STATUTORY RULES OF NORTHERN IRELAND

# 2017 No. 242

# HOUSING; RATES; SOCIAL SECURITY

## The Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2017

*Made - - - - 20th December 2017*

*Coming into operation in accordance with Article 1(2)*

The Department for Communities(**1**) makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 123(1)(e), 129A(2), 131(1), 132(3) and (4)(b), 132A(3) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), sections 5(1)(k) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**3**), Article 14(1) and (4)(b) of the Jobseekers (Northern Ireland) Order 1995(**4**), Articles 11(6) and 74(1) of the Social Security (Northern Ireland) Order 1998(**5**), and now vested in it(**6**), and section 59 of, and paragraphs 4(5) and 20(1) of Schedule 7 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**7**), sections 2(3)(b), 12(2) and (3), 15(3) and (6)(b) and 19(1) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**8**), and section 17(1) and (3)(b) of the Welfare Reform Act (Northern Ireland) 2007(**9**).

Regulations 6 and 7 are made with the consent of the Department of Finance(**10**).

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2017.

(2) These Regulations come into operation as follows—

(**1**) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(**2**) 1992 c. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 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 (N.I.)); and section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21)
(**3**) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7)
(**4**) S.I. 1995/2705 (N.I. 15)
(**5**) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002
(**6**) *See* Article 8(b) of S.R. 1999 No. 481
(**7**) 2000 c. 4 (N.I.)
(**8**) 2002 c. 14 (N.I.)
(**9**) 2007 c. 2 (N.I.)
(**10**) *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 (c.5 (N.I.))

(a) the following provisions, on 21st December 2017—

(i) this regulation;

(ii) regulation 2(2) and regulation 2(1) in so far as it relates to that provision;

(iii) regulation 5(3) and regulation 5(1) in so far as it relates to that provision; and

(iv) regulation 7(2) and (6) and regulation 7(1) in so far as it relates to that provision; and

(b) all other provisions on 6th December 2018.

(3) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

### Amendment of the Income Support (General) Regulations

**2.**—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**12**) are amended in accordance with paragraphs (2) and (3).

(2) After paragraph 7 of Schedule 1B(**13**) (prescribed categories of person) insert—

"**Certain persons in receipt of the daily living component of personal independence payment**

**7A.** A person who is in receipt of the daily living component of personal independence payment at the enhanced rate but only where, immediately before receiving that benefit, the person was entitled to and in receipt of income support because he or she was treated as incapable of work under regulation 10(2)(a)(i) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**14**).".

(3) In paragraph 17(c) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after "the age of 65" insert "or, if it was higher at that time, pensionable age".

### Amendment of the Jobseeker's Allowance Regulations

**3.** In paragraph 18(c) of Schedule 6 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**15**) (sums to be disregarded in the calculation of income other than earnings) after "the age of 65" insert "or, if it was higher at that time, pensionable age".

### Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

**4.** Omit regulation 7(17B)(b) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**16**) (date from which superseded decisions take effect).

### Amendment of the State Pension Credit Regulations

**5.**—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**17**) are amended in accordance with paragraphs (2) to (4).

(2) In paragraph 14(7) of Schedule 2 (housing costs: persons residing with the claimant)—

(a) in head (c) omit the words beginning with "during a period of study" to the end; and

(**11**) 1954 c. 33 (N.I.)
(**12**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199, S.R. 2009 No. 418 and S.R. 2010 No. 345
(**13**) Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 1999. Paragraph 7 was amended by regulations 2(1)(b) and 3(2)(e) of S.R. 2009 No. 418 and regulation 2(2)(a) of S.R. 2010 No. 345
(**14**) S.R. 1995 No. 41
(**15**) S.R. 1996 No. 198
(**16**) S.R. 1999 No. 162. Paragraph (17B) was substituted by regulation 2(a) of S.R. 2004 No. 110
(**17**) S.R. 2003 No. 28; relevant amending Regulation is S.R. 2003 No. 191

(b) omit head (cc)(**18**).

(3) In paragraph 1 of Schedule 3 (special groups: polygamous marriages)—

(a) in sub-paragraph 2(1)(b) of the provision that applies instead of section 3(1)—

(i) after "of the Act" insert "has attained pensionable age before 6 April 2016 and", and

(ii) after "age of 65" insert "(before, on or after that date)"; and

(b) after sub-paragraph (7) insert—

"(7A) The following provision shall apply instead of regulation 7A (limitation of savings credit for certain mixed-age couples)—

"**7A.**—(1) This regulation applies if, taking the claimant to be the person in question for the purposes of section 12 (polygamous marriages)—

(a) the case is one to which that section applies; and

(b) at least one of the persons falling within subsection (1)(c) of that section had attained pensionable age before 6 April 2016 and at least one of those persons had not.

(2) Where this regulation applies, the claimant is not entitled to a savings credit unless the claimant—

(a) has been awarded a savings credit with effect from a day before 6 April 2016 and was entitled to a savings credit immediately before that date; and

(b) remained entitled to a savings credit at all times since the beginning of 6 April 2016.".".

(4) In paragraph 10(b) of Schedule 4 (amounts to be disregarded in the calculation of income other than earnings) after "the age of 65" insert "or, if it was higher at that time, pensionable age".

**Amendment of the Housing Benefit Regulations**

**6.** In regulation 72(7)(e) of the Housing Benefit Regulations (Northern Ireland) 2006(**19**) (non-dependant deductions) for "the age of 65" substitute "pensionable age".

**Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations**

**7.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**20**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 29(11)(ba)(**21**) (treatment of childcare charges) for the words beginning with "claimant's" and ending with "would be" substitute "other member of the couple would be a member of the support group or".

(3) In regulation 52 (continuing payments where state pension credit claimed)—

(a) in paragraph (1)(c)(i)(**22**) omit the words beginning with "or, if" and ending with "65"; and

(**18**) Head (cc) was inserted by regulation 23(7)(c) of S.R. 2003 No. 191
(**19**) S.R. 2006 No. 405
(**20**) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2008 No. 378, S.R. 2016 No. 236 and S.R. 2017 No. 51
(**21**) Sub-paragraph (ba) was inserted by regulation 4(6)(c)(i) of S.R. 2008 No. 378 and amended by regulation 35(4) of S.R. 2016 No. 236 and paragraph 7(3) of Schedule 1 to S.R. 2017 No. 51
(**22**) Paragraph (1)(c)(i) was amended by regulation 4(8)(a) of S.R. 2008 No. 378