STATUTORY RULES OF NORTHERN IRELAND

2017 No. 205

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Emergency Funds) (Amendment) Regulations (Northern Ireland) 2017

Made - - - -	*27th September 2017*
Coming into operation	*27th September 2017*

The Department for Communities(**1**) makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 129A(2), 132(3) and (4), 132A(3), 134(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), Articles 14(1) and (4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**3**), and now vested in it(**4**), and sections 2(3)(b) and 15(6)(b) of the State Pension Credit Act (Northern Ireland) 2002(**5**), and sections 17(1) and (3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**6**).

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Emergency Funds) (Amendment) Regulations (Northern Ireland) 2017 and come into operation on 27th September 2017.

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

(**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.)); section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21)
(**3**) S.I. 1995/2705 (N.I. 15); Article 36(2)(a) 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)
(**4**) *See* Article 8(b) of S.R. 1999 No. 481
(**5**) 2002 c. 14 (N.I.)
(**6**) 2007 c. 2 (N.I.)
(**7**) *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.))

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**8**) are amended in accordance with paragraphs (2) and (3).

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

(a) after the definition of "the London Bombings Relief Charitable Fund"(**9**) insert—

> ""the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017;";

(b) in the definition of "qualifying person"(**10**) after "the Caxton Foundation" insert ", the London Emergencies Trust, the We Love Manchester Emergency Fund"; and

(c) after the definition of "water charges"(**11**) insert—

> ""the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017;".

(3) In each of the following provisions, after "the Caxton Foundation" insert ", the London Emergencies Trust, the We Love Manchester Emergency Fund"—

(a) regulation 42(4ZA)(a)(**12**) (notional income);

(b) regulation 48(10)(c)(**13**) (income treated as capital);

(c) regulation 51(3A)(a)(**14**) (notional capital);

(d) paragraph 18(8)(b)(**15**) of Schedule 3 (housing costs);

(e) paragraphs 21(2)(**16**) and 39(1)(**17**) and (7)(**18**) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings); and

(f) paragraph 22(1)(**19**) and (7)(**20**) of Schedule 10 (capital to be disregarded).

(**8**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 Nos.146, 205 and 431, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233, S.R. 1998 No. 326, S.R. 2004 Nos. 213 and 389, S.R. 2005 No. 550, S.R. 2007 No. 196, S.R. 2008 No. 428, S.R. 2010 No. 69 and S.R. 2011 No. 357

(**9**) The definition of "the London Bombings Relief Charitable Fund" was inserted by regulation 2(2)(a) of S.R. 2005 No. 550

(**10**) The definition of "qualifying person" was inserted by regulation 5(2)(b) of S.R. 1992 No. 201 and amended by regulation 2(a) of S.R. 2004 No. 213, regulation 2(2)(b) of S.R. 2005 No. 550, regulation 2(3)(a) of S.R. 2010 No. 69 and regulation 7(2)(b) of S.R. 2011 No. 357

(**11**) The definition of "water charges" was inserted by regulation 2(2) of S.R. 2007 No. 196

(**12**) Paragraph (4ZA) was inserted by regulation 2(2)(b) of S.R. 1998 No. 326. Sub-paragraph (a) was amended by regulation 2(3)(b) and (7)(a) of S.R. 2010 No. 69 and regulation 7(5)(a) of S.R. 2011 No. 357

(**13**) Paragraph (10) was added by regulation 10(b) of S.R. 1988 No. 431. Sub-paragraph (c) was amended by regulation 2(5)(b) of S.R. 2008 No. 428, regulation 2(3)(c) and (7)(b) of S.R. 2010 No. 69 and regulation 7(5)(b) of S.R. 2011 No. 357

(**14**) Paragraph (3A) was inserted by regulation 3(2)(b) of S.R. 1998 No. 326. Sub-paragraph (a) was amended by regulation 2(2)(b) of S.R. 2004 No. 389, regulation 2(3) of S.R. 2005 No. 550, regulation 2(5)(c) of S.R. 2008 No. 428, regulation 2(3)(d) and (7)(c) of S.R. 2010 No. 69 and regulation 7(6)(a) of S.R. 2011 No. 357

(**15**) Sub-paragraph (8)(b) was amended by regulation 2(5)(e) of S.R. 2008 No. 428, regulation 2(3)(e) and (7)(d) of S.R. 2010 No. 69 and regulation 7(5)(c) of S.R. 2011 No. 357

(**16**) Paragraph 21 was substituted by regulation 36(d) of S.R. 1988 No. 146 and sub-paragraph (2) was amended by regulation 5(d) of S.R. 1988 No. 205, regulation 4(3)(e) of S.R. 1990 No. 33, regulation 4(7)(a) of S.R. 1991 No. 204, regulation 2(5)(f) of S.R. 2008 No. 428, regulation 2(3)(f) of S.R. 2010 No. 69 and regulation 7(5)(d) of S.R. 2011 No. 357

