or**
4. the claimant withdraws his agreement permitting deductions in excess of 25% of the applicable amount **or**
5. the claimant ceases to receive a supply of fuel from the fuel board to whom payment is being made (for example the supply has been disconnected due to meter interference or deductions for gas are being made but the claimant moves to a new address which is all electric) **or**
6. on change of address the claimant is no longer responsible for the fuel costs. The change of address **in itself** does not give grounds to supersede and terminate direct payment **or**
7. it becomes clear that it is no longer in the interests of the family for deductions to continue.

The decision maker should not change a third party deduction decision where the only reason for doing so is that the claimant wishes to take control of the budgeting.

1 SS (NI) Order 98, art 11; SS & CS (D&A) Regs (NI), reg 6(2)(a);

2 SS (C&P) Regs (NI), Sch 8A, para 6(4)(b)

8856 – 8859

Third party deductions for rates

Definition

- 8860 **"Unrebated rates"**¹ means the net amount of rates payable, after deducting any rates rebate in respect of Housing Benefit, by the claimant or their partner to the Land and Property Services.

1 SS (C&P) Regs (NI), Sch 8A, para 1

Criteria for third party deductions

- 8861 The decision maker should decide that a deduction is to be made from a specified benefit and paid direct to the Land and Property Services in respect of unrebated rates and rates arrears¹ where

1. the claimant or their partner has a current liability for rates **and**
2. the claimant or his partner has arrears of rates of
 - 2.1 at least 50% of the personal allowance for a single claimant aged not less than 25 and the Land and Property Services has requested direct payment **or**
 - 2.2 less than 50% of the personal allowance for a single claimant aged not less than 25 and in the opinion of the decision maker it is in the interests of the claimant or the family to arrange direct payment.

In general, where joint ownership applies, the joint owners are jointly or severally liable for arrears. Consequently if one of the tenants is on benefit full liability can be sought from that beneficiary. Where a specified benefit is in payment to both owners full liability can be sought from either or from both beneficiaries, however the Department should seek, wherever possible, a mutually acceptable arrangement regarding the deduction.

Although Housing Benefit may now in some circumstances cover up to 100% of the rates this does not do away with the individual's liability.

1 SS (C&P) Regs (NI), Sch 8A, para 7(1), (2) & (3)

- 8862 It would be in the interests of the claimant or the family to begin direct payment where for example

1. there is a history of mis-spending **or**
2. there is a threat of court proceedings **or**

3. there is no other suitable method of dealing with the debt.

8863 The decision maker should not normally consider it in the interests of the claimant or family to introduce direct payments if the claimant

1. has shown evidence of a determination to clear the debt **and**
2. has undertaken to clear the debt.

Amount of deduction

8864 The decision maker should decide the weekly deduction to be

1. **before the debt is cleared**, the current weekly amount of the unrebated rates, plus a fixed amount for arrears equal to 5% of the personal allowance for a single claimant aged 25 or over (rounded up to the next 5p)¹ **or**
2. after the debt is cleared where DMG 8865 applies, only the current weekly unrebated rates².

1 SS (C&P) Regs (NI), Sch 8A, para 7(2), (3) & (4); 2 Sch 8A, para 7(4)

8865 When a debt has been cleared by third party deductions, the decision maker may decide that deductions of the weekly unrebated rates shall continue¹. Third party deductions should continue if the decision maker considers that it remains in the interest of the family. The decision maker should consider

1. the reasons for the claimant's failure to budget. If it is clear that the debt arose because the claimant was a persistent bad manager, and there is nothing to show that this is no longer so, direct payment should normally continue **and**
2. any representations made by the Land and Property Services.

1 SS (C&P) Regs (NI), Sch 8A, para 7(4)

8866 The decision maker should decide, if the amount in respect of rates would leave the claimant with less than the minimum (see DMG 8804) the amount of the deduction should allow a payment of 10p of each specified benefit to the claimant¹.

1 SS (C&P) Regs (NI), Sch 8A, para 8(1)

Superseding and changing the third party deductions

8867 The decision maker may supersede and change the amount to be deducted when a relevant change of circumstances occurs or it is anticipated that a relevant change of circumstances will occur¹. For example

1. the rates arrears are cleared **or**

2. the claimant changes address and is no longer responsible for rates because he is now a non-householder **or**
3. the unrebated rates change.

1 SS (NI) Order 98, art 11; SS & CS (D&A) Regs (NI), reg 6(2)(a)

8868 – 8999

Appendix 1 [See DMG Memo Vol 1/92, 3/82, 4/106, 9/18 & 13/47]

List of disqualifying benefits

1. Attendance Allowance
2. Bereavement Benefit and dependency increases
3. Child Benefit
4. Disability Living Allowance
5. Guardian's Allowance
6. Housing Benefit
7. Incapacity Benefit and dependency increases
8. Industrial Injuries Benefit
9. Income Support
10. Carer's Allowance and dependency increases
11. Jobseeker's Allowance
12. Retirement Pension including graduated retirement benefit and dependency increases
13. Severe Disablement Allowance and dependency increases
14. Social Fund
15. War Pension
16. State Pension Credit
17. Shared Additional Pension
18. Employment and Support Allowance.

Appendix 2 [See DMG Memo Vol 1/92, 3/82, 4/106, 9/18 & 13/47]

List of benefits which are not disqualifying benefits

1. Maternity Allowance
2. Working Families Tax Credit
3. Disabled Persons Tax Credit
4. Statutory Sick Pay
5. Statutory Maternity Pay.