Chapter 33 - Payment questions

Contents

General rules

Introduction 33001

When entitlement begins 33009

Meaning of benefit week 33010

Jobseeker’s Allowance 33011

Income Support 33018

Period for which benefit is calculated 33020

Jobseeker’s Allowance 33023

Income Support 33024

Date entitlement begins 33026

Jobseeker’s Allowance 33027

Income Support 33028

Claimant not entitled immediately 33036

Changes of circumstances 33050

When entitlement ends 33060

Part-week payments Jobseeker’s Allowance and Income Support

Part-week payments - general

Introduction 33100

Definitions

Meaning of notional entitlement 33101

What is the relevant week? -
Jobseeker's Allowance and Income Support 33102

Who can get a part-week payment?

General 33103

Reductions in certain cases

Applications for hardship payments -
income-based Jobseeker’s only 33104

Appeal made because the claimant found not incapable of work 33105

**Part-week payments at the beginning of a claim**

Period covered - Jobseeker’s Allowance
and Income Support 33106

The relevant week - Jobseeker’s Allowance
and Income Support 33107

Personal rate in the relevant week -
contribution-based Jobseeker’s Allowance 33108

Applicable amount in the relevant week - income-based
Jobseeker’s Allowance and Income Support 33109

Income in the relevant week -
Jobseeker’s Allowance and Income Support 33112

The part-week payment 33119

Contribution-based Jobseeker’s Allowance 33120

Income-based Jobseeker’s Allowance and Income Support 33121

**Part-week payments at the end of a claim**

Period covered -
Jobseeker’s Allowance and Income Support 33129

The relevant week -
Jobseeker’s Allowance and Income Support 33130

Personal rate in the relevant week -
contribution-based Jobseeker’s Allowance 33131

Applicable amount in the relevant week - income-based
Jobseeker’s Allowance and Income Support 33132

Income in the relevant week -
Jobseeker’s Allowance and Income Support 33140

The part-week payment 33142

**Part-week payments on change of benefit week -
Income Support only**

Reasons for change 33155

Period covered 33156

The relevant week 33166

Applicable amount in the relevant week 33170

Income in the relevant week 33175

The part-week payment 33183

**Part-week payments on change of benefit week -
Jobseeker’s Allowance only**

Reasons for change 33201

Period covered 33202

The relevant week 33203

Personal rate in the relevant week -
contribution-based Jobseeker’s Allowance 33204

Applicable amount in the relevant week -
income-based Jobseeker’s Allowance 33205

Income in the relevant week 33212

The part-week payment 33223

Contribution-based Jobseeker’s Allowance 33224

Income-based Jobseeker’s Allowance 33225

**Part-week payments in sanction cases -
Jobseeker’s Allowance only**

When will a part-week payment be needed in a sanction case? 33229

Period covered 33232

The relevant week 33233

Personal rate in the relevant week -
contribution-based Jobseeker’s Allowance 33234

Applicable amount in the relevant week -
income-based Jobseeker’s Allowance 33235

Income in the relevant week 33236

The part-week payment 33238

Third Party Deductions

Third party deductions - general

Payment to discharge claimant’s liabilities 33301

Liability for debt 33306

Meaning of specified benefit 33310

Income Support and income-based
Jobseeker’s Allowance 33311

Contribution-based Jobseeker’s Allowance - underlying
entitlement to income-based Jobseeker’s Allowance 33312

Contribution-based Jobseeker’s Allowance 33313

Training allowances 33314

Amount of benefit to be left for claimant

Specified benefit 33318

Contribution-based Jobseeker’s Allowance 33319

Maximum amount for payment of debts (arrears only)

Income Support, income-based Jobseeker’s Allowance and
contribution-based Jobseeker’s Allowance where underlying
entitlement to income-based Jobseeker’s Allowance 33320

Contribution-based Jobseeker’s Allowance 33321

Consent required 33322

Consent not required 33327

Priority between debts 33328

Part week payments 33331

Third party deductions for mortgage interest and housing costs 33345

Mortgage interest direct 33346

Qualifying lenders 33350

Relevant benefits 33351

Amount of relevant benefit to be left for claimant 33352

Mortgage protection policies 33360

Third party deductions - more than one loan 33361

Mortgage Interest Excess Payments 33364

Application of payment where it exceeds borrower’s
actual mortgage interest 33366

Third party deductions for housing costs 33374

Interests of the family 33379

Definition of housing costs 33381

Mortgage payments 33382

Service charges 33384

Amount of benefit to be left for claimant 33387

Housing costs payments in arrears 33389

Priority between housing costs debts 33390

Third party deductions for miscellaneous accommodation costs

Meaning of miscellaneous accommodation costs 33400

Rules for third party deductions 33401

Homes run by voluntary organisations 33406

Amount deducted - complete weeks 33411

Personal expenses 33413

Amount deducted - part-weeks 33419

Amount of benefit to be left for claimant 33422

Third party deductions for hostel service charges

Meaning of hostel 33429

Rules for third party deductions 33433

Current charges 33434

Arrears of hostel charges 33438

Third party deductions for rent and service charges for fuel

Definitions 33450

Rules for third party deductions 33452

Interests of the family 33459

Amount deducted for arrears 33469

Amount deducted for current charges 33470

Joint tenants 33474

Superseding the third party deduction decision 33478

Third party deductions for fuel costs

Rules for third party deductions 33490

Interests of the family 33493

Amount to be deducted and paid direct 33498

Exception to general rules 33499

Amount of benefit left for claimant 33500

Arrears of fuel - original debt 33505

Fuel - current consumption 33509

Original debt recovered 33514

Joint tenants 33523

Priority between fuel debts 33525

Consent of claimant required 33532

Superseding the third party deduction decision 33533

Third party deductions for water charges - Northern Ireland

Meaning of water charges 33545

Methods of charging 33546

Rules for third party deductions 33547

Interests of the family 33549

Amount to be deducted and paid direct 33552

Amount of benefit to be left for claimant 33554

The original debt 33563

Unmetered water

Original debt 33564

Consumption 33566

Annual increases 33567

Metered water

Original debt 33569

Consumption 33571

Original debt recovered 33576

Joint tenants 33578

Priority between debts for water charges 33580

Consent of claimant required 33582

Superseding the third party deduction decision 33584

Deductions from benefit - flat rate maintenance and child maintenance deduction

Child Support Maintenance 33595

Meaning of fee 33599

Meaning of specified benefit 33600

Meaning of beneficiary 33601

Meaning of maintenance 33602

Meaning of person with care 33603

Deductions from specified benefit 33604

Prevention of duplicate deductions 33609

Amount of Income Support/Jobseeker’s Allowance to be left after
deduction of flat rate maintenance or child maintenance deduction 33610

Arrears - flat rate maintenance deductions only 33611

Apportionment 33615

Claimant and partner both liable to pay maintenance

Flat rate maintenance deductions 33616

Child maintenance deductions 33618

Claimant or partner liable to pay maintenance

Flat rate maintenance deductions 33620

Child maintenance deductions 33621

Polygamous marriages 33622

Cases exempt from child maintenance deductions or flat
rate maintenance 33623

Notice 33625

Third party deductions for payments in place of payments of child
support maintenance - contribution to maintenance deductions

Introduction 33626

Deductions

Sufficient specified benefit in payment 33630

Number of deductions 33631

Decision maker’s action 33633

The fixed amount 33635

Specific deductions 33636

Exception to general rule 33637

Maximum amount of deduction 33639

Deductions from contribution-based Jobseeker’s Allowance 33640

Rules for deduction of child support maintenance 33641

Amount deducted 33642

Maximum amount of deduction 33643

Order or priority 33644

Third party deductions for rates

Definition 33650

Rules for third party deductions 33652

Interests of the family 33654

Amount to be deducted and paid direct 33657

Amount of benefit to be left for claimant 33659

The fixed amount 33660

Debt cleared 33661

Superseding the third party deduction decision 33662

Third party deductions for integration loan scheme

Introduction 33900

Definitions

Integration loan 33910

Specified benefit 33911

Deductions from benefit 33916

Amount of the deduction 33917

Consent 33924

Priority between debts 33928

**Appendix 1 -** Payments or awards

**Appendix 2 -** Payments or awards which may affect liability for flat rate maintenance or child maintenance deduction

Statutes commonly referred to in Chapter 33

 **Full Title Abbreviation**

 The Jobseeker’s (Northern Ireland) Order 1995 JS (NI) Order 95

 Social Security Administration (Northern

 Ireland) Act 1992 SS A (NI) Act 92

 Social Security Contributions and Benefits (Northern

 Ireland) Act 1992 SS C&B (NI) Act 92

Statutory Rules commonly referred to in Chapter 33

 **Short Title Long Title Abbreviation**

IS General Regulations Income Support (General) IS (Gen) Regs (NI)
 Regulations (Northern Ireland)
 1987 No. 459

 Jobseeker’s Allowance The Jobseeker’s Allowance JSA Regs (NI)
Regulations Regulations (Northern Ireland) 1995 No. 459

 Claims and Payments Social Security (Claims and SS (C&P) Regs (NI)
Regulations Payments) Regulations
 (Northern Ireland) 1987 No. 465

 Decision and Appeals The Social Security and SS & CS (D&A) Regulations Child Support (Decision Regs (NI) and Appeals) Regulations (Northern Ireland) 1999 No. 162

 Child Support Child Support Maintenance CSMC Regs (NI) Maintenance Calculation Regulations 2012
 Calculation (Northern Ireland) 2012
 Regulations No. 427

Chapter 33 - Payment questions

General rules

Introduction

33001 There are some payment questions that apply only to claims for Jobseeker’s Allowance and Income Support. This Chapter deals with those questions.

33002 Guidance on the other general rules that also apply can be found in other chapters. For example those governing the

**1.** period of an award (see DMG Chapter 2)

**2.** time and manner of payment (see DMG Chapter 8)

**3.** payment of small amounts of benefit (see DMG Chapter 8)

**4.** question of revision or supersession (see DMG Chapter 4)

**5.** usual effects of a change in circumstance (see DMG Chapter 4).

33003 How the payment questions dealt with in this Chapter affect a claim for Jobseeker’s Allowance or Income Support depends on

**1.** which benefit has been claimed **and**

**2.** if Jobseeker’s Allowance, whether

**2.1** contribution-based Jobseeker’s Allowance **or**

**2.2** income-based Jobseeker’s Allowance

is awarded.

33004 Any differences will be pointed out in this guidance.

 33005 – 33008

When entitlement begins

33009 Jobseeker’s Allowance and Income Support are weekly benefits that are normally paid for complete weeks (benefit weeks). See DMG 33100 to 33238 for guidance on when payment may be made for part weeks.

Meaning of benefit week

33010 A benefit week is always a period of 7 days. The law says which 7 days this should be. This will depend on which benefit is claimed.

Jobseeker’s Allowance

33011 For Jobseeker’s Allowance 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 Day**

 00 – 19 Monday

 20 – 39 Tuesday

 40 – 59 Wednesday

 60 – 79 Thursday

 80 – 99 Friday

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

 33012 – 33017

Income Support

33018 Benefit week for Income Support means1

**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 7 days beginning or ending on a day decided by the Department.

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

33019 **[See DMG Memo Vol 1/109, 3/97, 5/106, 6/91, 7/45, 8/83, 9/35, 10/73, 12/23, 13/69 & 14/63]** Relevant social security benefit means1

**1.** Incapacity Benefit **or**

**2.** Severe Disablement Allowance **or**

**3.** Retirement Pension **or**

**4.** Widow’s Benefit **or**

**5.** Bereavement Benefits.

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

Period for which benefit is calculated

33020 The period for which benefit is calculated depends on whether it is paid in arrears or advance.

33021 When benefit is paid in arrears, the period up to and including the benefit week ending is used. That is the 7 days ending on the last day of the benefit week.

33022 When benefit is paid in advance the 7 days starting on the benefit week commencing day is used.

Jobseeker’s Allowance

33023 Jobseeker’s Allowance is normally paid in arrears1. The amount payable is worked out for the period up to and including the benefit week ending day.

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

Income Support

33024 Income Support can be paid in arrears or in advance1. When it is paid in arrears the amount of benefit is worked out for the period up to and including the benefit week ending day. The benefit week ending day is

**1.** the social security benefit week ending day, where Income Support is paid as well as, or instead of, a relevant social security benefit **or**

**2.** if **1.** does not apply, and there is any other weekly paid income, that income pay day. For example, where Statutory Sick Pay is in payment, the benefit week ending day would be the employer’s payday **or**

**3.** if **1.** and **2.** do not apply, and the date of claim is a Monday, Monday should be used **or**

**4.** if **1.**, **2.** or **3.** do not apply, the seventh day of the claim should be used. For example, if the claim is made on a Wednesday, the benefit week ending day would be the following Tuesday.

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

33025 **[See DMG Memo Vol 1/109, 3/97, 5/106, 6/91, 7/45, 8/83, 9/35, 10/73, 12/23, 13/69 & 14/63]** When Income Support is paid in advance the 7 days starting on the benefit week commencing day is used. The benefit week commencing day is

**1.** the Retirement Pension, Widow’s Benefit or Bereavement Benefit benefit week commencing day, where Income Support is paid as well as, or instead of either, of those benefits **or**

**2.** if **1.** does not apply, the date of claim.

Date entitlement begins

33026 The date entitlement begins depends on

**1.** which benefit has been claimed **and**

**2.** if Income Support, whether it is paid in arrears or advance.

Jobseeker’s Allowance

33027 A person is not normally entitled to Jobseeker’s Allowance for the first seven days (waiting days) at the beginning of a jobseeking period1 (DMG 20901 et seq). Please note that special rules regarding waiting days apply in the case of joint claim couples (DMG 20903). This means that entitlement to Jobseeker’s Allowance does not start until the day after those seven waiting days.

1 JS (NI) Order 95, Sch 1, para 4; JSA Regs (NI), reg 46(2)

Income Support

33028 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)

33029 Where Income Support is payable in advance, entitlement normally begins on1

**1.** the date of claim, if that day is a benefit week commencing day **or**

**2.** the first benefit week commencing day after the date of claim.

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

33030 There is an exception to these rules, when Income Support is awarded for a definite period which is not a benefit week or a multiple of such a benefit week. Entitlement then 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)

 33031 – 33035

Claimant not entitled immediately

33036 A claimant may not be entitled to benefit immediately because of their failure to satisfy all the conditions of entitlement1. In such a case, entitlement cannot begin until those conditions are satisfied.

1 SS (C&P) Regs (NI), reg 13

33037 In Jobseeker’s Allowance the claimant is not normally entitled for the first 3 days of a jobseeking period (DMG 20901 et seq). So once the conditions are satisfied, entitlement will start on the day after those 3 waiting days1.

1 JS (NI) Order 95, Sch 1, para 4

33038 In Income Support entitlement normally begins on the first day that the conditions of entitlement are satisfied1. But that is not the case where Income Support is paid in advance, when entitlement begins on

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

**2.** the first benefit week commencing day after the day that they are satisfied.

1 SS (C&P) Regs (NI), Sch 7, para 6(3)

 **Example 1**

Henry stops remunerative work and claims Jobseeker’s Allowance on Monday 3.11.14. He has holiday pay which means he is treated as engaged in remunerative work up to and including Thursday 6.11.14.

The conditions of entitlement are satisfied as from Friday 7.11.14. His waiting days are Friday 8.11.14 to Thursday 13.11.14. Entitlement to Jobseeker’s Allowance starts on Friday 14.11.14.

**Example 2**

Gina is a lone parent who stops remunerative work and then claims Income Support on Monday 14.10.96. Income Support is payable in arrears. She has holiday pay which excludes her from Income Support up to and including Thursday 17.10.96. Entitlement to Income Support begins on Friday 18.10.96.

**Example 3**

Dorothy is a lone parent receiving Widow’s Benefit weekly on a Tuesday. She stops remunerative work and then claims Income Support on Monday 14.10.96. Income Support is payable in advance and her benefit week commencing day is Tuesday. She has holiday pay which excludes her from Income Support up to and including Thursday 17.10.96.

