STATUTORY RULES OF NORTHERN IRELAND

2018 No. 192

SOCIAL SECURITY

The Social Fund and Income-Related Benefits (Miscellaneous Amendments and Savings) Regulations (Northern Ireland) 2018

Made - - - - 19th November 2018

Coming into operation in accordance with regulation 1

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b), 134(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 14(1) and (4)(b) and 36(1) and (3) of the Jobseekers (Northern Ireland) Order 1995(**2**), sections 15(3) and (6)(b) and 19(1) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**3**), and now vested in it(**4**) and section 17(1) and (3)(b) of the Welfare Reform Act (Northern Ireland) 2007(**5**).

Regulations 7 and 8 are made with the consent of the Department of Finance(**6**).

Proposals in respect of these Regulations were not referred to the Social Security Advisory Committee since it appeared to the Department for Communities that by reason of the urgency of the matter it was expedient not to do so(**7**).

PART 1

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund and Income-Related Benefits (Miscellaneous Amendments and Savings) Regulations (Northern Ireland) 2018 and shall come into

(**1**) 1992 c. 7; section 134(1)(a) was amended by Part 7 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) 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)
(**3**) 2002 c. 14 (N.I.)
(**4**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(**5**) 2007 c. 2 (N.I.)
(**6**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481 and section 1(4) of the Departments Act (Northern Ireland) 2016
(**7**) *See* sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

operation immediately after the coming into force of the first Regulations made under section 32 of the Social Security (Scotland) Act 2018(**8**).

(2) In these Regulations, the "2005 Regulations" means the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**9**).

(3) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to an Act of the Assembly.

PART 2

Amendments and saving in relation to Maternity Expenses: Sure Start Maternity Grants

Amendment of the 2005 Regulations

2.—(1) The 2005 Regulations are amended as follows.

(2) In regulation 3A(**11**) (provision against double payment: Sure Start Maternity Grants)—

(a) in paragraph (1)(b), after "Sure Start Maternity Grant", insert "or a Best Start Grant";

(b) for paragraph (1)(c), substitute—

"(c) "subsequent grant" is, in respect of C—

(i) a second or subsequent Sure Start Maternity Grant; or

(ii) if a Best Start Grant has been given, a first Sure Start Maternity Grant;

(d) "Best Start Grant" is a grant given to a qualifying individual under Regulations made under section 32 of the Social Security (Scotland) Act 2018 in connection with having, or expecting to have, a new baby in the family.";

(c) in paragraph (2), for "second" substitute "subsequent";

(d) in paragraph (3), for "second" substitute "subsequent".

(3) In the heading of Part 2, after "expenses" insert "in Northern Ireland".

(4) In regulation 5(**12**) (entitlement), after paragraph (5), add—

"(6) The fifth condition is that the claimant lives in Northern Ireland.".

Saving in relation to the amendment of 2005 Regulations

3.—(1) The amendments made to the 2005 Regulations in regulation 2 are of no effect in relation to a claim for Sure Start Maternity Grant made before the date on which the first Regulations made under section 32 of the Social Security (Scotland) Act 2018 come into force.

(2) In paragraph (1), "Sure Start Maternity Grant" has the meaning given in the 2005 Regulations.

(**8**) 2018 asp 9
(**9**) S.R. 2005 No. 506
(**10**) 1954 c. 33 (N.I.)
(**11**) Regulation 3A was inserted by regulation 2(4) of S.R. 2010 No. 378
(**12**) Regulation 5 was substituted by regulation 2(5) of S.R. 2010 No. 378

PART 3

Amendments in relation to other benefits: disregards

Amendment of the Income Support (General) Regulations

4.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**13**) are amended as follows.

(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 73(**14**) add—

"**74.** Any early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.".

(3) In Schedule 10 (capital to be disregarded) after paragraph 66(**15**) add—

"**67.** Any early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.".

Amendment of the Jobseeker's Allowance Regulations

5.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**16**) are amended as follows.

(2) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 69(**17**) add—

"**70.** Any early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.".

(3) In Schedule 7 (capital to be disregarded) after paragraph 59(**18**) add—

"**60.** Any early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.".

Amendment of the State Pension Credit Regulations

6.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**19**) are amended as follows.

(2) In regulation 15(1) (social security benefits which are not prescribed for the purposes of section 15(1)(e) of the State Pension Credit Act (Northern Ireland) 2002), after sub-paragraph (q) insert—

"(qa) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;".

(3) In Schedule 5 (capital disregarded for the purpose of calculating income) after paragraph 20(2)(p)(**20**) add—

"(q) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.".

(**13**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 2004 No. 143 and S.R. 2017 No. 219
(**14**) Paragraph 73 was omitted by regulation 2(3)(d) of S.R. 2004 No. 143
(**15**) Paragraph 66 was inserted by regulation 2(5) of S.R. 2017 No. 219
(**16**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2004 No. 143 and S.R. 2017 No. 219
(**17**) Paragraph 69 was omitted by regulation 4(3)(c) of S.R. 2004 No. 143
(**18**) Paragraph 59 was added by regulation 3(5) of S.R. 2017 No. 219
(**19**) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2016 No. 236
(**20**) Paragraph 20(2)(p) was inserted by regulation 31(9)(a) of S.R. 2016 No. 236