STATUTORY RULES OF NORTHERN IRELAND

2020 No. 108

SOCIAL SECURITY

The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020

Made - - - -	*18th June 2020*
Laid before Parliament	*24th June 2020*
Coming into operation	*15th July 2020*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 129A(2), 131(1), 132(3) and (4), 132A(3), 133(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 2(2), 6(4), 14(1) and (4) and 36(2)(a) of the Jobseekers (Northern Ireland) Order 1995(**2**), sections 2(3)(b), 15(3) and (6), 17(1) and 19(1) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**3**), sections 4(2), 17(1) and (3), 24(1) and 25(2)(a) of the Welfare Reform Act (Northern Ireland) 2007(**4**) and Articles 5, 13(3)(b), 24(2)(d) and (3), and 48(1) and (2)(a) of, and paragraph 4(1) and (3) of Schedule 1 and paragraph 1(1) of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015(**5**).

These powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015(**6**).

(**1**) 1992 c. 7. section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (2007 c. 2 (N.I.)), section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c.14), section 133(1) is cited for the definition of "prescribed" and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21).

(**2**) S.I. 1995/2705 (N.I. 15). Article 2(2) is cited for the definitions of "prescribed" and "regulations". Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671).

(**3**) 2002 c. 14 (N.I.). Section 17(1) is cited for the definitions of "prescribed" and "regulations".

(**4**) 2007 c. 2 (N.I.). Section 24(1) is cited for the meaning of "prescribed" and "regulations" and section 25(2) was amended by Article 57(2)(b) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. .)).

(**5**) S.I. 2015/2006 (N.I. 1). Article 5 is cited for the meaning of "prescribed".

(**6**) Article 4 was amended by Article 4 of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)). Functions under or for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Jobseekers (Northern Ireland) Order 1995 are vested in the Department for Communities by virtue of Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Income and Capital) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 and come into operation on 15th July 2020.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations (Northern Ireland) 1987

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**8**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the appropriate places insert—

> ""Grenfell Tower payment" means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—
>
> (a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents' Discretionary Fund;
>
> (b) by the Royal Borough of Kensington and Chelsea; or
>
> (c) by a registered charity;";
>
> ""the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;";

(b) in the definition of "qualifying person"—

(i) after "means a person in respect of whom" insert "a Grenfell Tower payment has been made or",

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(3) In regulation 42 (notional income)—

(a) in paragraph (4), for "paragraph (4ZA)" substitute "paragraph (4ZA) or (4ZB)";

(b) in paragraph (4ZA)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) after paragraph (4ZA), insert—

> "(4ZB) Paragraph (4) shall not apply in respect of a payment of income which is a Grenfell Tower payment.".

(4) In regulation 48(10) (income treated as capital)—

(a) after sub-paragraph (a), insert—

> "(ab) which is a Grenfell Tower payment;";

(b) in sub-paragraph (c), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(5) In regulation 51 (notional capital)—

(**7**) 1954 c. 33 (N.I.).

(**8**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 205 and 318, S.R. 1990 Nos. 33 and 297, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233, S.R. 1998 Nos. 81 and 326, S.R. 1999 No. 317, S.R. 2000 Nos. 241 and 242, S.R. 2001 No. 278, S.R. 2003 No. 195, S.R. 2004 Nos. 213 and 389, S.R. 2005 Nos. 536 and 550, S.R. 2007 No. 382, S.R. 2008 No. 428, S.R. 2009 No. 261, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 79, 205 and 219 and S.R. 2018 No. 192.

(a) in paragraph (3), for "paragraph (3A)" substitute "paragraph (3A) or (3B)";

(b) in paragraph (3A)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) after paragraph (3A), insert—

"(3B) Paragraph (3) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.".

(6) In regulation 61(1) (students: interpretation), after the definition of "period of study" insert—

""postgraduate loan" means a loan to a student undertaking a postgraduate master's degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998(**9**);".

(7) In regulation 62(2A) (calculation of grant income),

(a) after "student loan" insert "or a postgraduate loan";

(b) for "such a loan" substitute "a student loan or a postgraduate loan".

(8) In regulation 66A (treatment of student loans)—

(a) at the end of the heading add "and postgraduate loans";

(b) in paragraph (1), after "A student loan" insert "and a postgraduate loan";

(c) in paragraph (3)—

(i) after "a student loan" in both places, insert "or a postgraduate loan",

(ii) in sub-paragraph (b), for "such a loan" substitute "a student loan or a postgraduate loan".

(d) After paragraph (4) insert—

"(4A) Where a student is treated as possessing a postgraduate loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 per cent. of the maximum postgraduate loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.",

(e) in paragraph (5), after "paragraph (4)" insert "or (4A)".

(9) In regulation 67A (further disregard of student's income), for "or student loan" substitute ", student loan or postgraduate loan".

(10) In Schedule 3 (housing costs), in paragraph 18(8)(b)—

(a) at the beginning insert "any Grenfell Tower payment or";

(b) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(11) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 21(2)—

(i) after "sub-paragraph (1) shall not apply where the income in kind" insert "is a Grenfell Tower payment or",

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) in paragraph 39—

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust",

(**9**) 1998 c.30.

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment.",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(12) In Schedule 10 (capital to be disregarded)—

(a) in paragraph 22—

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert "the National Emergencies Trust,",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment or any payment made under the Child Migrants Trust (registered charity number 1171479).",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) in paragraph 29, after "Any payment in kind" insert "which is a Grenfell Tower payment or".

Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**) are amended as follows.

(2) In regulation 1(2) (citation, commencement, interpretation and application)—

(a) in the appropriate places insert—

""Grenfell Tower payment" means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents' Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;";

""the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;";

(b) in the definition of "qualifying person"—

(**10**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1998 Nos. 81 and 326, S.R. 1999 No. 317, S.R. 2000 No. 242, S.R. 2004 Nos. 213 and 389, S.R. 2005 Nos. 536 and 550, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357 and S.R. 2017 Nos. 205 and 219.

(i) after "means a person in respect of whom" insert "a Grenfell Tower payment has been made or", and

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(3) In regulation 105(10A) (notional income)—

(a) in sub-paragraph (a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) after sub-paragraph (a), insert—

"(ab) which is a Grenfell Tower payment;".

(4) In regulation 110(10) (income treated as capital)—

(a) after sub-paragraph (a), insert—

"(ab) which is a Grenfell Tower payment;";

(b) in sub-paragraph (c), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(5) In regulation 113 (notional capital)—

(a) in paragraph (3), for "paragraph (3A)" substitute "paragraph (3A) or (3B)";

(b) in paragraph (3A)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) after paragraph (3A), insert—

"(3B) Paragraph (3) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.".

(6) In regulation 130 (students: interpretation), after the definition of "periods of experience" insert—

""postgraduate loan" means a loan to a student undertaking a postgraduate master's degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;".

(7) In regulation 131(3) (calculation of grant income)—

(a) after "student loan" insert "or a postgraduate loan";

(b) for "such a loan" substitute "a student loan or a postgraduate loan".

(8) In regulation 136 (treatment of student loans)—

(a) at the end of the heading add "and postgraduate loans";

(b) in paragraph (1), after "A student loan" insert "and a postgraduate loan";

(c) in paragraph (3)—

(i) after "a student loan" in both places, insert "or a postgraduate loan", and

(ii) in sub-paragraph (b), for "such a loan" substitute "a student loan or a postgraduate loan";

(d) after paragraph (4) insert—

"(4A) Where a student is treated as possessing a postgraduate loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 per cent. of the maximum postgraduate loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.";

(e) in paragraph (5), after "paragraph (4)" insert "or (4A)".