The conditions of entitlement are satisfied as from Friday 18.10.96. That is not a benefit week commencing day. Entitlement to Income Support starts on the first benefit week commencing day following, namely Tuesday 22.10.96.

 33039 – 33049

Changes of circumstances

33050 A change in the claimant’s circumstances can give grounds to supersede the award1 in both Jobseeker’s Allowance and Income Support. The normal rules on supersession are in DMG Chapter 04.

1 SS (NI) Order 98, art 10 & 11

 33051 – 33059

When entitlement ends

33060 The date a supersession takes effect is usually the first day of a benefit week1 and depends on

**1.** which benefit has been claimed **and**

**2.** if Income Support, whether it is paid in arrears or advance.

1 SS & CS (D&A) Regs (NI), reg 7 & Sch 2A, para 1 & 7

33061 Chapter 04 gives guidance on the rules that apply and the exceptions to those rules. The date entitlement ends is such an exception.

33062 Entitlement may end or be expected to end for a reason other than a change in income or applicable amount. For example the claimant may start remunerative work. See DMG Chapter 04 for full guidance on the date supersession takes effect when entitlement ends.

33063 – 33099

Part-week payments Jobseeker’s Allowance and Income Support

Part-week payments - general

Introduction

33100 This section gives guidance on how to calculate part-week payments in Jobseeker’s Allowance and Income Support claims.

Definitions

Meaning of notional entitlement

33101 In this guidance notional entitlement means

**1.** in contribution-based Jobseeker’s Allowance, the claimant’s personal rate

**2.** in income-based Jobseeker’s Allowance and Income Support, the amount by which the applicable amount exceeds income.

What is the relevant week? - Jobseeker’s Allowance and Income Support

33102 Part-week payment calculations are based on the claimant’s notional entitlement during the relevant week1 (sometimes known as the notional benefit week). The period covered by the relevant week depends on when the need for a part-week payment arises. For a part-week payment

**1.** at the beginning of a claim, the relevant week is defined in DMG 33107

**2.** at the end of a claim, the relevant week is defined in DMG 33130

**3.** on a change of benefit week (Income Support only), the relevant week is defined in DMG 33166

**4.** on a change of benefit week (Jobseeker’s Allowance only), the relevant week is defined in DMG 33203 **and**

**5.** in sanction cases (Jobseeker’s Allowance only), the relevant week is defined in DMG 33233.

1 JSA Regs (NI), reg 150; IS (Gen) Regs (NI), reg 73

Who can get a part-week payment?

General

33103 Most Jobseeker’s Allowance and Income Support claimants including Jobseeker’s Allowance joint claim couples will be able to get part-week payments. Butshare fishermen will receive payments of contribution-based Jobseeker’s Allowance for whole weeks only. If they claim income-based Jobseeker’s Allowance or Income Support normal part-week payment rules apply. Guidance on share fishermen is in Chapter 27.

Reductions in certain cases

Applications for hardship payments - income-based Jobseeker’s Allowance only

33104When a person is getting hardship payments, any part-week payment will be

**1.** the claimant’s notional entitlement for the relevant week multiplied by the number of days in the part-week and divided by seven **less**

**2.** the appropriate reduction in the weekly applicable amount (DMG 35310 et seq) multiplied by the number of days in the part-week and divided by seven1.

1 JSA Regs (NI), reg 154

**Example**

Paul is entitled to hardship payments. The appropriate reduction is 40%. His notional entitlement for the relevant week is £100. He needs a part-week payment for two days. The calculation is

**1.** notional entitlement multiplied by 2, divided by 7£28.57

 **less**

**2.** 40% of £100 multiplied by 2, divided by 7 £11.42

The part-week payment is £17.15.

Appeal made because the claimant found not incapable of work

33105 The applicable amount may be reduced by 20% if a claimant is appealing against being found not incapable of work (DMG 20182). In this situation any part-week payments will be calculated as in DMG 33104 applying the appropriate 20% reduction1.

1 IS (Gen) Regs (NI), reg 76(a)

Part-week payments at the beginning of a claim

Period covered - Jobseeker’s Allowance and Income Support

33106 A part-week payment will be made at the beginning of a claim if

**1.** the day when entitlement begins is not the first day of the claimant’s benefit week **or**

**2.** benefit is awarded for a fixed definite period of less than a week.

 Where **1.** applies the part-week payment begins on the first day of entitlement and ends on the day before the start of the first complete benefit week.

 Where **2.** applies the part-week payment covers the period of the award.

The relevant week - Jobseeker’s Allowance and Income Support

33107 For part-week payments at the beginning of a claim, the relevant week is the period of seven days **ending** on the last day of the part-week period1.

1 JSA Regs (NI), reg 152(1)(a); IS (Gen) Regs (NI), reg 74(1)(a)

**Example 1**

Noel's entitlement to Jobseeker’s Allowance begins on Monday 25.11.96. The claimant’s benefit week runs from Friday to Thursday. A part-week payment is needed for the period Monday 25th to Thursday 28th. The relevant week is Friday 22nd to Thursday 28th.

**Example 2**

Income Support is awarded for the definite period Monday 4th November to Saturday 9.11.96. A part-week payment is needed for that period. The relevant week is Sunday 3rd to Saturday 9th.

Personal rate in the relevant week - contribution-based Jobseeker’s Allowance

33108 Calculate the claimant’s personal rate in the relevant week in the normal way.

Applicable amount in the relevant week - income-based Jobseeker’s Allowance and Income Support

33109 Calculate the claimant’s applicable amount in the relevant week in the normal way(see DMG Chapter 23).

33110 Where the applicable amount includes a fraction of a penny treat that fraction as a penny1.

1 JSA Regs (NI), Sch 4, para 18; IS (Gen) Regs (NI), Sch 7, para 18

 33111

Income in the relevant week - Jobseeker’s Allowance and Income Support

33112Calculate the claimant’s income in the normal way **but**

**1.** treat any income due to be paid in the relevant week as paid on the first day of that week1 **and**

**2.** disregard in full any earnings which have already been taken into account to decide a remunerative work exclusion period2 **and**

1. when only part of the weekly income is taken into account in the relevant week, disregard the balance3.

In the case of a joint claim couple calculate the aggregate income of each member of the couple in the normal way unless one member of the joint claim couple is aged under 18 and the other is over 184.

1 JSA Regs (NI), reg 153(a); IS (Gen) Regs (NI), reg 75(a);
2 JSA Regs (NI), reg 153(e); IS (Gen) Regs (NI), reg 75(d);
3 JSA Regs (NI), reg 153(f); IS (Gen) Regs (NI), reg 75(h)
4 JSA Regs (NI), reg 88ZA

33113 In addition, to decide the amount of

**1.** contribution-based Jobseeker’s Allowance payable, disregard in full any

**1.1** Widow’s Benefit

**1.2** Carer’s Allowance

**1.3** Training Allowance

**1.4** Unemployability Supplement

 payable in the relevant week but not for any day in the part-week1

**2.** income-based Jobseeker’s Allowance and Income Support payable, disregard in full any

**2.1** Jobseeker’s Allowance

**2.2** Income Support

**2.3** Maternity Allowance

**2.4** Incapacity Benefit

**2.5** Severe Disablement Allowance

**2.6** Employment and Support Allowance

**2.7** Universal Credit

 payable to the claimant or member of the family in the relevant week, but not for any day in the part-week2.

 **Note:** If Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance, Severe Disablement Allowance or Universal Credit is payable for any day in the part-week it should be taken into account when calculating the part-week payment (DMG 33121).

1 JSA Regs (NI), reg 153(c); 2 reg 150 & 153(b); IS (Gen) Regs (NI), reg 73 & 75(b)

**Example**

George is entitled to income-based Jobseeker’s Allowance. He needs a part-week payment for two days as his entitlement begins earlier than the first day of his benefit week. His first complete benefit week runs from Thursday 9th January to Wednesday 15 January. He is entitled to income-based Jobseeker’s Allowance from Tuesday 7th. A part-week payment is due for Tuesday 7th to Wednesday 8th. The relevant week is Thursday 2nd to Wednesday 8th. His wife receives Incapacity Benefit in the relevant week (2nd to 3rd), but the payment does not cover any days in the part-week. The Incapacity Benefit is disregarded in full when calculating income.

 33114 – 33118

The part-week payment

33119 There are different rules to calculate the amount of a part-week payment depending on which benefit is involved.

Contribution-based Jobseeker’s Allowance

33120The part-week payment isthe claimant’s notional entitlement in the relevant week multiplied by the number of days in the part-week divided by seven **less** any

 **1.** Widow’s Benefit

 **2.** Carer’s Allowance

 **3.** Training Allowance

 **4.** Unemployability Supplement

 payable for any day in the part-week1.

1 JSA Regs (NI), reg 150(2)

**Example**

Ruth Collins is entitled to contribution-based Jobseeker’s Allowance. Her notional entitlement in the relevant week is £50.35. She needs a part-week payment for two days. Widow’s Benefit is payable for both of those days. The weekly rate of Widow’s Benefit is £28.00. Her part-week payment is

£50.35 x 2 £14.386 **less** £28 x 2 = £8.00
 7 7

£14.386 - £8.00 = £6.386

the part-week payment is £6.39 (rounded up to the nearest penny).

Income-based Jobseeker’s Allowance and Income Support

33121The part-week payment is

**1.** in all cases, apart from trade dispute cases, the claimant’s notional entitlement for the relevant week multiplied by the number of days in the part-week and divided by seven (carry forward any fraction of a penny) **less**

**2.** in income-based Jobseeker’s Allowance any Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance or Severe Disablement Allowance payable to any member of the family for any day in the part-week1 **or**

**3.** in Income Support any Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance or Severe Disablement Allowance payable to the claimant or any member of the family for any day in the part-week2 **and**

**4.** in trade dispute cases in income-based Jobseeker’s Allowance3, the part-week payment is

**4.1** nil if the amount of income-based Jobseeker’s Allowance or joint claim Jobseeker’s Allowance for the part-week is equal to or less than the prescribed sum (see DMG Chapter 32) for the same number of days in the part-week **or**

**4.2** the difference between the

**4.2.a** amount of income-based Jobseeker’s Allowance or joint claim Jobseeker’s Allowance for the part-week **and**

**4.2.b** the prescribed sum

 if the amount for the part-week is more than the prescribed sum.

 **Note:** To work out the amount of the prescribed sum in **4.1**

**1.** divide the prescribed sum by seven **and**

**2.** multiply that figure by the number of days in the part-week

**5.** in trade dispute cases in Income Support4, the part-week payment is

**5.1** nil if the amount of Income Support for the part-week is equal to or less than the relevant sum for the same number of days in the part-week **or**

**5.2** the difference between

**5.2.a** the amount of Income Support for the part-week **and**

**5.2.b** the amount of the relevant sum for the same number of days as there are in the part-week

 if the amount of Income Support is more than the amount at **5.2.b**.

**Note:** To work out the amount of the relevant sum

**1.** divide the relevant sum by seven **and**

**2.** multiply that figure by the number of days in the part-week.

1 JSA Regs (NI), reg 150(1); 2 IS (Gen) Regs (NI), reg 73;
3 JSA Regs (NI), reg 155; 4 IS (Gen) Regs (NI), reg 77

33122 The amount deducted under DMG 33121 **2.** and DMG 33121 **3.** depends on whether the payment of Jobseeker's Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance or Severe Disablement Allowance is payable

**1.** solely for days in the part-week **or**

**2.** for a different period, but including all or part of the part-week period.

33123 Where DMG 33122 **1.** applies the amount deducted is the actual amount payable. Where DMG 33122 **2.** applies the amount deducted is1 in the case of a payment of Jobseeker's Allowance, Income Support, Incapacity Benefit, Maternity Allowance, Employment and Support Allowance or Severe Disablement Allowance the weekly benefit rate multiplied by the number of days in the part-week actually covered by the payment and divided by seven.

1 JSA Regs (NI), regs 92 & 153; IS (Gen) Regs (NI), reg 27 & 75

**Example 1**

Laura is entitled to income-based Jobseeker's Allowance. Her notional entitlement in the relevant week is £40.00. She needs a part-week payment for four days. She has been in receipt of Severe Disablement Allowance. Her last payment of Severe Disablement Allowance, payable to her in the part-week, is payable solely for the days in the part-week, and does not cover any other period. The amount paid to her is £15.50. Her part-week payment is calculated

£40 x 4 = £22.857 **less** £15.50 = £7.357
 7

the part-week payment is £7.36 (rounded up to the nearest penny).

**Example 2**

Robert is entitled to Income Support. His notional entitlement in the relevant week is £80.00. He needs a part-week payment for three days. His partner has been getting Maternity Allowance for several weeks. A weekly payment of Maternity Allowance, payable to her in the part-week, includes payment for two days in the part-week. The weekly rate of Maternity Allowance is £60.00. Robert’s part-week payment is calculated

£80 x 3 = £34.286 less £60 x 2 = £17.1437 7

£34.286 - £17.143 = £17.143

the part-week payment is £17.15 (rounded up the nearest penny).

33124 Where the part-week payment includes a fraction of a penny treat that fraction as a penny1.

1 JSA Regs (NI), Sch 4, para 18; IS (Gen) Regs (NI), Sch 7, para 18

 33125 – 33128

Part-week payments at the end of a claim

Period covered - Jobseeker’s Allowance and Income Support

33129 A part-week payment is needed at the end of a claim if

**1.** the day when entitlement ends is not the last day of the claimant’s benefit week **or**

**2.** benefit is awarded for a definite period of a week or more which ends on a day other than the last day of the claimant’s benefit week.

 The part-week payment begins on the day after the last complete benefit week and ends on the last day of entitlement.

The relevant week - Jobseeker’s Allowance and Income Support

33130 For part-week payments at the end of a claim the relevant week is the period of seven days **beginning** on the first day of the part-week period1.

1 JSA Regs (NI), reg 152(1)(b); IS (Gen) Regs (NI), reg 74(1)(b)

**Example 1**

Katherine's entitlement to Jobseeker’s Allowance ends on Saturday 12 April. Her benefit week runs from Thursday to Wednesday. A part-week payment is needed for the period Thursday 10 to Saturday 12. The relevant week is Thursday 10 to Wednesday 16.

**Example 2**

Income Support is awarded for the definite period Monday 9 June to Wednesday 25 June. The claimant’s benefit week runs from Monday to Sunday. A part-week payment is needed for the period Monday 23 to Wednesday 25. The relevant week is Monday 23 to Sunday 29.

Personal rate in the relevant week - contribution-based Jobseeker’s Allowance

33131 Calculate the claimant's personal rate in the relevant week in the normal way.

Applicable amount in the relevant week - income-based Jobseeker’s Allowance and Income Support

33132 Calculate the claimant’s applicable amount in the relevant week as in DMG 33109 - 33110.

 33133 – 33139

Income in the relevant week - Jobseeker’s Allowance and Income Support

33140 Calculate the claimant’s income in the relevant week in the normal way **but**

**1.** treat any income due to be paid in the relevant week as paid on the first day of that week1 **and**

**2.** disregard in full

**2.1** any new income first payable in the relevant week but not in the part-week2 **and**

**2.2** any change to an existing income which occurs in the relevant week but not in the part-week3.

1 JSA Regs (NI), reg 153(a); IS (Gen) Regs (NI), reg 75(a);
2 JSA Regs (NI), reg 153(d); IS (Gen) Regs (NI), reg 75(c);
3 JSA Regs (NI), reg 153(d); IS (Gen) Regs (NI), reg 75(c)

**Example**

 David Cooke’s last day of entitlement to income-based Jobseeker’s Allowance is Thursday 6 February. His benefit week runs from Tuesday to Monday. He therefore needs a part-week payment for Tuesday 4 to Thursday 6. The relevant week is Tuesday 4 to Monday 10. He will receive his first payment of Retirement Pension on Monday 10. As this new income is payable in the relevant week but not in the part-week it is disregarded in full.