(**17**) Paragraph 39(1) was substituted by regulation 4(7)(b) of S.R. 1991 No. 204 and amended by regulation 5(7)(b)(i) of S.R. 1992 No. 201, regulation 5(3)(f) of S.R. 1993 No. 195, regulation 5(4)(b)(i) of S.R. 1993 No. 233, regulation 2(5)(f) of S.R. 2008 No. 428, regulation 2(3)(f) and (7)(e) of S.R. 2010 No. 69 and regulation 7(5)(d) of S.R. 2011 No. 357

(**18**) Sub-paragraph (7) was added by regulation 5(7)(b)(vi) of S.R. 1992 No. 201 and amended by regulation 2(3) and (4) of S.R. 2004 No. 389, regulation 2(4) of S.R. 2005 No. 550 and regulation 2(3)(f) and (7)(e) of S.R. 2010 No. 69 and regulation 7(6)(b) of S.R. 2011 No. 357

(**19**) Paragraph 22 was substituted by regulation 4(8)(a) of S.R. 1991 No. 204. Sub-paragraph (1) was amended by regulation 5(8)(a)(i) of S.R. 1992 No. 201, regulation 5(5)(a) of S.R. 1993 No. 233, and regulation 3(1), (2)(b), (3) and (4)(b) of S.R. 2004 No. 213

(**20**) Sub-paragraph (7) was added by regulation 5(8)(a)(vi) of S.R. 1992 No. 201 and amended by regulation 3(4)(b) of S.R. 2004 No. 213, regulation 2(5)(a)(ii) of S.R. 2005 No. 550, regulation 2(3)(g) of S.R. 2010 No. 69 and regulation 7(6)(c) of S.R. 2011 No. 357

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**21**) are amended in accordance with paragraphs (2) and (3).

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

(a) after the definition of "the London Bombings Relief Charitable Fund"(**22**) insert—

> ""the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017;";

(b) in the definition of "qualifying person"(**23**) after "the Caxton Foundation" insert ", the London Emergencies Trust, the We Love Manchester Emergency Fund"; and

(c) after the definition of "water charges"(**24**) insert—

> ""the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017;".

(3) In each of the following provisions, after "the Caxton Foundation" insert ", the London Emergencies Trust, the We Love Manchester Emergency Fund"—

(a) regulation 105(10A)(a)(**25**) notional income);

(b) regulation 110(10)(c)(**26**) (income treated as capital);

(c) regulation 113(3A)(a)(**27**) (notional capital);

(d) paragraph 17(8)(b)(**28**) of Schedule 2 (housing costs);

(e) paragraphs 22(2)(**29**) and 41(1)(**30**) and (7)(**31**) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings); and

(f) paragraph 27(1)(**32**) of Schedule 7 (capital to be disregarded).

Amendment of the State Pension Credit Regulations

4.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**33**) are amended in accordance with paragraphs (2) and (3).

(**21**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1998 No. 326, S.R. 2004 Nos. 213 and 389, S.R. 2005 No. 550, S.R. 2007 No. 196, S.R. 2008 No. 428, S.R. 2010 No. 69 and S.R. 2011 No. 357

(**22**) The definition of "the London Bombings Relief Charitable Fund" was inserted by regulation 4(2)(a) of S.R. 2005 No. 550

(**23**) The definition of "qualifying person" was amended by regulation 2(a) of S.R. 2004 No. 213, regulation 4(2)(b) of S.R. 2005 No. 550, regulation 4(3)(a) of S.R. 2010 No. 69 and regulation 10(2)(b) of S.R. 2011 No. 357

(**24**) The definition of "water charges" was inserted by regulation 4(2) of S.R. 2007 No. 196

(**25**) Paragraph (10A) was inserted by regulation 2(1)(b) of S.R. 1998 No. 326. Sub-paragraph (a) was amended by regulation 4(5)(a) of S.R. 2008 No. 428, regulation 4(3)(b) and (8)(a) of S.R. 2010 No. 69, and regulation 10(7)(a) of S.R. 2011 No. 357

(**26**) Sub-paragraph (c) was amended by regulation 4(5)(b) of S.R. 2008 No. 428, regulation 4(3)(c) and (8)(b) of S.R. 2010 No. 69 and regulation 10(7)(b) of S.R. 2011 No. 357

(**27**) Paragraph (3A) was inserted by regulation 3(1)(b) of S.R. 1998 No. 326. Sub-paragraph (a) was amended by regulation 2(1) and (2)(c) of S.R. 2004 No. 389, regulation 4(3) of S.R. 2005 No. 550, regulation 4(5)(c) of S.R. 2008 No. 428, regulation 4(3)(c) and (8)(b) of S.R. 2010 No. 69, regulation 10(7)(b) of S.R. 2011 No. 357

(**28**) Head (b) was amended by regulation 4(5)(e) of S.R. 2008 No. 428, regulation 4(3)(e) and (8)(d) of S.R. 2010 No. 69 and regulation 10(7)(c) of S.R. 2011 No. 357

(**29**) Paragraph (2) was amended by regulation 4(5)(f) of S.R. 2008 No. 428, regulation 4(3)(f) of S.R. 2010 No. 69 and regulation 10(7)(d) of S.R. 2011 No. 357