33141 In addition, to decide the amount of

**1.** contribution-based Jobseeker’s Allowance payable, disregard in full any

**1.1** Widow’s Benefit

**1.2** Carer’s Allowance

**1.3** Training Allowance

**1.4** Unemployability Supplement

 payable in the relevant week, but not for any day in the part-week1

**2.** income-based Jobseeker’s Allowance and Income Support payable, disregard in full any

**2.1** Jobseeker’s Allowance

**2.2** Income Support

**2.3** Maternity Allowance

**2.4** Incapacity Benefit

**2.5** Severe Disability Allowance

**2.6** Employment and Support Allowance

**2.7** Universal Credit

 payable to the claimant or member of the family in the relevant week but not for any day in the part-week2.

 **Note:** If Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance, Severe Disablement Allowance or Universal Credit is payable for any day in the part-week it should be taken into account when calculating the part-week payment (see DMG 33121).

1 JSA Regs (NI), reg 153(c); 2 reg 150 & 153(b); IS (Gen) Regs (NI), reg 73 & 75(b)

The part-week payment

33142 Calculate the part-week payments for both Jobseeker’s Allowance and Income Support as in DMG 33120 - 33124.

 33143 – 33154

Part-week payments on change of benefit week - Income Support only

Reasons for change

33155 A change of Income Support benefit week is needed where during a claim

**1.** a relevant social security benefit1 (see DMG 33019) is claimed and the benefit week for that benefit is different to the Income Support benefit week2 **or**

**2.** the benefit week for the claimant’s social security benefit changes **or**

**3.** the Department directs that the benefit week should change3.

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

Period covered

33156 A single part-week payment should cover the period which begins on the day after the last complete old benefit week and ends on the day before the first complete new benefit week if

**1.** the relevant social security benefit is claimed from the first day of the benefit week for that benefit **or**

**2.** the relevant social security benefit is claimed from the first day of the claimant’s old benefit week **or**

**3.** the benefit week for an existing relevant social security benefit is changed **or**

**4.** the Department changes the benefit week.

 **Example**

Walter is paid Income Support in arrears and his benefit week runs from Tuesday to Monday. He is aged 65 on Tuesday 3rd November and claims Retirement Pension from Monday 9th November. The Retirement Pension benefit week runs from Monday to Sunday. Calculation of a part-week payment is needed for the period Tuesday 3rd to Sunday 8th.

33157 If the relevant social security benefit is claimed from a day which is **not** the first day of the benefit week for that benefit, or from the first day of the old benefit week, **two** part-week payments are payable

**1.** the **first** part-week payment begins on the day after the last complete old benefit week and ends on the day before the day from which the social security benefit has been claimed

**2.** the **second** part-week payment begins on the day from which the social security benefit has been claimed and ends on the day before the first complete new benefit week.

33158 The term “last complete old benefit week” includes the period of seven days ending on the day before the first day of the first benefit week after the date of claim.

 33159 - 33165

The relevant week

33166 For part-week payments

**1.** under DMG 33156 **1., 3.** and **4.** and DMG 33157 **1.** the relevant week is the period of seven days **beginning** on the **first** day of the part-week period

**2.** under DMG 33156 **2.** and DMG 33157 **2.** the relevant week is the period of seven days **ending** on the **last** day of the part-week period.

**Example 1**

Stephen’s benefit week runs from Tuesday to Monday. The Department directs that the benefit week should change to run from Saturday to Friday with effect from Saturday 15.11.96. A part-week payment is due for the period Tuesday 11th to Friday 14th. The relevant week is Tuesday 11th to Monday 17th.

**Example 2**

Julia’s benefit week runs from Wednesday to Tuesday. She claims a relevant social security benefit from Friday 20.06.97. The benefit week for the social security benefit runs from Friday to Thursday. A part-week payment is due for the period Wednesday 18th to Thursday 19th. The relevant week is Wednesday 18th to Tuesday 24th

33167 Where two part-week payments are needed, some days may be common to both relevant weeks. The period covered by both relevant weeks is known as the overlapping period.

**Example**

Jack’s benefit week runs from Wednesday to Tuesday. He claims a relevant social security benefit from Saturday 4.1.97. The benefit week for the social security benefit runs from Friday to Thursday. **Two** part-week payments are due

**1.** the first part-week payment covers the period Wednesday 1st to Friday 3rd. The relevant week for the first part-week payment (“the first relevant week”) is Wednesday 1st to Tuesday 7th

**2.** the second part-week payment covers the period Saturday 4th to Thursday 9th. The relevant week for the second part-week payment (“the second relevant week”) is Friday 3rd to Thursday 9th

**3.** the overlapping period is Friday 3rd to Tuesday 7th.

 33168 – 33169

Applicable amount in the relevant week

33170 Calculate the claimant’s applicable amount for the relevant week (or weeks) in the normal way.

33171 Any change in the applicable amount because of the claim for a relevant social security benefit (for example loss or award of a premium) is effective1

**1.** in a case where only one part-week payment is needed, from the first day of the first complete new **benefit week** **or**

**2.** in a case where two part-week payments are needed, from the first day of the second **relevant week**.

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

33172 Any change in the applicable amount because of any other change of circumstances (for example birth, death, marriage or age change) which takes place between the end of the last complete benefit week and the beginning of the first complete new benefit week will be effective

**1.** in a case where only one part-week payment is needed from the first day of the relevant week **or**

**2.** in a case where two part-week payments are needed

**2.1** from the first day of the first relevant week where the change takes place before the day from which the social security benefit is claimed **or**

**2.2** from the first day of the second relevant week where the change takes place on, or after the day from which the social security benefit is claimed.

 33173 – 33174

Income in the relevant week

33175 Calculate the claimant’s income in the relevant week (or weeks) in the normal way **but**

**1.** treat any income due to be paid in the relevant week as paid on the first day of that week1 **and**

**2.** disregard in full any Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance, Severe Disablement Allowance or Universal Credit payable to the claimant or member of the family in the relevant week but not for any days in the part-week2.

 **Note:** If Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance, Severe Disablement Allowance or Universal Credit is payable for any day in the part-week it should be taken into account when calculating the part-week payment (see DMG 33183 et seq).

1 IS (Gen) Regs (NI), reg 75(a); 2 reg 75(b)

**Example**

Aidan receives Income Support for himself and his partner. Income Support is paid in arrears and his benefit week runs from Tuesday to Monday. The amount payable is £72.10 per week (applicable amount £145.40 less wife's Incapacity Benefit £73.30). Aidan reaches age 65 on Tuesday 3rd June and claims Retirement Pension from Monday 9th June. His Retirement Pension benefit week runs from Monday to Sunday. His first Retirement Pension payment of £103.40 is due to be paid on Monday 9th June.

The decision maker considers a single part-week payment for the period Tuesday 3rd to Sunday 8th (6 days). The relevant week is Tuesday 3rd to Monday 9th. Retirement Pension of £103.40, due to be paid on Monday 9th is treated as paid on Tuesday 3rd (the first day of the relevant week). Aidan's income £176.70 (£73.30 Incapacity Benefit and £103.40 Retirement Pension) exceeds his applicable amount of £145.40. The part-week payment is nil.

33176 In cases where two part-week payments are payable

**1.** any income other than those listed in DMG 33175 **2.**, which remains in payment at the same rate should be taken into account in both the first and second relevant weeks1 **and**

**2.** if an existing income other than those listed in DMG 33175 increasesand the first payment at the increased amount is due to be paid in the overlapping period the amount of the increase should be disregarded in full in both the first and second relevant weeks2 **and**

**3.** if a series of payments of income other than those listed in DMG 33175 stops or is interrupted and the final payment or the last payment before the interruption is due to be paid in the overlapping period that payment should

**3.1** if the payment is for a week or less, be taken into account in the first relevant week only, but if that is impracticable in the second relevant week3 **or**

**3.2** if the payment is for more than a week, but not more than two weeks, be disregarded at this stage4 (see DMG 33183 **1.2**) **or**

**3.3** if the payment is for more than two weeks, be taken into account in both the first and second relevant weeks.

 Initial or one-off payments of income other than those listed in DMG 33175 should be taken into account as in **3.1**, **3.2** or **3.3** according to the period covered by the payment.

1 IS (Gen) Regs (NI), reg 75; 2 reg 75(g); 3 reg 75(e); 4 reg 75(f)

 33177 – 33182

The part-week payment

33183 The part-week payment is

**1.** the claimant’s notional entitlement for the relevant week (see DMG 33101) multiplied by the number of days in the part week and divided by seven1 (carry forward any fraction of a penny) **less**

**1.1** any Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance or Severe Disablement Allowance payable to the claimant and any family member for any days in the part-week2 **and**

**1.2** in cases where the part-week payment is one of two payments payable under DMG 33157, one half of any amount disregarded under DMG 33176 **3.2**, less the normal weekly disregard3 **or**

**2.** see DMG 33121 **5.** for trade dispute cases.

1 IS (Gen) Regs (NI), reg 73(1); 2 reg 73(3); 3 reg 76(b)

**Example**

George gets Income Support for himself and his wife Elsie who works part-time. Elsie earns £24.52 a week, paid every Tuesday and her pay is taken into account in George's Income Support award. Until Wednesday 31st January, George's benefit week runs from Wednesday to Tuesday. The Department then directs that the benefit week should change and run from Tuesday to Monday.

George needs a part-week payment for the period Wednesday 31st January to Monday 5th February (6 days). The relevant week is Wednesday 31st to Tuesday 6th. Elsie's pay of £24.52, due to be paid on Tuesday 6th, is treated as paid on Wednesday 31st (the first day of the relevant week) and is taken into account in the calculation of the part-time payment.

In the following week (Tuesday 6th to Monday 12th) the normal Income Support rules apply (DMG 25048). Under those rules, Elsie's pay, due on Tuesday 6th, is treated as paid on Tuesday 6th (the first day of the benefit week in which it is due to be paid). Elsie's pay is also taken into account in the calculation of the amount payable for the first complete new benefit week.

33184 The amount deducted under DMG 33183 **1.1** depends on whether the payment of Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance or Severe Disablement Allowance is payable

**1.** solely within the part-week **or**

**2.** for a period different from, but including all or part of, the part-week period.

33185 Where DMG 33184 **1.** applies the amount deducted is the amount actually payable. Where DMG 33184 **2.** applies the amount deducted is1 in the case of a payment of Jobseeker’s Allowance, Income Support, Incapacity Benefit, Maternity Allowance, Employment and Support Allowance or Severe Disablement Allowance the weekly benefit rate multiplied by the number of days in the part-week actually covered by the payment and divided by seven.

1 IS (Gen) Regs (NI), reg 27 & 73

33186 Where the part-week payment includes a fraction of a penny treat that fraction as a penny1.

1 IS (Gen) Regs (NI), Sch 7, para 18

 33187 – 33200

Part-week payments on change of benefit week - Jobseeker’s Allowance only

Reasons for change

33201 A change of Jobseeker’s Allowance benefit week is needed when the Department directs that the benefit week should change during a claim.

Period covered

33202 A part-week payment is made to cover the period beginning on the day after the last complete **old** benefit week and ending on the day before the first complete new benefit week1.

1 JSA Regs (NI), reg 152(2) & (3)

The relevant week

33203 For part-week payments on a change of benefit week in Jobseeker’s Allowance, the relevant week is the period of seven days beginning on the day after the last complete benefit week1.

1 JSA Regs (NI), reg 152(2) & (3)

**Example**

Graham’s benefit week runs from Tuesday to Monday. The Department directs that the benefit week should change to run from Saturday to Friday, with effect from Saturday 21st December. A part-week payment is due for the period Tuesday 17th to Friday 20th. The relevant week is Tuesday 17th to Monday 23rd.

**Personal rate in the relevant week - contribution-based Jobseeker’s Allowance**

33204 Calculate the claimant's personal rate in the relevant week in the normal way.

Applicable amount in the relevant week - income-based Jobseeker’s Allowance

33205 Calculate the claimant’s applicable amount in the relevant week in the normal way.

33206 Any change in the applicable amount because of any change of circumstances (for example birth, death, marriage), which takes place between the end of the last complete old benefit week and the beginning of the first complete new benefit week will take effect from the first day of the relevant week.

**Example**

John is entitled to income-based Jobseeker’s Allowance. His benefit week runs from Tuesday to Monday. The Department directs that the benefit week should change to run from Saturday to Friday with effect from Saturday 12th April. A part-week payment is due for Tuesday 8th to Friday 11th. The relevant week is Tuesday 8th to Monday 14th. On Thursday 10th his wife gives birth to a baby boy. This change results in an increase in the applicable amount. For the purpose of the part-week payment the change takes effect from Tuesday 8th, the first day of the relevant week.

 33207 – 33211

Income in the relevant week

33212 Calculate the claimant’s income in the relevant week in the normal way **but**

**1.** treat any income due to be paid in the relevant week as paid on the first day of that week1 **and**

**2.** when only part of the weekly income is taken into account in the relevant week, disregard the balance2.

1 JSA Regs (NI), reg 153(a); 2 reg 153(f)

33213 In addition, to decide the amount of

**1.** contribution-based Jobseeker’s Allowance payable, disregard in full any

**1.1** Widow’s Benefit

**1.2** Carer’s Allowance

**1.3** Training Allowance

**1.4** Unemployability Supplement

 payable in the relevant week, but not for any day in the part-week1

**2.**  income-based Jobseeker’s Allowance payable, disregard in full any

**2.1** Jobseeker’s Allowance

**2.2** Income Support

**2.3** Maternity Allowance

**2.4** Incapacity Benefit

**2.5** Severe Disablement Allowance

**2.6** Employment and Support Allowance

**2.7** Universal Credit

 payable to the claimant, member of a joint claim couple or member of the family in the relevant week but not for any day in the part-week2.

 **Note:** If a payment of Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance, Severe Disablement Allowance or Universal Credit is payable for any day in the part-week take it into account when calculating the part-week payment (see DMG 33223 - 33228).

1 JSA Regs (NI), reg 153(c); 2 reg 153(b)

 33214 – 33222

The part-week payment

33223 There are different rules to calculate the amount of a part-week payment depending on which benefit is involved.

Contribution-based Jobseeker’s Allowance

33224 The part-week payment is the claimant’s notional entitlement for the relevant week multiplied by the number of days in the part-week divided by seven **less** any

**1.** Widow’s Benefit

**2.** Carer’s Allowance

**3.** Training Allowance

**4.** Unemployability Supplement

 payable for any day in the part-week1.

1 JSA Regs (NI), reg 150(2)

Income-based Jobseeker’s Allowance

33225 The part-week payment isthe claimant’s notional entitlement for the relevant week multiplied by the number of days in the part-week and divided by seven **less** any

**1.** Jobseeker’s Allowance

**2.** Income Support

**3.** Maternity Allowance

**4.** Incapacity Benefit **or**

**5.** Severe Disablement Allowance

**6.** Employment and Support Allowance

 payable to any member of the claimant’s family or either member of a joint claim couple for any day in the part-week1.

 **Note:** See DMG 33121 **4.** for trade dispute cases.

1 JSA Regs (NI), reg 150(1)

33226 The amount deducted under DMG 33225 depends on whether the payment of Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance or Severe Disablement Allowance was payable

**1.** solely within the part-week **or**

**2.** for a period different from, but including all or part of, the part-week period.

33227 Where DMG 33226 **1.** applies the amount deducted is the amount actually payable. Where DMG 33226 **2.** applies the amount deducted is1 in the case of a payment of Jobseeker’s Allowance, Income Support, Incapacity Benefit, Maternity Allowance, Employment and Support Allowance or Severe Disablement Allowance the weekly benefit rate multiplied by the number of days in the part-week actually covered by the payment and divided by seven.

 **Note:** See **Example 1** at DMG 33123.

1 JSA Regs (NI), reg 92 & 150

33228 Where the part-week payment includes a fraction of a penny treat that fraction as a penny1.

1 JSA Regs (NI), Sch 4, para 18

Part-week payments in sanction cases - Jobseeker’s Allowance only

When will a part-week payment be needed in a sanction case?

33229 Sanctions are imposed for

**1.** a fixed period of weeks (see DMG Chapter 34) **or**

**2.** a discretionary length of time (see DMG Chapter 34).

 **Note:** From 6.3.12 this will include sanctions for failure to attend (see DMG Chapter 20).

33230 Where a sanction is imposed for a fixed period, part-week payments are not needed. The sanction begins on the first day of a benefit week and ends on the last day of a benefit week.