(**30**) Sub-paragraph (1) was amended by regulation 4(5)(f) of S.R. 2008 No. 428, regulation 4(8)(e) of S.R. 2010 No. 69 and regulation 10(7)(d) of S.R. 2011 No. 357

(**31**) Paragraph (7) was added by regulation 2(5) of S.R. 2004 No. 389 and amended by regulation 4(4) of S.R. 2005 No. 550, regulation 4(12)(b) of S.R. 2010 No. 69 and regulation 10(8)(b) of S.R. 2011 No. 357

(**32**) Paragraph 27(1) was amended by regulation 3(5) and 6(b) of S.R. 2004 No. 213, regulation 4(5)(a) of S.R. 2005 No. 550, regulation 4(5)(g) of S.R. 2008 No. 428, regulation 4(3)(g) and (8)(f) of S.R. 2004 No. 213, and regulation 10(8)(c) of S.R. 2011 No. 357

(**33**) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2004 No. 213, S.R. 2005 No. 550, S.R. 2007 No. 196, S.R. 2008 No. 428, S.R. 2010 No. 69 and S.R. 2011 No. 357

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

(a) after the definition of "the London Bombings Relief Charitable Fund"(**34**) insert—

> ""the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017;";

(b) in the definition of "qualifying person"(**35**) after "the Caxton Foundation" insert ", the London Emergencies Trust, the We Love Manchester Emergency Fund"; and

(c) after the definition of "water charges"(**36**) add—

> ""the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017;".

(3) In both of the following provisions, after "the Caxton Foundation" insert ", the London Emergencies Trust, the We Love Manchester Emergency Fund"—

(a) paragraph 14(8)(b)(**37**) of Schedule 2 (housing costs); and

(b) paragraph 15(1)(**38**) and (7)(**39**) of Schedule 5 (income from capital).

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations

5. In regulation 10 of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**40**) (deductions from an award of a funeral payment)—

(a) in paragraph (2)(**41**)—

(i) at the end of sub-paragraph (i)(**42**) omit "or", and

(ii) after sub-paragraph (j)(**43**) add—

"(k) the London Emergencies Trust, or

(l) the We Love Manchester Emergency Fund;"; and

(b) in paragraph (3)(**44**) after "the London Bombings Relief Charitable Fund" insert ", the London Emergencies Trust, the We Love Manchester Emergency Fund".

Amendment of the Housing Benefit Regulations

6.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**45**) are amended in accordance with paragraphs (2) and (3).

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

(**34**) The definition of "the London Bombings Relief Charitable Fund" was inserted by regulation 6(2)(a) of S.R. 2005 No. 550

(**35**) The definition of "qualifying person" was amended by regulation 2(a) of S.R. 2004 No. 213, regulation 6(2)(b) of S.R. 2005 No. 550, regulation 6(3)(a) of S.R. 2010 No. 69 and regulation 14(2)(b) of S.R. 2011 No. 357

(**36**) The definition of "water charges" was added by regulation 6(2) of S.R. 2007 No. 196

(**37**) Sub-paragraph (8)(b) was amended by regulation 5(3)(c) of S.R. 2008 No. 428, regulation 6(3)(b) of S.R. 2010 No. 69 and regulation 14(5) of S.R. 2011 No. 357

(**38**) Sub-paragraph (1) was amended by regulation 3(1) and 2(c) of S.R. 2004 No. 213, regulation 6(3)(a)(i) of S.R. 2005 No. 550, regulation 5(4) of S.R. 2008 No. 428, regulation 6(3)(c) and (7) of S.R. 2010 No. 69 and regulation 14(6)(a) of S.R. 2011 No. 357

(**39**) Sub-paragraph (7) was amended by regulation 3(3) and 4(c) of S.R. 2004 No. 213, regulation 6(3)(a)(ii) of S.R. 2005 No. 550, regulation 6(3)(c) and (7) of S.R. 2010 No. 69 and regulation 14(6)(a) of S.R. 2011 No. 357

(**40**) S.R. 2005 No. 506; relevant amending Regulations are S.R. 2005 No. 550, S.R. 2010 No. 69 and S.R. 2011 No. 357

(**41**) Paragraph (2) was amended by regulation 7(a) of S.R. 2005 No. 550, regulation 7(a) of S.R. 2010 No. 69 and regulation 18(a) of S.R. 2011 No. 357

(**42**) Sub-paragraph (i) was added by regulation 3(7)(a)(ii) of S.R. 2010 No. 69

(**43**) Sub-paragraph (j) was added by regulation 18(a)(ii) of S.R. 2011 No. 357

(**44**) Paragraph (3) was amended by regulation 7(b) of S.R. 2005 No. 550, regulation 7(b) of S.R. 2010 No. 69 and regulation 18(b) of S.R. 2011 No. 357

(**45**) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2007 No. 196, S.R. 2008 No. 428, S.R. 2010 No. 69 and S.R. 2011 No. 357