33231 When a sanction is imposed for a discretionary period, a part-week payment may be needed at the end of the sanction, if the sanction ends on a day that is not the end of the claimant’s benefit week. A part-week payment will not be needed at the beginning of the sanction as the change will take effect from the beginning of the next benefit week.

Period covered

33232 The part-week payment begins on the first day following the sanction and ends on the day before the start of the next complete benefit week.

Example

Philip is in receipt of Jobseeker’s Allowance. He refuses to accept employment offered to him. The decision maker imposes a sanction of six weeks and two days. His benefit week runs from Friday to Thursday. The sanction starts on Friday 11th October and ends on Saturday 23rd November. A part-week payment is needed from Sunday 24th to Thursday 28th.

The relevant week

33233 For sanction cases the relevant week is the period of seven days ending on the day before the start of the next complete benefit week1.

1 JSA Regs (NI), reg 152(1)(c)

**Example**

Christine has a sanction imposed on her for three weeks and three days. The sanction starts on Wednesday 4th December (the first day of her next benefit week) and ends on Friday 27th. A part-week payment is needed for Saturday 28th to Tuesday 31st. The relevant week is Wednesday 25th to Tuesday 31st.

Personal rate in the relevant week - contribution-based Jobseeker’s Allowance

33234 Calculate the claimant's personal rate in the relevant week in the normal way.

Applicable amount in the relevant week - income-based Jobseeker’s Allowance

33235 Calculate the applicable amount in the relevant week as in DMG 33109 - 33110.

Income in the relevant week

33236 Calculate the claimant’s income in the relevant week in the normal way **but**

**1.** treat any income due to be paid in the relevant week as paid on the first day of that week1 **and**

**2.** when only part of that income is taken into account in the relevant week, disregard the balance2.

1 JSA Regs (NI), reg 153(a); 2 reg 153(f)

33237 In addition, to determine the amount of

**1.** contribution-based Jobseeker’s Allowance payable, disregard in full any

**1.1** Widow’s Benefit

**1.2** Carer’s Allowance

**1.3** Training Allowance

**1.4** Unemployability Supplement

 payable in the relevant week, but not for any day in the part-week1

**2.** income-based Jobseeker’s Allowance payable, disregard in full any

**2.1** Jobseeker’s Allowance

**2.2** Income Support

**2.3** Maternity Allowance

**2.4** Incapacity Benefit

**2.5** Severe Disablement Allowance

**2.6** Employment and Support Allowance

**2.7** Universal Credit

 payable to the claimant or member of the family or either member of a joint claim couple in the relevant week but not for any day in the part-week2.

 **Note:** If a payment of Jobseeker’s Allowance, Income Support, Maternity Allowance, Incapacity Benefit, Employment and Support Allowance, Severe Disablement Allowance or Universal Credit is payable for any day in the part-week take it into account when calculating the part-week payment (see DMG 33223 et seq).

1 JSA Regs (NI), reg 153(c); 2 reg 153(b)

The part-week payment

33238 Guidance on how to calculate a part-week payment in Jobseeker’s Allowance claims is in DMG 33223 - 33228.

 33239 – 33300

Third Party Deductions

Third party deductions - general

Payment to discharge claimant’s liabilities

 **[The guidance relating to water charges will come into effect upon the ending of the period of their deferral by the Northern Ireland Executive.]**

33301 **[See DMG Memo Vols 4/143, 5/110, 6/93, 8/91 & 9/42]** The decision maker has discretion to make deductions from benefit which are paid directly to third parties1.

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

33302 Deductions and payments to third parties can be made if the claimant or partner is liable to pay1

**1.** mortgage and housing costs

**2.** miscellaneous accommodation costs

**3.** hostel payments

**4.** service charges for fuel and rent arrears

**5.** fuel costs

**6.** water charges

**7.** rates

**8.** child support maintenance (under Contribution to Maintenance scheme only)

**9.** integration loans2.

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

 **Note:** Deductions for child support maintenance can be made under the contribution to maintenance (see DMG 33626 - 33649) or flat rate maintenance/child maintenance deduction (see DMG 33595 - 33625) schemes. Contribution to maintenance deductions fall within the third party deduction scheme. However deductions for flat rate maintenance or child maintenance deduction fall outside the scheme and do not sit within the priority list (see DMG 33329).

33303

33304 When a decision is made to

 **1.** start **or**

 **2.** stop **or**

 **3.** change

a third party deduction, this will be by way of a supersession of an earlier decision (see DMG Chapter 4).

 33305

Liability for debt

33306 Deductions and payments to third parties can only be made if the claimant or partner is liable to pay the debt1. A claimant or partner will normally be liable for a debt if named on the bill.

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

33307 A debt may be disputed by the claimant or partner. This is a factor for the decision maker to consider when deciding whether they are liable to pay the debt. Although the Department cannot get involved in the dispute, enquiries should be made of the third party.

33308 Give the claimant the opportunity to provide evidence to support any claim that the debt is not liable to be paid.

33309 Deductions should only be made where there is evidence that the claimant or partner is liable to pay the debt.

Meaning of specified benefit

33310 Specified benefit means1 Incapacity Benefit, Income Support, Jobseeker’s Allowance, Retirement Pension, Severe Disablement Allowance, State Pension Credit, Widow’s Pension, Widowed Mother’s Allowance or income-related Employment and Support Allowance and in a case where, if there were 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.

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

Income Support and income-based Jobseeker’s Allowance

33311 The full range of third party deductions is available in both Income Support and income-based Jobseeker’s Allowance.

Contribution-based Jobseeker’s Allowance - underlying entitlement to income-based Jobseeker’s Allowance

33312 With the exception of mortgage interest (see DMG 33346) the full range of third party deductions is available where, if there was no entitlement to contribution-based Jobseeker’s Allowance, there would be entitlement to income-based Jobseeker’s Allowance of at least the same rate.

Contribution-based Jobseeker’s Allowance

33313 Where income-based Jobseeker’s Allowance is not an issue, only one category of third party deductions is available, this is arrears of child support maintenance under the old scheme (see DMG 33640 - 33645).

Training allowances

33314 Third party deductions can be taken from training allowances.

**Example**

Steve receives training allowance of £59.05 and income-based Jobseeker’s Allowance of 10p. He is in arrears with his rent and a deduction of £3.00 is implemented for rent arrears. His benefit is then made up of training allowance of £56.05 and income-based Jobseeker’s Allowance of £3.10. The deduction is taken from the income-based Jobseeker’s Allowance so the amount actually paid to the claimant is £56.05 training allowance and 10p income-based Jobseeker’s Allowance.

 33315 – 33317

Amount of benefit to be left for claimant

Specified benefit

33318 The claimant should be left with at least 10p **specified benefit** after third party deductions have been made1.

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

Contribution-based Jobseeker’s Allowance

33319 Where income-based Jobseeker’s Allowance is not an issue, the claimant need not be left with any contribution-based Jobseeker’s Allowance after a deduction has been made. A deduction can be made if the amount of contribution-based Jobseeker’s Allowance payable before the deduction is at least one third of the appropriate age-related amount. This is so even where the claimant would be left with nothing1.

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

Maximum amount for payment of debts (arrears only)

Income Support, income-based Jobseeker’s Allowance and contribution-based Jobseeker’s Allowance where underlying entitlement to income-based Jobseeker’s Allowance

 **[The guidance relating to water charges will come into effect upon the ending of the period of their deferral by the Northern Ireland Executive.]**

33320 There is a maximum amount1 for payment of **arrears** to third parties. That is 3 x 5% of the personal allowance for a single claimant aged 25 or over (see DMG Chapter 23). The total amount deducted for arrears should not exceed this amount. Arrears deductions include

**1.** arrears of

**1.1** housing costs (not covered by the mortgage interest direct scheme)

**1.2** rent

**1.3** fuel

**1.4** water

**1.5** rates **and**

**2.** child support maintenance under the old scheme (see DMG 33626 - 33645) **and**

**3.** integration loans.

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

Contribution-based Jobseeker’s Allowance

33321 Where contribution-based Jobseeker’s Allowance is in payment and income-based Jobseeker’s Allowance is not an issue (see DMG 33313) the maximum total amount deducted for

**1.** arrears of

**1.1** housing costs (not covered by the mortgage interest direct scheme)

**1.2** rent

**1.3** fuel

**1.4** water

**1.5** rates

**1.6** child support maintenance

**2.** arrears of child support maintenance under the old scheme (see DMG 33640 - 33645)

cannot exceed one third of the appropriate age related amount payable1.

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

Consent required

33322 Unless the claimant consents1, third party deductions cannot be made for

**1.** housing costs arrears (not covered by the mortgage interest direct scheme)

**2.** rent arrears and service charges for fuel and water

**3.** fuel costs (including arrears)

**4.** water charges (including arrears)

**5.** integration loans

 where the total deduction for that item, or any combination of those items, exceeds 25% of the family’s applicable amount. Any housing costs included in the applicable amount should not be taken into consideration.

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

33323 From 2.10.06 the amount of Child Tax Credit and Child Benefit entitlement should be added1 to the applicable amount when deciding if deductions exceed 25% of the total.

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

 33324 – 33326

Consent not required

33327 The claimant’s consent is not required if a deduction, or a combination of deductions, for

**1.** rates **or**

**2.** child support maintenance under the old scheme **or**

**3.** current housing costs **or**

**4.** current mortgage interest **or**

**5.** nursing home, residential care home, Abbeyfield Home or independent hospital charges **or**

**6.** hostel charges not included in Housing Benefit

 makes the total amount deducted exceed 25% of the applicable amount for the family1.

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

Priority between debts

33328 The claimant may satisfy the criteria for third party deductions of more than one debt. But the amount of benefit may not be enough to meet all those liabilities. The deductions should then be given a particular order of priority1.

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

33329 For Income Support, income-based Jobseeker’s Allowance and contribution-based Jobseeker’s Allowance with underlying entitlement to income-based Jobseeker’s Allowance, the order of priority is

1. housing costs
2. miscellaneous accommodation costs
3. hostel payments

**4.** service charges for fuel and rent arrears

**5.** fuel costs

**6.** water charges

**7.** rates

**8.** child support maintenance under the old scheme (see DMG 33626 - 33645)

**9.** integration loans1.

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

33330 When contribution-based Jobseeker’s Allowance is in payment and income-based Jobseeker’s Allowance is not an issue deductions for arrears of child support maintenance under the old scheme (see DMG 33640 - 33644) should take priority over all those listed in DMG 333291.

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

Part week payments

33331 Third party deductions from part week payments of specified benefit can be made for

**1.** hostel payments1 (see DMG 33429) **and**

**2.** miscellaneous housing costs2 (see DMG 33400).

1 SS (C&P) Regs (NI), Sch 8(A), para 4A(5); 2 Sch 8A, para 4(3)

33332 Third party deductions to discharge any other liability cannot be made from part week payments.

 33333 – 33344

Third party deductions for mortgage interest and housing costs

33345 There are two schemes for third party deductions of housing costs

**1.** the mortgage interest direct scheme (see DMG 33346 et seq)1 **and**

**2.** the third party deductions scheme (see DMG 33374 et seq)2.

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

Mortgage interest direct

33346 Mortgage interest payments can be made directly to third party where

**1.** the loan is secured on the home1 **and**

**2.** the loan is payable to a qualifying lender2 **and**

**3.** the claimant is entitled to a relevant benefit3.

1 SS A (NI) Act 92, sec 13A(4); 2 SS (C&P) Regs (NI), Sch 8B, para 7; 3 Sch 8B, para 1

33347 The decision maker decides the amount of qualifying loan interest to be paid direct to a qualifying lender. This should

**1.** be calculated using1 the standard rate of interest **and**

**2.** include any addback (see DMG Chapter 23) which is appropriate to the specific loan2.

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

33348 The Department then pays the specified amount in arrears at 4 weekly intervals directly to the qualifying lender1.

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

33349 Any payment of Income Support by way of Mortgage Interest Run-On (MIRO) should not be paid to a qualifying lender and should be paid to the claimant1 - (see DMG 20530 et seq).

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

Qualifying lenders

33350 A qualifying lender is1

1. any company or partnership describing itself as a bank under certain law2

**2.** any building society incorporated under relevant law3

**3.** any body or person carrying on insurance business under certain law4

**4.** any district council

**5.** The Northern Ireland Housing Executive

**6.** any body incorporated under certain law5 whose main objectives include making loans secured by a mortgage or charge over land.

1 SS A (NI) Act 92, sec 13A(3); SS (C&P) Regs (NI), Sch 8B, para 7; 2 Banking Act 87;
3 Building Societies Act 86; 4 Insurance Companies Act 82;
5 The Companies (NI) Order 86 & Companies Act 85

Relevant benefits

33351 Relevant benefit means1

**1.** Income Support paid

**1.1** on its own **or**

**1.2** at the same time as Incapacity Benefit, Retirement Pension, Severe Disablement Allowance, Widow’s Pension or Widowed Mother’s Allowance

**2.** income-based Jobseeker’s Allowance **and**

**3.** income-based Jobseeker’s Allowance and contribution-based Jobseeker’s Allowance where

**3.1** both are in payment **and**

**3.2** the income-based Jobseeker’s Allowance alone is insufficient for the purposes of the deductions.

 It does not include child maintenance bonus which is paid as either Jobseeker’s Allowance or Income Support.

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

Amount of relevant benefit to be left for claimant

33352 The claimant should be left with a minimum of 10p after the mortgage interest third party deduction has been made1.

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

 33353 – 33359

Mortgage protection policies

33360 Claimants may have insured against the risk of being unable to meet mortgage interest repayments. The amount of mortgage interest to be paid direct should then be reduced1. The reduction will be the amount of income from the insurance policy which is taken into account.

1 SS (C&P) Regs (NI), Sch 8B, para 3(4)

Third party deductions - more than one loan

33361 The claimant may be liable to pay mortgage interest on more than one loan. The decision maker will then pay each qualifying lender the appropriate mortgage interest third party deductions for each loan.

33362 A claimant may have more than one loan, but there may not be enough relevant benefit in payment to meet them all. The decision maker should then pay the qualifying lender according to the priority of the loans1. This will usually be the order, by date, in which they have been charged on the home.

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

33363 Where there is a non-dependant the amount of non-dependant deduction should be apportioned between the loans. The formula is1

 C x B where
 A

A is the total weekly eligible housing costs (including any addback that may be appropriate)

B is the mortgage interest payable on a loan (including any addback)

C is the amount of the non-dependant deduction.

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

**Example**

Gareth has weekly housing costs of £80 made up of

 **£**

 mortgage 35.00

 addback for mortgage 5.00

 home improvement loan 32.00

 addback for home improvement loan 3.00

 ground rent 5.00

 Total 80.00

Gareth’s son Ivor, who is 18 and in receipt of contribution-based Jobseeker's Allowance lives with his father. The non-dependant deduction for him is £6. The portion of that deduction applicable to the mortgage is

£6.00 (C) x £40.00 (B) = £3.00
 £80.00 (A)

The amount of mortgage interest paid direct would be £37.00 (£40.00 - £3.00).

Mortgage Interest Excess Payments

33364 Any excess interest payment paid to a claimant’s mortgage account as a result of the standard interest rate being higher than the claimant’s actual mortgage interest rate is applied only to the claimant’s mortgage account and cannot be repaid to the claimant1.

1 SS (C&P) (Amdt) Regs (NI) 2010, Sch 8B, para 4A

33365 From 8.4.10 where payments of mortgage interest direct are deducted from

**1.** Income Support

**2.** income-based Jobseeker’s Allowance

 and are paid to a qualifying lender, any amount paid in excess of the borrower’s actual mortgage interest liability has to be applied by the qualifying lender in accordance with DMG 33366 and DMG 333671.

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

Application of payment where it exceeds borrower’s actual mortgage interest

33366 Unless DMG 33367 applies, the amount paid in excess of the borrower’s actual mortgage interest liability has to be applied1

**1. first** to pay off any arrears of mortgage interest **and**

**2. second** to repay the principal sum (capital) of that mortgage or any other liability to the qualifying lender in respect of that mortgage.

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

 **Example**

 Arthur has an ordinary mortgage account and an “overpayment credit reserve account” with the same lender. Arthur is able to make additional payments on his mortgage which are over and above the contractual mortgage sum. These additional payments are held by the lender in the “overpayment credit reserve account”. This allows Arthur to either make reduced payments or take a payment holiday.

 Arthur’s outstanding mortgage balance is £4858.84. However the amount held by the lender in the “overpayment credit reserve account” is £5515.61.

 As there are no arrears outstanding in relation to Arthur’s mortgage interest, the lender should repay the excess payment to the principal sum of Arthur’s mortgage and payments of mortgage interest should cease.

33367 Where the borrower is liable to pay mortgage interest to the same qualifying lender in respect of two or more different loans and the sum paid to that lender in respect of one of those loans (“Loan A”) exceeds the borrower’s liability in respect of the mortgage interest payment on that loan the excess has to be applied by that lender1

**1. first** to pay off any arrears of mortgage interest in respect of the first loan (“Loan A”) **and**

**2. second** towards

**2.1** the principal sum (capital) of that mortgage or any other sum payable by the borrower to that lender in respect of “Loan A” **or**

**2.2** arrears and any other aspect of any of the other loans in respect of which mortgage interest2 is payable that is not already covered by standard interest rate payments on those other loans.

 **Note:** Decision makers should be aware that it is the qualifying lenders who will apply these priorities and not the decision maker. It is a matter between the lender and the claimant. There is no provision to allow the lender to repay the excess to the claimant.

1 SS (C&P) Regs (NI), Sch 8B, para 4A(2); 2 SS A (NI) Act 92, sec 13A(4)

 33368 – 33373

Third party deductions for housing costs

33374 Housing costs for which the claimant has a liability may be deducted from the specified benefit and paid direct where1

**1.** the claimant or partner is in debt for a housing cost that is included in the applicable amount **and**

**2.** it is in the interests of the family to do so.

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

33375 Third party deductions for housing costs can include1

**1.** a deduction for current housing costs **and**

**2.** an arrears deduction.

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

33376 Third party deductions for loan interest cannot be made where1

**1.** payment is made to a qualifying lender under the mortgage interest direct scheme (see DMG 33346) **or**

**2.** payment would have been made under the mortgage interest scheme had the lender not opted out of it.

1 SS (C&P) Regs (NI), Sch 8A, para 3(4) & (5)

33377 Third party deductions should be considered for

**1.** mortgage payments, where claimants have paid less than the equivalent of 8 mortgage payments in the preceding 12 weeks1 **or**

**2.** other housing costs, if the debt is at least half the amount due yearly2.

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

 **Note:** Third party deductions should be considered earlier if it is in the interests of the claimant or their family.

 33378

Interests of the family

33379 It will normally be in the interests of the claimant or their family to introduce third party deductions if there is

**1.** a history of persistent mis-spending **and**

**2.** a threat of eviction or repossession **and**

**3.** no other suitable method of dealing with the debt.

33380 Third party deductions will not normally be in the interests of the claimant or their family if they

**1.** show evidence of determination to clear the debt **or**

**2.** undertake to clear the debt themselves.

Definition of housing costs

33381 For third party deductions purposes housing costs are1

**1.** mortgage payments

**2.** ground rent, but only when paid with service charges

**3.** service charges

**4.** rent charges, but only when paid with service charges.

Note: Ground rent should only be paid direct when paid with service charges.

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

Mortgage payments

33382 Mortgage payments means1 the amount of eligible housing costs allowable towards the interest on a loan taken out and used to

**1.** acquire an interest in the home

**2.** undertake repairs or improvements to the home

**3.** pay for service charges for repairs and improvements to the home.

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

33383 This includes any addback (see DMG Chapter 23) awarded specifically for that loan. It excludes amounts which are not allowable because of restriction and deductions for non-dependants.

Service charges

33384 Service charges can be made for many items including fuel. But not all such charges are housing costs for the purposes of third party deductions.

 33385

33386 A service charge for fuel paid with rent is also not a housing cost for the purposes of deductions (see DMG 33381 **3.**)1. Deductions for fuel charges paid with rent are covered by separate provisions (see DMG 33450 et seq)2.

1 SS (C&P) Regs (NI), Sch 8A, para 1 & 3; JSA Regs (NI), Sch 2, para 16; IS (Gen) Regs (NI), Sch 3, para 17;
2 SS (C&P) Regs (NI), Sch 8A, para 5

Amount of benefit to be left for claimant

33387 The decision maker decides

**1.** whether there is enough benefit in payment to make a deduction **and**

**2.** the specified amount to be deducted **and**

**3.** the priority of deductions (see DMG 33390).

33388 The amount deducted for housing costs may leave the claimant with less than the minimum amount (see DMG 33318). The amount of the deduction should then be adjusted so that 10p of the award is payable to the claimant1.

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

Housing costs payments in arrears

33389 If claimants are in arrears with their housing costs payments, a standard deduction should be made and paid direct with the housing costs. The standard deduction is 5% of the personal allowance for a single person aged not less than 251. But deductions should only be made where the decision maker is satisfied that there are in fact arrears2 of housing costs. In cases of dispute the decision maker should give the claimant the opportunity to provide evidence to support any claim that they are not in arrears.

1 SS (C&P) Regs (NI), Sch 8A, para 3(2); 2 R(IS) 14/95

Priority between housing costs debts

33390 The criteria may be met for deductions for several items of housing costs. Mortgage interest payments should then be given priority over all other items1.

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

 33391 – 33399

Third party deductions for miscellaneous accommodation costs

Meaning of miscellaneous accommodation costs

33400 Third party deductions for miscellaneous accommodation costs can be made where a claimant has an award of Income Support or Jobseeker's Allowance and is living in1

**1.** a residential care home2 **or**

**2.** a nursing home3 **or**

**3.** an Abbeyfield home **or**

**4.** an independent hospital.

1 SS (C&P) Regs (NI), Sch 8A, para 4(1)(b);
2 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 2(1);
3 JSA Regs (NI), reg 85(4); IS (Gen) Regs (NI), reg 21(3)

Rules for third party deductions

33401 Where the claimant is living in accommodation mentioned at DMG 33400, part of the specified benefit (see DMG 33310) may then be deducted and paid to a third party. This can happen where1

**1.** the claimants benefit includes an amount for miscellaneous accommodation costs **and**

**2.** the claimant has not paid the charges through failure to budget **and**

**3.** it is in the interest of the family that third party deductions be made.

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

33402 There may be circumstances in individual cases, when third party deductions would be in the claimant’s interest.

33403 Where a person enters a private home without any Health and Social Services Board involvement any payment of third party deductions must be made to the home. Where the accommodation has been provided by the Health and Social Services Board any third party deductions should be to the Health and Social Services Board. This is so whether the person is in Health and Social Services Board or non Health and Social Services Board premises. But if the Health and Social Services Board requests it, third party deductions can be made to the home.

33404 Apart from those cases mentioned in DMG 33406, third party deductions can be considered **only** where the claimant has failed to budget for the accommodation charges. They cannot be made because of an expected debt. They also cannot be made where the landlord or claimant requests them simply for administrative convenience.

33405 A claimant may change address and be in debt to the former landlord. If so, any third party deductions for that debt must stop. Third party deductions at the new address cannot be considered unless the claimant fails to pay the new weekly charge.

Homes run by voluntary organisations

33406 The claimant may be living in accommodation

**1.** which is run by a voluntary organisation

**1.1** for purposes similar to those for which resettlement units are provided **or**

**1.2** which provides facilities for alcoholics or drug addicts.

33407 Part of the specified benefit (see DMG 33310) may then be deducted and paid direct where it includes an amount for miscellaneous accommodation costs. In this type of accommodation failure to budget and the claimant’s interests need not be considered.

33408 The claimant should be left with a minimum of 10p after the deduction has been made (see DMG 33318)1.

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

 33409 – 33410

Amount deducted - complete weeks

33411 The amount to be deducted from the specific benefit and paid direct in respect of miscellaneous accommodation costs is the award of Income Support or Jobseeker's Allowance less either

**1.** where the claimant is not living in an independent hospital (see DGM 33400 **2.**) an amount which, when added to any other income of the claimant, equals the personal expenses rate1 (see DMG 33413) **or**

**2.** in any other case an amount in respect of personal expenses.

 **Note:** Any other income is net income, for example after any disregards.

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

33412 The claimant should be left with a minimum of 10p after the deduction has been made1.

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

Personal Expenses

33413 **[See DMG Memo Vol 3/92, 4/128, 5/100, 6/88, 8/68, 9/29, 10/63, 13/61 & 14/57]** The amount in respect of personal expenses1, referred to in DMG 33411 above is, for a

**1.** single person £23.75

**2.** couple where both members are in such accommodation, £23.75 each

**3.** polygamous marriage where more than one member is in such accommodation, £23.75 for each member who is in such accommodation.

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

**Example 1**

 Dorothy lives in a residential care home, has an applicable amount of £101.35 and has no income. She must be left with the amount for personal expenses (£23.75). The amount to be paid direct is £77.60 (£101.35 - £23.75).

**Example 2**

 William lives in a residential care home, has an applicable amount of £101.35 and net income of £6.00. The amount to be paid direct is

 applicable amount £101.35

 less William’s income £6.00

 Income Support award £95.35

 less payment to William (personal expenses minus income) £17.75

 amount to be paid direct £77.60

 William is left with £23.75 (£6.00 + £17.75), the amount of the personal expenses.

**Example 3**

 Simon lives in residential accommodation (Part III), and has an income of £6.00 per week. He receives Income Support of £98.35 (applicable amount £101.35 less income of £6.00). £71.60 is deducted and paid direct to the third party (Income Support of £95.35 - £23.75 personal expenses). Simon retains £23.75 of his Income Support for personal expenses.

 33414 – 33418

Amount deducted - part-weeks

33419 Third party deductions for part-weeks (see DMG 33100 - 33238) can be made for miscellaneous accommodation costs1. The amount deducted and paid direct for a part-week depends upon

**1.** whether the accommodation in which the claimant lives is described at DMG 33411 **1.** or **2.** **and**

**2.** whether the claimant has any income.

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

33420 In order to calculate the amount to pay direct to the third party for a part-week, the decision maker should calculate the amount of Income Support/Jobseeker's Allowance due for the part-week and deduct1

**1.** an amount which equals the appropriate proportion of the personal expenses **or**

**2.** an amount equal to the difference between the appropriate proportion of the claimant’s income if any and an appropriate proportion of the amount allowed for personal expenses.

This will result in the claimant retaining a proportion of the weekly personal expenses amount.

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

**Example 1**

Dilys lives in a residential care home . Her Income Support is £101.35 and she has an income of £11.50 per week. She is due a part-week payment for 6 days.

The decision maker first calculates the part-week payment (see DMG 33100 et seq) as follows:

Income Support £101.35 less £11.50 = £89.95, divided by 7 and multiplied by 6 = £72.02 due for the part week.

The amount of the third party deduction is then calculated as follows:

£72.02 (the Income Support due for the part-week) - £10.50 (the difference between 6/7ths of £11.50 and 6/7ths of £23.75) = £66.52. This is the amount paid to the third party.

Personal expenses of £10.50 is paid to the claimant.

**Example 2**

Morris lives in residential accommodation. His Income Support is £101.35 and he has a weekly income of £15.00. A part-week payment of 4 days is due.

The decision maker first calculates the amount of Income Support due for the part-week:

Income Support £101.35 less £15.00 = £86.35, divided by 7 and multiplied by 4 (the number of days in the part-week) = £49.35 Income Support due for the part-week.

The decision maker then calculates the amount to pay the third party as follows:

£49.35 (the amount of Income Support due for the part-week) - £13.57 (4/7ths of 23.75) = £35.78.

£35.78 is the amount paid to the third party. Morris retains personal expenses of £13.57.

33421 No deduction will be made for a part week period if the decision maker certifies that it would be impracticable to do so. See DMG 33100 for full guidance on part week payments.

Amount of benefit to be left for claimant

33422 It may be that if the full amount is deducted for miscellaneous accommodation costs the claimant would be left with less than 10p. This can happen where the deduction is being taken for a complete week or for a part week and the claimant has income equal to or greater than the weekly personal expenses amount.

33423 Under the normal rules (see DMG 33318) no deduction should then be taken. But there is a special rule that applies in such circumstances. The amount of the deduction can be adjusted so that 10p of the award is payable to the claimant1.

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

 33424 – 33428

Third party deductions for hostel service charges

Meaning of hostel

 **[The guidance relating to water charges will come into effect upon the ending of the period of their deferral by the Northern Ireland Executive.]**

33429 A hostel is1 a building other than a residential care home, nursing home, independent hospital or Abbeyfield home which

**1.** is

**1.1** managed or owned by a housing association registered with the Department of Environment2 **or**

**1.2** operated other than on a commercial basis and funded wholly or partly by a government department of public body **or**

**1.3** managed by a voluntary organisation or charity and provides care, support or supervision for the purpose of

**1.3.a** rehabilitation **or**

**1.3.b** resettlement within the community **and**

**2.** provides accommodation not in separate and self-contained premises and facilities adequate for the needs of those living in the hostel including

**2.1** board **or**

**2.2** water **or**

**2.3** a service charge for fuel **or**

**2.4** meals **or**

**2.5** laundry **or**

**2.6** cleaning (other than communal areas).

1 SS (C&P) Regs (NI), Sch 8A, para 1; 2 Housing (NI) Order 81, art 124

33430 Voluntary organisation means1 a body that is not a public body whose activities are carried out otherwise than for profit.

1 IS (Gen) Regs (NI), reg 2

33431 In deciding if the hostel is managed the decision maker may find it useful to know

**1.** the terms of the lease (if available)

1. details of how the hostel is staffed

**3.** who has responsibility for major and minor repairs

**4.** who does the accounts for the hostel.

33432 Staffing levels may be flexible but should be appropriate to the claimant’s needs. Some hostels may be run with few staff. Others may need to be fully staffed with a great deal of administration. The time spent managing the hostel and the quality of care provided is also important.

Rules for third party deductions

33433 Part of the claimant’s specified benefit (see DMG 33310) may be deducted for direct payment of hostel charges. This can include a deduction for

**1.** current hostel service changes1 **and**

**2.** arrears of hostel changes2.

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

Current charges

33434 Current hostel service charges can be deducted and paid direct if1 the claimant or partner

**1.** is resident in a hostel and has claimed Housing Benefit in the form of a rent rebate or rent allowance **or**

**2.** is resident in approved premises under specified legislation2 **and**

**3.** the charge for the hostel or approved premises includes a payment for services3 as listed in DMG 33429 **2.**.

1 SS (C&P) Regs (NI), Sch 8A, para 4A(1); 2 Article 4(2) of the Probation Board (NI) Order 1982;
3 SS (C&P) Regs (NI), Sch 9, para 4A(1)(d)

33435 Approved premises in DMG 33434 means1 accommodation provided for persons granted bail or who have been convicted of offences.

1 Article 4(2) of the Probation Board (NI) Order 1982

33436 The amount to be paid direct is

**1.** decided by1

**1.1** the Northern Ireland Housing Executive **or**

**1.2** the decision maker, where the Northern Ireland Housing Executive has not made a determination

**2.** the total of the amounts deducted (or likely to be deducted) by the Northern Ireland Housing Executive when determining the eligible rent, for2

**2.1** laundry

**2.2** cleaning (other than communal areas)

**2.3** meals

**2.4** service charge for fuel.

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

33437 Deductions can be made for part weeks at the beginning and end of a claim in both Jobseeker’s Allowance and Income Support1. But no deduction will be made if the Department certifies that it is impracticable to do so. See DMG 33100 for full guidance on part-week payments.

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

Arrears of hostel changes

33438 Arrears of hostel changes can be paid direct1 for both

**1.** arrears of the housing benefit element of the charge **and**

**2.** arrears of those charges mentioned in DMG 33436 **2.**.

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

33439 Deductions should only be made where the decision maker is satisfied that there are in fact arrears1 of hostel charges. In cases of dispute the decision maker should give the claimant the opportunity to provide evidence to support any claim that they are not in arrears with the hostel charges.

1 R(IS) 14/95

33440 A deduction can be made and paid direct for arrears of hostel charges if

**1.** the claimant is awarded a specified benefit **and**

**2.** the claimant is entitled to Housing Benefit **and**

**3.** the claimant or partner has a current liability to the landlord making the application **and**

**4.** the claimant or partner has arrears of hostel charges that exceed £1001.

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

33441 The amount to be deducted of arrears and paid direct is a fixed amount equivalent to 5% of the personal allowance for a single claimant aged 25 or over. The claimant should be left with a minimum of 10p after the deduction has been made (see DMG 33318).

 33442 – 33449

Third party deductions for rent and service charges for fuel

Definitions

33450 For third party deductions purposes rent1 includes

**1.** eligible rent for Housing Benefit

**2.** rates

**3.** fuel service charges for heating, hot water, lighting or cooking

**4.** furniture charges

**5.** garage charges

**6.** service charges

**7.** ground rent not paid with service charges

**8.** water charges

 as long as they are paid with, or as part of, the rent for the dwelling occupied as the home.

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

 33451

Rules for third party deductions

33452 Part of the specified benefit (see DMG 33310) may be deducted and paid direct to the landlord for

**1.** rent arrears

**2.** fuel service charges

**3.** water charges

 paid with or as part of the rent on the dwelling occupied as the home.

33453 This can happen if1

**1.** the claimant or partner

**1.1** has a current liability to the landlord making the application, **or**

**1.2** is resident in accommodation2 provided for persons granted bail or who have been convicted of offences **and**

**2.** they have rent arrears which equal or exceed 50% of the personal allowance for a single claimant aged not less than 25 years **and**

**2.1** six weeks or more and the landlord has requested third party deductions **or**

**2.2** less than six weeks and it is in the overriding interests of the claimant or family (see DMG 33459) to arrange third party deductions.

1 SS (C&P) Regs (NI), Sch 8A, para 5(1) & (2); 2 art 4(2) of the Probation Board (NI) Order 1982

33454 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

 33455 – 33458

Interests of the family

33459 It will normally be in the interests of the claimant or their family to introduce third party deductions if there is

**1.** a threat of

**1.1** eviction **or**

**1.2** repossession **or**

**1.3** disconnection of fuel supplies **and**

**2.** no other suitable method of dealing with the debt.

33460 Third party deductions will not normally be in the interests of the claimant or their family if they have

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

**2.** undertaken to clear the debt themselves.

33461 Third party deductions should not be considered

**1.** simply because the tenant or landlord has asked for it **or**

**2.** when rent is being withheld or is not being accepted because of a dispute between the claimant and landlord (unless DMG 33454 applies).

33462 Where there is a reluctance to seek eviction, third party deductions may still be considered if the other criteria are met. For example where housing associations specialise in providing accommodation for low income groups who are liable to have budgeting problems.

 33463 – 33468

Amount deducted for arrears

33469 The amount deducted for arrears and paid direct is fixed1 at 5% of the personal allowance for a single person aged 25 or over rounded up to the next 5p.

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

Amount deducted for current charges

33470 The following charges can be paid direct where they are paid with the rent1.

**1.** fuel service charges **or**

**2.** water charges.

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

33471 The amount to be paid direct is the amount deducted by the Northern Ireland Housing Executive when determining the eligible rent for Housing Benefit. If rent is payable for 50 weeks each year, the amount deducted should be paid direct for 50 weeks. No third party deductions should be made for the weeks when rent is not payable.

33472 But the claimant should be left with a minimum of 10p after the deduction has been made (see DMG 33318). Do not make a deduction if less than 10p would be left after the deduction of the whole amount of these charges1.

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

33473 Unless the claimant consents1, third party deductions cannot be made for both arrears and current charges where the total exceeds 25% of the family’s applicable amount. Any housing costs included in the applicable amount should not be taken into consideration.

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

Joint tenants

33474 If the claimant is a joint tenant calculate the deduction by following DMG 33470 and DMG 33475 et seq.

33475 The deduction for weekly fuel service charges depends on information held by the Northern Ireland Housing Executive. The decision maker should find out whether the Northern Ireland Housing Executive has worked out the actual fuel cost for the property. The deduction is where the Northern Ireland Housing Executive has

**1.** worked out the actual fuel cost - that figure divided by the number of tenants

**2.** estimated the claimant’s fuel costs - the amount of the Northern Ireland Housing Executive standard deduction from Housing Benefit.

33476 Where fuel costs have been estimated the amount of the deduction from Housing Benefit may change if the claimant gives details of their actual costs. The decision maker should then revise the deduction for weekly fuel service charge.

33477 The deduction may be for weekly water charges. The deduction is then the charge for the property divided by the number of tenants.

Superseding the third party deduction decision

33478 When a relevant change of circumstances occurs1 the decision maker may supersede the outcome decision which includes the third party deduction decision, for example where the

**1.** fuel service charge changes **or**

**2.** fuel service charge stops being made by the landlord **or**

1. rent arrears are cleared (see DMG 33479) **or**

**4.** entitlement to specified benefit is reduced below the amount of the deduction plus 10p **or**

**5.** claimant changes address.

**Note:** See DMG Chapter 4 for the rules about the effective date of supersession.

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

33479 The decision maker may decide that deductions for continuing charges only should continue where1

**1.** the rent arrears are cleared **and**

**2.** it is in the interests of the family to do so.

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

 33480 – 33489

Third party deductions for fuel costs

Rules for third party deductions

33490 Part of the specified benefit (DMG 33310) may be deducted and paid direct to the fuel board for gas and electricity. This can happen if1

**1.** there is a debt (the original debt) for mains gas or electricity and the claimant still needs that fuel **and**

**2.** the debt is for an amount not less than the rate of personal allowance for a single person aged 25 or over **and**

**3.** it is in the interests of the claimant or family that third party deductions be made.

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

33491 Debt in this context includes disconnection and reconnection costs and any legal costs arising from that debt.

33492 Third party deductions for fuel should not be made where

**1.** the debt is less than the rate of personal allowance for a single claimant aged 25 or over

**2.** the size of the deduction (including any deduction for arrears)

**2.1** is more than the award of specified benefit **or**

**2.2** would leave the claimant with specified benefit of less than 10p (see DMG 33318)

**3.** the claim will last only a short time, for example where the claimant is due an income which will exceed Income Support

**4.** the debt is the responsibility of a person who has deserted a partner (unless the deserted partner satisfies the criteria for third party deductions).

Interests of the family

33493 It will normally be in the interests of the claimant or their family to introduce third party deductions where

1. the debt

**1.1** is unlikely to be paid before disconnection is threatened **or**

**1.2** has resulted in the threat of disconnection **or**

**1.3** has resulted in disconnection **and**

**2.** no other source of fuel is available for the same purpose **and**

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

33494 Third party deductions will always be in the interests of the family where there is a risk to health or safety. For example there may be a risk where the family includes

**1.** children under 11

**2.** people over 70

**3.** people who are disabled

**4.** people who are long term sick.

**Note:** This list is not exhaustive.

33495 Do not assume that third party deductions would not be in their interests just because the claimant is single or a member of a couple without young children.

33496 The decision maker must consider

**1.** the alternative means of cooking and heating available to the family

**2.** the availability and value of budget payment arrangements **and**

**3.** seasonal factors.

33497 The claimant may ask for a prepayment meter as an alternative to third party deductions. The fuel board may be willing to install a meter calibrated to recover the arrears. The decision maker should consider which arrangement would best suit the interests of the family. Only one of these arrangements can be in operation at any time.

Amount to be deducted and paid direct

33498 The amount of the weekly deduction should be

**1.** **before the debt is cleared** - an amount to pay off the arrears (see DMG 33506) plus an amount to cover current consumption (see DMG 33509)1

**2.** **after the debt is cleared** - an amount to cover current consumption (see DMG 33514) where appropriate2.

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

Exception to general rules

33499 A prepayment meter may have been installed or other arrangements made with the fuel board to pay for current consumption1. The amount deducted should then be limited to the amount for arrears. See DMG 33497 where the meter is calibrated to recover arrears.

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

Amount of benefit left for claimant

33500 The claimant should be left with a minimum of 10p after deductions have been made (see DMG 33318). Do not make a deduction if less than 10p would be left.

 33501 – 33504

Arrears of fuel - original debt

33505 There is only one original debt during any period of deductions for an item of fuel1. That original debt cannot normally be increased. The exception is where the figure originally given by the fuel board was wrong. The figure used may be changed and the decision which included the third party deduction superseded2 (or revised if the new deduction is determined within one month of the previous decision3) because the decision maker’s decision will have been given in ignorance of a material fact.

1 SS (C&P) Regs (NI), Sch 8A, para 6(1) & (2)(a);
2 SS (NI) Order, art 11; SS & CS (D&A) Regs (NI), reg 6; 3 reg 3(1)(a)

33506 Do not revise the figure used where further debt builds up during a period of deductions. The amount of the original debt can never be revised on the grounds of such a change in circumstances. An adjustment to the continuing consumption is made instead (see DMG 33512).

33507 The weekly deduction to recover the original debt is fixed at 5% of the personal allowance for a single person aged 25 or over, rounded up to the next 5p1.

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

33508 Third party deductions for a second fuel item may have to be introduced. The deduction is then 5% for each fuel item (see DMG 33525) subject to the overall limit on deductions for arrears of fuel, that is 2 x 5% of the personal allowance for a single claimant aged 25 or over1.

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

Fuel - current consumption

33509 When deductions begin the fuel company will provide an estimate of the average weekly cost of continuing consumption1. If the estimate is unreasonable or inaccurate the decision maker should ask for details of the calculation.

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

33510 Periodically the fuel company will

**1.** recalculate the weekly amount needed to meet continuing consumption **and**

**2.** notify the decision maker of any added credit or debit.

33511 The recalculation should be based on the actual cost of past consumption1. A customer’s own reading may be used. But a calculation based on estimated past consumption is not acceptable.

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

33512 Where DMG 33510 applies, the decision maker may adjust1

**1.** the weekly deduction to a new weekly amount for continuing consumption **and**

**2.** the new weekly amount to take into account any credit or debit over a

**2.1** period of 26 weeks **or**

**2.2** longer period if that is reasonable.

 **Note:** The claimant's agreement should be obtained if the new total deductions exceed the level mentioned in DMG 33322.

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

33513 The original debt must not be adjusted to take account of additional credit or debit.

 **Example**

The original debt has been recovered. The weekly deduction for consumption is £5. In April the fuel company reports that the amount for continuing consumption is £7 and arrears of £60 have accrued.

The decision maker supersedes the third party deduction decision and decides it is reasonable to recover the accrued arrears over 52 weeks. The revised weekly deduction is

continuing consumption £7.00

plus adjustment for arrears £60 over 52 weeks £1.15

total £8.15

In December the fuel company reports that the amount for continuing consumption is £6.50 and there is a credit of £20. The new weekly deduction is

continuing consumption £6.50

less adjustment for credit £20 over 26 weeks £0.77

total £5.73.

Original debt recovered

33514 When the original debt has been cleared the decision maker may decide to make deductions for continuing consumption1. Such deductions are not compulsory.

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

33515 Deductions for current consumption should continue if it remains in the interests of the family (see DMG 33493). The decision maker should consider

**1.** whether there are other budgeting methods which might be more appropriate

**2.** the reasons for the failure to budget - if the debt arose because of persistent bad management and nothing has changed, third party deductions should normally continue

**3.** any seasonal factors likely to affect the claimant’s ability to budget for the next bill if third party deductions stop

**4.** any representations made by the fuel board.

 33516 – 33522

Joint tenants

33523 A claimant asking for third party deductions for fuel costs may be a joint tenant. If the claimant is liable for the debt (see DMG 33306) the deduction should be

**1.** the weekly consumption figure (see DMG 33509) divided by the number of people named on the bill (whether they are claimants are not) **and**

**2.** the fixed amount to pay off any arrears (see DMG 33507).

33524 It is unusual to have more than one name on a fuel bill. If the claimant is the only person named, the other tenants should pay their share of the bill to the claimant. If the claimant is not named on the bill, the claimant is not liable. The claimant should pay a share to the tenant who is named on the bill.

Priority between fuel debts

33525 The criteria may be met for deductions for both gas and electricity debts. But it may not be possible to implement both deductions. This may happen where, for example, there is not enough specified benefit in payment.

33526 The decision maker should decide which debt takes priority, taking into account1

**1.** all the circumstances **and**

**2.** any requests of the claimant.

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

33527 Priority should be given to whichever fuel is most needed to ensure the health and safety of the claimant or family.

 **Example 1**

 Ashling lives in a household where heating and cooking are by gas. The decision maker gives priority to gas.

 **Example 2**

 Maria lives with her elderly disabled mother. Cooking is by electric and heating is by gas. The house has open fireplaces which can be used to provide heating. The decision maker gives priority to electricity.

33528 Where debts other than fuel are involved see DMG 33328.

 33529 – 33531

Consent of claimant required

33532 **[See DMG Memo Vol 6/36]** Unless the claimant consents1, no third party deductions can be made where the total deductions exceed 25% of the family’s applicable amount. When the claimant does not consent, only 25% of the family's applicable amount should be deducted. Any housing costs included in the applicable amount should not be taken into consideration (see DMG 33322).

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

Superseding the third party deduction decision

33533 The decision to implement deductions should not be superseded where the only reason to do so is that the claimant wished to take control of the budgeting. This is because the claimant’s desire to take control of the budgeting is not, in itself, a relevant change of circumstances.

33534 The decision maker should supersede the outcome decision which includes the third party deduction decision for fuel costs, when a relevant change of circumstances occurs1. For example where

**1.** the average weekly cost estimated for the continuing need was not enough or was too much

 **Note:** The claimant’s agreement must be obtained if the deduction required stays at or would increase to the level mentioned in DMG 33532

**2.** the original debt has been cleared and deductions stop, or carry on for current consumption only (see DMG 33514)

**3.** the weekly deduction (including arrears) would leave the claimant with less than 10p

**4.** the claimant withdraws the agreement permitting deductions in excess of 25% of the applicable amount (see DMG 33532)

**5.** the claimant stops receiving a supply of fuel from the fuel board to whom payment is being made, for example where the supply has been disconnected due to meter interference

**6.** it is no longer in the interests of the family for deductions to continue.

1 SS & CS (D&A) Regs (NI), reg 6(2)(a)

 **Note:** See DMG Chapter 04 for the rules about the effective date of supersession.

 33535 – 33544

Third party deductions for water charges - Northern Ireland

 **[The guidance relating to water charges will come into effect upon the ending of the period of their deferral by the Northern Ireland Executive.]**

Meaning of water charges

 **[See DMG Memo Vol 1/97, 3/85, 4/112, 5/88, 6/74, 7/39, 8/41, 9/21, 13/49 & 14/48]**

33545 Water charges include charges for water supply and sewerage. Where these are charged separately or by different water authorities see DMG 33580.

Methods of charging

33546 Water charges can be made

**1.** with rent (see DMG 33450 et seq)

**2.** by a meter (see DMG 33569)

**3.** unmetered (see DMG 33564).

Rules for third party deductions

33547 Part of the specified benefit (see DMG 33310) may be deducted for water charges and paid direct if1

**1.** the claimant or partner is in debt (the original debt) for water charges **and**

**2.** the decision maker is satisfied that the claimant or partner has failed to budget for the charges **and**

**3.** it is in the interests of the claimant or family that third party deductions be made.

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

33548 Debt in this context includes disconnection and reconnection costs and any legal or other costs arising from that debt.

Interests of the family

33549 Third party deductions will normally be in the interests of the claimant or the family where there is

**1.** a threat of a court summons **and**

**2.** no other suitable method of dealing with the debt.

33550 Third party deductions will not normally be in the interests of the claimant or their family if

**1.** they have

**1.1.** shown evidence of a determination to clear the debt **and**

**1.2.** undertaken to clear the debt themselves **or**

**2.** there are other options available to deal with the debt.

33551 Third party deductions will always be in the interests of the family where there is a risk to health or safety. For example where the family includes

**1.** children under eleven

**2.** people over 70

**3.** people who are disabled

**4.** people who are long-term sick.

Amount to be deducted and paid direct

33552 The amount to be deducted and paid direct

**1.** before the original debt is cleared is1

**1.1** the actual or estimated amount for current consumption **and**

**1.2** a fixed amount to clear the original debt equal to 5% of the personal allowance for a single person aged 25 or over, rounded up to the next 5p

**2.** after the original debt is cleared is2

**2.1** the actual amount for current consumption (unmetered water) **or**

**2.2** an estimated amount for current consumption (metered water).

1 SS (C&P) Regs, Sch 8A, para 6A(3) & (5); 2 Sch 8A, para 6A(6)

33553 The decision maker should always use the fixed amount in DMG 33552 **1.2** to clear the arrears, even where

**1.** there is a court order for a greater amount **or**

**2.** the claimant asks that a higher amount be paid direct.

Amount of benefit to be left for claimant

33554 The claimant should be left with a minimum of 10p after deductions have been made (see DMG 33318). Do not make a deduction if less than 10p would be left.

 33555 – 33562

The original debt

33563 Before deductions for water charges can begin the claimant or partner must be in debt1. The amount of the debt is the original debt and includes

**1.** the amount of water and sewerage charges due

**2.** any disconnection or reconnection charge

**3.** any legal costs arising from the debt

**4.** any other costs arising from the debt.

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

Unmetered water

Original debt

33564 There is only one original debt during any period of deductions1. That original debt cannot be increased. If the whole of the current year's charge for unmetered water is due it may be included in the original debt. A deduction for current consumption may not then be necessary until the start of the next financial year.

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

33565 The weekly deduction to recover the original debt is fixed at 5% of the personal allowance for a single person aged 25 or over.

 **Example 1**

 In September the water company requests deductions and reports an original debt of £350. This includes the charge for the remaining months in the current financial year. The original debt is £350 and the fixed deduction is made until this amount is repaid. Deductions for current consumption will not start until April of the next year when the annual charge for the next year is billed.

 **Example 2**

 In August the water company requests deductions. They report that debt is accruing on a weekly basis. On the date the decision maker makes a decision a debt of £120 has accumulated. The original debt is £120 and the fixed deduction is made until this amount is repaid. Deductions for current consumption are also made.

Consumption

33566 The amount deducted for continuing consumption is the weekly cost necessary to meet the continuing need for water consumption1. This is not always the annual charge divided by 52 weeks.

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

 **Example**

 Roisin is in receipt of Income Support. On 31 May the water company requests deductions. They report that there is an outstanding debt for the previous year of £100. The current year's charge is £210 and the water company confirms that none of that has become a debt.

 On 10 June the decision maker decides that deductions can be taken, determines the amount of the deduction and supersedes the previous decision in order to implement it.

 The original debt is £100 and the fixed deduction is made until this amount is repaid. Deductions for current consumption are also made at the rate of £5 per week (£210 current year's charge, divided by the 42 weeks left in the year from 10 June).

Annual increases

33567 Following the annual increase in unmetered water charges, the deduction for current consumption should be superseded from the date of the increase1. If the water authority or company notify the new annual charge late, or the decision maker cannot (for operational reasons) supersede on the due date

**1.** supersede the case from the date the charge increases (usually 1 April) **and**

**2.** change the weekly consumption figure by

**2.1** taking off the amount already deducted in the financial year from the new annual charge **and**

**2.2** working out the number of weeks left in the financial year (from the date of the supersession to the end of the year) **and**

**2.3** dividing the amount at **2.1** by the number of weeks at **2.2**.

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

 **Example**

 The weekly deduction for water is £3. In June the water authority notifies the decision maker that the annual cost from 1 April of that year is £200. On 3 July the decision maker supersedes from 1 April that year and changes the amount for continuing consumption as follows

 annual cost from 1 April £200

 less amount already deducted £3 x 13 £39

 annual amount outstanding £161

 divided by the number of weeks left

 in the year (3 July to 31 March) 39 weeks

 new weekly deduction (rounded up to the nearest penny) £4.13.

33568 It is not necessary to change the deduction to the original amount at the end of the year. The same formula can be used if the amount is notified late the following year.

Metered water

Original debt

33569 There is only one original debt during any period of deductions1. That original debt cannot be increased. The weekly deduction to recover the original debt is a fixed amount. That is 5% of the personal allowance for a single person aged 25 or over, rounded up to the next 5p.

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

33570 If arrears build up during a period of deductions an adjustment to the continuing consumption is made (see DMG 33574). The original debt must not be adjusted to reflect added credits and debits which have built up during a period of deductions.

Consumption

33571 When deductions begin the water company provides an estimate of the average weekly cost of continuing consumption1. Where this is unreasonable or inaccurate the decision maker should ask for details of the calculation.

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

33572 Periodically the water company will

**1.** recalculate the weekly amount needed to meet continuing consumption **and**

**2.** notify any added credit or debit.

33573 The recalculation should be based on the actual cost of past consumption. A customer's own reading may be used. But a calculation based on estimated past consumption is not acceptable.

33574 The decision maker should1

**1.** supersede the weekly deduction to the new weekly amount for continuing consumption **and**

**2.** adjust that new weekly amount to recover any added credit or debit over

**2.1** a period of 26 weeks **or**

**2.2** a longer period if that is reasonable.

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

33575 The original debt must not be adjusted to take account of additional credit or debit.

 **Example**

 Matthew is in receipt of income-based Jobseeker’s Allowance. In June he requests deductions for a debt of £90 and continuing consumption. The water company estimate the average weekly cost of continuing consumption is £4. Deductions for current consumption should continue if it remains in the interests of the family (see DMG 33577).

 original debt £2.50

 continuing consumption £4.00

 total £6.50

 In December the water company reports that the amount for continuing consumption is £4.50 and a further debt of £20 has built up. The decision maker supersedes the deductions and decides it is reasonable to recover the arrears over 26 weeks. The new weekly deduction is

 original debt £2.50

 continuing consumption £4.50

 adjustment for accrued arrears

 £20 over 26 weeks £0.77 £5.27

 total £7.77

Original debt recovered

33576 When the original debt has been cleared the decision maker may decide to make deductions for continuing consumption1. Such deductions are discretionary and apply to both unmetered and metered water.

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

33577 Deductions for current consumption should continue if it remains in the interests of the family (see DMG 33549). The decision maker should consider

**1.** whether there are other budgeting methods which may be more appropriate

**2.** the reasons for the failure to budget - if the debt arose because of persistent bad management and nothing has changed, third party deductions should normally continue

**3.** any seasonal factors likely to affect the claimant’s ability to budget for the next bill if third party deductions stop.

Joint tenants

33578 A claimant asking for third party deductions for water charges may be a joint tenant. If the claimant is liable for the debt (see DMG 33306) the deduction should be

**1.** the actual or estimated weekly cost for consumption (see DMG 33571) divided by the number of people named on the bill, whether they are claimants or not **and**

**2.** the fixed amount to pay off any arrears (see DMG 33552).

33579 It is unusual to have more than one name on a bill. If the claimant is the only person named, the other tenants should pay their share of the bill to the claimant. If the claimant is not named on the bill, the claimant is not liable. The claimant should pay a share to the tenant who is named on the bill.

Priority between debts for water charges

33580 The claimant or partner may be in debt for water and sewerage charges to two water companies. In such a case only one weekly amount should be deducted, with priority being given to water1.

1 SS (C&P) Regs (NI), Sch 8A, para 6A(7)(a) & (b)

33581 Deductions for sewerage debt can begin only when the whole of the original water debt has been cleared1. Deductions for current water and sewerage charges can be made at the same time2.

1 SS (C&P) Regs (NI), Sch 8A, para 6A(7)(b); 2 Sch 8A, para 6A(7)(c)

Consent of claimant required

33582 Unless the claimant consents1, no third party deduction can be made for water charges where the total deductions exceed 25% of the family's applicable amount. Any housing costs included in the applicable amount should not be taken into consideration (see DMG 33322).

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

33583 From 2.10.06 the amount of child tax credits and Child Benefit entitlement should be added1 to the applicable amount when deciding if deductions exceed 25% of the total.

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

Superseding the third party deduction decision

33584 The decision maker should supersede the third party deduction decision when a relevant change of circumstances occurs1. For example where

**1.** the original debt is cleared **or**

**2.** the claimant changes address **or**

**3.** in the case of a metered water supply, the estimated weekly cost of continuing consumption is not enough or is too much2 **or**

**4.** in the case of unmetered charges, the annual charge increases (usually in April).

1 SS (NI) Order 98, art 11; 2 SS (D&A) Regs (NI), reg 6(2)(a); SS (C&P) Regs (NI), Sch 8A, para 6A(4)

 **Note:** See DMG Chapter 04 for the rules about the effective date of change.

33585 The claimant's agreement should be obtained if the new total deductions exceed the level mentioned in DMG 33320. Where the claimant has already consented to a total above that level, any increase will require the claimant's further consent.

 33586 – 33594

Deductions from benefit - flat rate maintenance and child maintenance deduction

Child Support Maintenance

33595 Guidance within this section deals with deductions from Income Support, income-based Jobseeker’s Allowance and contribution-based Jobseeker’s Allowance, made under the 2003 child maintenance scheme and the 2012 child maintenance scheme. See DMG Chapter 46 for deductions from Employment and Support Allowance and DMG Chapter 79 for deductions form State Pension Credit. For guidance on third party deductions under the Contribution to Maintenance scheme, see DMG 33626 - 33645.

33596 Deductions from a specified benefit under the 2003 scheme are referred to as flat rate maintenance deductions.

33597 Deductions from a specified benefit under the 2012 scheme are referred to as child maintenance deductions.

33598 Flat rate maintenance deductions and or child maintenance deductions are not part of the third party deduction scheme. The order of priority for deductions does not apply to flat rate maintenance deductions or child maintenance deductions. Such deductions are the first deduction to be made from Income Support/Jobseeker’s Allowance after a deduction for Mortgage Interest Direct.

Meaning of fee

33599 “Fee” means1 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 Regs (NI) 2014, part 2

Meaning of specified benefit

33600 For the purposes of making deductions for Child Support Maintenance under the 2003 or 2012 scheme, specified benefit includes1

**1.** Income Support

**2.** income-based Jobseeker’s Allowance **and**

**3.** contribution-based Jobseeker’s Allowance.

 **Note:** The term specified benefit has a different meaning under this section to that under the Contribution to Maintenance scheme detailed in DMG 33626 et seq.

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

Meaning of beneficiary

33601 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

33602 Maintenance1, with the exception of DMG 33610 - 33613, 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);
Child Support, Pensions and Social Security Act 2000, s 28(2)(A)

Meaning of person with care

33603 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 category2 of person.

1 CS (NI) Order 91, art 4(3); art 4(4)

Deductions from specified benefit

33604 The child maintenance group decision maker will decide under which scheme the child maintenance liability is to be assessed.

33605 Where it is determined that the non resident parent is liable for a flat rate maintenance deduction or child maintenance deductions, the child maintenance group decision maker will also determine whether the child maintenance deductions is at a standard or non-standard rate or whether the flat rate maintenance deduction is at a standard rate only.

33606 Requests for flat rate maintenance deductions or child maintenance deductions will be sent

**1.** electronically, to the relevant Departmental IT system **or**

**2.** manually, to the relevant Social Security or Jobs and Benefits Office.

 The request may be on behalf of the non resident parent who is in receipt of a specified benefit, or is the partner of a claimant who is in receipt of a specified benefit, and paid to the parent with care1.

 **Note 1:**  From 11.8.14, any collection fees payable by a non resident parent may be deducted and retained in discharge of the non resident parent’s liability to pay that fee.

 **Note 2:** Charging of any collection fees will only apply to new applications made under the 2012 scheme.

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

33607 In the case of a non resident parent who is in receipt of Income Support or Jobseeker’s Allowance, the amount to deduct is known as flat rate maintenance or child maintenance deductions1. The amount of a standard rate deduction is £7.00 per week, but could be more or less than that amount depending upon the circumstances. See DMG 33606 and 33608 in respect of any fee.

1 CS (MCSC) Regs (NI) 2000, reg 4; SS (C&P) Regs (NI), Sch 8C, para 1

33608 Only one deduction of flat rate maintenance or child maintenance deductions and any fee may be made from one specified benefit in any one benefit week1.

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

Prevention of duplicate deductions

33609 No deduction will be made from a specified benefit (see DMG 33600) 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.

Amount of Income Support/Jobseeker’s Allowance to be left after deduction of flat rate maintenance or child maintenance deduction

33610 A deduction of flat rate maintenance or child maintenance deductions can only be made where the amount of specified benefit which the claimant would be left with after the deduction is at least 10p1.

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

Arrears - flat rate maintenance deductions only

33611 **[See DMG Memo Vol 1/119, 6/94, 8/94 & 13/76]** No deduction will be made in respect of arrears of child maintenance under the 2012 scheme.

33612 Except where Income Support or income-based Jobseeker’s Allowance is awarded to the beneficiary or his partner, the sum of £1.20 per week may be deducted from the relevant specified benefit which the beneficiary has been awarded, and paid to the parent with care, in discharge of the beneficiary’s liability to pay arrears of maintenance and retain any amount deducted in discharge of any liability to pay a fee1.

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

33613 Where deductions are made under DMG 33612, the deductions may be retained by the Secretary of State1 in circumstances set out in specified legislation2.

1 SS (C&P) Regs (NI), Sch 8C, para 3(2);
2 Child Support (Arrears, Interest and Adjustment of Maintenance Assessment) Regs (NI) 92, reg 8

33614 Within DMG 33612, the meaning of maintenance1 is periodical payments of child support maintenance, which are required to be paid in accordance with a maintenance calculation, as defined within specified legislation2.

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

Apportionment

33615 Where maintenance is payable to more than one parent with care1, the amount deducted in respect of maintenance must 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 maintenance

Flat rate maintenance deductions

33616 Where the claimant and their partner are both liable to pay maintenance at a flat rate and either of them have been awarded Income Support or Jobseeker’s Allowance, the amount of flat rate maintenance deducted must not exceed £2.50 each1.

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

33617 An amount not exceeding an amount equal to the flat rate of maintenance may be deducted1 from such an award in respect of the total liability of both partners to pay maintenance in the proportions described in specified legislation2, and must be paid to discharge the respective liabilities to pay maintenance.

1 SS (C&P) Regs (NI), Sch 8C, para 5(2); 2 CS (MCSC) Regs (NI) 2001, reg 4(3);
CSMC Regs (NI) 2012, reg 43(3)

Child maintenance deductions

33618 In a case where the claimant and their partner are

**1.** both non resident parents **and**

**2.** in receipt of a specified benefit **and**

**3.** both liable for a standard or non-standard rate of child maintenance deductions and any fee

 the total sum of the deductions from benefit for each non-resident parent must not exceed the flat rate of maintenance and any fee1.

 **Note 1:** the amount of the standard rate deduction is £3.50 and the non-standard rate deduction is any amount up to and including £3.49 for each non resident parent1.

 **Note 2:** the amount of any fee is retained in discharge of any liability to pay that fee.

1 SS (C&P) Regs (NI), Sch 8C, para 5(2); CSMC Regs (NI) 2012, reg 43(3);
CS (MCSC) Regs (NI), reg 4(3)(a)

33619 In a case where the claimant and their partner are both non resident parents, there could be a mix of child maintenance deductions at a standard and non-standard rate of deductions.

Claimant or partner liable to pay maintenance

Flat rate maintenance deductions

33620 Where the claimant or their partner are liable to pay maintenance at a flat rate and either of them have been awarded Income Support or Jobseeker’s Allowance, the amount of the standard rate of deduction is £5.00.

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

Child maintenance deductions

33621 In a case where the claimant or their partner is

**1.** a non resident parent **and**

**2.** in receipt of a specified benefit **and**

**3.** liable for a standard or non-standard rate of child maintenance deductions and any fee

 the amount of the deduction from benefit must not exceed the flat rate of maintenance and any fee1.

 **Note 1:** the amount of the standard rate deduction is £7.00 and the non-standard rate deduction is any amount up to and including £6.99.

 **Note 2:** the amount of any fee is retained in discharge of any liability to pay that fee.

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

Polygamous marriages

33622 Where two or more members of a polygamous marriage are each liable1 to pay

**1.** flat rate maintenance **or**

**2.** child maintenance deductions and any fee

 and any member of the polygamous marriage has been awarded Income Support or income-based Jobseeker’s Allowance, the total sum of the deductions from benefit being apportioned for each non resident parent must not exceed the flat rate of maintenance1 and any fee may be retained in discharge of any liability to pay a fee.

1 SS (C&P) Regs (NI), Sch 8C, para 6; 2 CS (MCSC) Regs (NI) 2000, reg 4(3)(b); CSMC Regs (NI), reg 43(3)

Cases exempt from child maintenance deductions or flat rate maintenance

33623 A non resident parent is exempt from paying child maintenance deductions or flat rate maintenance if they are1

**1.** a student **or**

**2.** a prisoner **or**

**3.** a person who is 16 or 17 years old **and**

**3.1** in receipt of Income Support or income-based Jobseeker’s Allowance **or**

**3.2** a member of a couple whose partner is in receipt of Income Support or income-based Jobseeker’s Allowance **or**

**4.** a person receiving an allowance in respect of work-based training for young people, or in Scotland, Skillseeker’s training **or**

**5.** a person in a care home or independent hospital (see DMG 33327) who

**5.1** is in receipt of a pension, benefit or allowance specified in Appendix 2 to this Chapter **or**

**5.2** has the whole or part of the cost of his accommodation met by a Health and Social Services Board or a Health and Social Services trust **or**

**6.** have, under certain circumstances, shared care2.

1 CS (MCSC) Regs (NI), reg 5; 2 CS (NI) Order 91, Sch 1, para 9

33624 If the non resident parent falls into a nil rate category, the officer acting on behalf of the Child Maintenance Group decision maker decides that the non resident parent is not liable to pay child maintenance deductions or flat rate maintenance deductions. Deductions are then not appropriate. But if the non resident parent is liable for child maintenance deductions or flat rate maintenance, part of the specified benefit may be deducted1. It is then paid to the person with care of the child.

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

Notice

33625 When child maintenance deductions or flat rate maintenance deductions commence, the decision maker must notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is made. Further notice must be given when there is a change to any of the particulars specified in the notice.

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

Third party deductions for payments in place of payments of child support maintenance - contribution to maintenance deductions

Introduction

33626 When an application for child support maintenance is made, a Child Maintenance Services decision maker must make a maintenance assessment. If the non resident parent receives specified benefit (see DMG 33310) or if specified benefit is in payment for them (for example to their partner) that maintenance assessment is nil. In such a case the non resident parent does not have to pay any maintenance. The non resident parent may instead be liable for payments **in place of** payments of child support maintenance (contributions to maintenance)1.

1 CS (NI) Order 91, art 40(1); CS (MASC) Regs (NI) 92, reg 28

33627 In such cases, the Child Maintenance Services decision maker sends a maintenance assessment notification letter (CSA 55N) to the non resident parent to advise that

**1.** there is no maintenance payable

**2.** a contribution to child maintenance may be appropriate instead

**3.** the Child Maintenance Services decision maker will contact the decision maker to ask if a contribution towards maintenance can be made.

33628 The Child Maintenance Services decision maker also send form CSA 670 to the Departmental decision maker asking for contribution to maintenance deductions to be made from benefit. The Departmental decision maker must then consider whether the non resident parent is exempt from contribution to maintenance. The Departmental decision maker cannot make a decision on the request for contribution to maintenance deduction until the exemption criteria have been considered.

33629 A non resident parent is exempt from contribution to maintenance if

**1.** the non resident parent is under 18 **or**

**2.** the non resident parent has day to day care of a child, or shared care of the qualifying child for an average of 2 days a week1 **or**

**3.** the non resident parent

**3.1** receives any payment mentioned in Appendix 1 to this Chapter **or**

**3.2** would receive such a payment if

**3.2.a** payment were not prevented because they receive another benefit at the same or a higher rate **or**

**3.2.b** the contribution conditions were satisfied.

1 CS (MASC) Regs (NI) 92, re 28

Deductions

Sufficient specified benefit in payment

33630 If there is sufficient specified benefit in payment1 and the non resident parent is

**1.** covered by the exemption criteria **and**

**2.** liable for contribution to maintenance

the Departmental decision maker must (subject to specified legislation2) determine that an amount is to be deducted from the claimant’s award and paid to the parent with care.

1 SS (C&P) Regs (NI), Sch 8A, para 7A(1); 2 CS (NI) Order 91, art 40(1); CS (MASC) Regs (NI), reg 28

Number of deductions

33631 Contribution to maintenance is not an assessed amount. It is a deduction from personal benefit of a standard amount, made only in certain circumstances. That amount is normally 2 x the fixed amount (see DMG 33635).

33632 Only one deduction for payments in respect of contribution to maintenance can be made in any one benefit week1.

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

Decision maker’s action

33633 The decision maker decides

 **1.** whether there is enough specified benefit for a deduction of twice the fixed amount (see DMG 33635) to be made1, leaving at least 10p a week2 (see DMG 33636 where other deductions apply)

 **2.** where other deductions are being made - the total amount of specific deductions (see DMG 33636) is not more than three times the fixed amount3

 **3.** the priority of deduction4 - where there is more than one deduction to be made to a third party and there is not enough specified benefit in payment to make them all (see DMG 33328).

1 SS (C&P) Regs (NI), Sch 8A, para 7A(2); 2 Sch 8A, para 8(1); 3 Sch 8A, para 8(2); 4 Sch 8A, para 9

33634 The decision maker should also revise or supersede the case if a non-resident parent becomes liable for contributions to maintenance. A non-resident parent who reaches age 18 and so is no longer exempt from their liability (see DMG 33629 **1.**) would be an example of such a case.

The fixed amount

33635 The fixed amount is 5% of the personal allowance for a single person aged 25 or over, rounded up to the next 5p.

Specific deductions

 **[The guidance relating to water charges will come into effect upon the ending of the period of their deferral by the Northern Ireland Executive.]**

33636 The specific deductions mentioned in DMG 33633 **2.** are

 **1.** arrears of

 **1.1** housing costs

 **1.2** rent

 **1.3** fuel

 **1.4** water

 **1.5** mortgage interest **and**

 **2.** rates **and**

 **3.** child support maintenance.

 **Example**

 Anita receives Income Support and has a deduction for arrears of rates at the fixed amount (5% of the personal allowance for a single claimant aged 25 or over). A request is made for deductions for child support maintenance.

 The child support maintenance deduction is twice the fixed amount (2 x 5% of the personal allowance for a single claimant aged 25 or over).

Exception to general rule

33637 The deduction for child support maintenance is the fixed amount if, after determining the

 **1.** total amount for specific deductions other than child support maintenance **and**

 **2.** priority of deductions

the total amount is twice the fixed amount1.

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

33638 In these circumstances the normal amount (see DMG 33631) cannot be deducted. A deduction of just the fixed amount (see DMG 33635) should be made instead.

 **Example**

 Sean receives income-based Jobseeker’s Allowance and has deductions for arrears of rent and fuel. The total amount for deductions is twice the fixed amount (2 x 5% of the personal allowance for a single claimant aged 25 or over). A request is made for a deduction for child support maintenance.

 The deduction for child support maintenance is the fixed amount (5% of the personal allowance for a single claimant aged 25 or over).

Maximum amount of deduction

33639 The overriding rule is that the total deductions in DMG 33633 must not exceed three times the fixed amount1.

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

 **Example**

 Neil receives contribution-based Jobseeker’s Allowance but has underlying entitlement to income-based Jobseeker’s Allowance at the same rate. He has deductions for arrears of rent, rates and electricity. A request is made for a deduction for child support maintenance.

 The deduction cannot be made because the total amount for deductions has already reached the maximum amount of three times the fixed amount (3 x 5% of the personal allowance for a single claimant aged 25 or over).

Deductions from contribution-based Jobseeker’s Allowance

33640 A claimant may be entitled to contribution-based Jobseeker’s Allowance where income-based Jobseeker’s Allowance is not an issue. A deduction for arrears of child support maintenance may then be made for transfer to the person entitled to it1.

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

Rules for deduction of child support maintenance

33641 A deduction is made where1

 **1.** the claimant is entitled to contribution-based Jobseeker’s Allowance **and**

 **2.** payment of child support maintenance cannot be obtained by other conventional means, for example the claimant has refused to pay **and**

 **3.** an arrears notice has been served on the claimant **and**

 **4.** the Department has asked **in writing** for deductions to be made.

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

Amount deducted

33642 The amount of the deduction is1 the weekly amount asked for by the decision maker up to the maximum amount (see DMG 33643). It is **not** the fixed contribution to maintenance that applies to specific benefits. This means that the amount of the deduction from contribution-based Jobseeker’s Allowance may vary.

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

Maximum amount of deduction

33643 There is an overriding rule where contribution-based Jobseeker’s Allowance is in payment and income-based Jobseeker’s Allowance is not an issue. That is that the total amount deducted for child support maintenance cannot exceed one third of the contribution-based Jobseeker’s Allowance payable (see DMG 33321)1. Where the amount specified by the Child Maintenance and Enforcement Division is more than that figure, the deduction should be restricted to one third of the appropriate personal rate.

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

Order of priority

33644 Where contribution-based Jobseeker’s Allowance is in payment, deductions for arrears of child support maintenance1 takes priority over all those listed in DMG 33329.

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

 33645 – 33649

Third party deductions for rates

Definition

33650 For third party deduction purposes **unrebated rates** means the net amount of rates payable after deducting any Housing Benefit for rates granted to the claimant or partner1.

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

 33651

Rules for third party deductions

33652 Part of the specified benefit (see DMG 33310) may be deducted and paid direct to the Land and Property Services for unrebated rates and rates arrears.

33653 This can happen if1

**1.** the claimant or partner is liable for rates **and**

**2.** the claimant or partner has arrears 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 third party deductions **or**

**2.2** less than 50% of the personal allowance for a single claimant aged not less than 25 and is in the interests of the claimant or family to arrange third party deductions.

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

Interests of the family

33654 Third party deductions will normally be in the interests of the claimant or the family where there is

**1.** a history of persistent mis-spending **or**

**2.** a threat of a court proceedings **or**

**3.** no other suitable method of dealing with the debt.

33655 Third party deductions will not normally be in the interests of the claimant or their family if they have

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

**2.** undertaken to clear the debt themselves.

33656 Third party deductions will always be in the interests of the family where there is a risk to health or safety. For example where the family includes

**1.** children under 11

**2.** people over 70

**3.** people who are disabled

**4.** people who are long-term sick.

Amount to be deducted and paid direct

33657 The amount to be deducted and paid direct

**1.** **before the original debt is cleared** - a fixed amount to pay off the arrears plus an amount to cover the weekly unrebated rates

**2.** after the original debt is cleared - an amount to cover the weekly unrebated rates (see DMG 33545) where appropriate1.

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

 33658

Amount of benefit to be left for claimant

33659 The claimant should be left with a minimum of 10p after deductions have been made (see DMG 33318). Do not make a deduction if less than 10p would be left.

The fixed amount

33660 The fixed amount is 5% of the personal allowance for a single person aged 25 or over, rounded up to the next 5p.

Debt cleared

33661 Deductions for unrebated rates should continue if it remains in the best interests of the family (see DMG 33548).

Superseding the third party deduction decision

33662 The decision maker should supersede the outcome decision which includes the third party deduction decision when a relevant change of circumstances occurs1. For example where

**1.** the original debt is cleared **and**

**2.** the claimant changes address and is no longer responsible for rates and becomes a non-householder

**3.** the unrebated rates changes.

1 SS (NI) Order 1998, art 11; SS & CS (D&A) Regs (NI), reg 6(2)(a)

 33663 – 33899

Third party deductions for integration loan scheme

Introduction

33900 The Integration Loan Scheme is a Home Office designed initiative to help individuals and their dependants settle into the community following a decision to grant them refugee status or humanitarian protection in the UK. The initiative is intended to provide interest free loans1 to buy goods and services which will assist integration (e.g. essential household items, training) to certain groups.

1 The Integration Loans for Refugees and Others Regulations 2007

33901 The Integration Loan Scheme replaces the refugee back payment scheme which ceased on 14.6.07. The new scheme commenced on 11.6.07.

33902 The Home Office will deal with loan applications and decide who is eligible and the amount to be awarded. Payment of the loan and subsequent recovery action will be undertaken by Debt Centre (NI).

33903 Deductions from specified benefits for the Integration Loan Scheme will be subject to normal third party deduction rules on individual and maximum amounts (see DMG 33320 and DMG 33322), and will be included in the priority order (see DMG 33329).

 33904 – 33909

Definitions

Integration loan

33910 “Integration loan which is recoverable by deductions” means1 an integration loan made under specified legislation2 which is recoverable from the recipient by deductions from specified benefits3.

1 SS (C&P) Regs (NI), Sch 8A, para 1; 2 The Integration Loans for Refugees and Others Regs 2007;
3 reg 9; SS (C&P) Regs (NI), Sch 8A

Specified benefit

33911 Specified benefit1 has the meaning described in DMG 33310.

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

 33912 – 33915

Deductions from benefit

33916 From 31.7.07 deductions can be made from specified benefits for integration loans.

Amount of the deduction

33917 The rate of deduction for the Integration Loan Scheme is a fixed amount equal to 5% of the Income Support personal allowance for a single claimant aged over 251 rounded up to the nearest multiple of 5p, including where the loan is a joint loan.

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

33918 Couples may take out a joint loan and so have joint liability for repayment of the debt1. If the couple separate, deductions can be taken from either partner. The Home Office will be responsible for deciding the liability of joint loan applicants who separate.

1 The Integration Loans for Refugees and Others Regulations 2007

33919 The claimant should be left with at least 10p specified benefit after third party deductions have been made1. No deduction should be made if it would leave the claimant with less than 10p.

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

 33920 – 33923

Consent

33924 Unless the claimant consents1, no third party deduction can be made for an integration loan where the total deductions exceed 25% of the family’s applicable amount. Any housing costs included in the applicable amount should not be taken into consideration (see DMG 33322).

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

 33925 – 33927

Priority between debts

33928 The priority order1 listed at DMG 33329 should be followed.

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

 33929 – 33999

Appendix 1

Payments or awards (see DMG 33629 (3.1))

 Payments or awards which can affect whether an absent parent is liable for contributions to maintenance.

**1.** Incapacity Benefit

**2.** Maternity Allowance

**3.** Attendance Allowance

**4.** Severe Disablement Allowance

**5.** Carer’s Allowance

**6.** Disability Living Allowance

**7.** Working Tax Credit

**8.** Statutory Sick Pay

**9.** Statutory Maternity Pay

**10.** Industrial Injuries Death Benefit

**11.** Constant Attendance Allowance

**12.** War Disablement Pension

**13.** Exceptionally Severe Disablement Allowance

**14.** Civilian War Injury Pension

**15.** Severe Disablement Occupational Allowance

**16.** Payments from the Independent Living Fund (see note)

**17.** Personal Independence Payment

**18.** Armed Forces Independence Payment.

 **Note:** The Independent Living Fund (2006) closed on 30.6.15 with some funding responsibilities transferring to local authorities in England, the Welsh Independent Living Grant in Wales and the Independent Living Fund Scotland for Northern Ireland and Scotland. Please contact Decision Making Services for advice if a claimant receives funding from any of these replacements.

Appendix 2

Payments or awards which may affect liability for flat rate maintenance or child maintenance deduction (see DMG 33623 5.1)

 **1.** Bereavement Allowance

 **2.** Carer’s Allowance

 **3.** Incapacity Benefit

 **4.** Industrial Injuries Benefit

 **5.** Income Support

 **6.** income-based or contribution-based Jobseeker’s Allowance

 **7.** Maternity Allowance

 **8.** Retirement Pension - all categories

 **9.** Severe Disablement Allowance

 **10.** Social Security benefits paid by a country other than the UK

 **11.** Training Allowance

 **12.** War Disablement Pension or War Widows Pension (or a similar pension paid by the Government of a country outside GB)

 **13.** Widowed Mother’s Allowance

 **14.** Widowed Parent’s Allowance

 **15.** Widow’s Pension