STATUTORY RULES OF NORTHERN IRELAND

2015 No. 34

SOCIAL SECURITY
HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2015

Made - - - -	*3rd February 2015*
Coming into operation	*23rd February 2015*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 35(3), 35B(11), 132(3) and (4), 132A, 134(2) and (4) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 158C and 189(4) of the Social Security Administration (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**), sections 15(3) and (6) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**5**) and section 25(2)(a) of the Welfare Reform Act (Northern Ireland) 2007(**6**).

Regulation 6 is made with the consent of the Department of Finance and Personnel(**7**).

The Social Security Advisory Committee has agreed that proposals in respect of regulation 6 should not be referred to it(**8**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2015 and shall come into operation on 23rd February 2015.

(**1**) 1992 c. 7; section 35(3) was amended by regulation 2(3) of, and section 35B was inserted respectively by regulation 2(5) of S.R. 2014 No. 102, 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)

(**2**) 1992 c. 8; section 158C was inserted by paragraph 6 of Schedule 1 to the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I 1997/1182 (N.I 11)) and amended by paragraph 34 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**3**) S.I. 1995/2705; Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

(**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)); *seealso* Article 6(b) of S.R. 1999 No. 481

(**8**) S*ee* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(2) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Service User amendments

2.—(1) This regulation applies to the following provisions—

(a) regulation 2(1B) (interpretation) of the Income Support (General) Regulations (Northern Ireland) 1987(**10**);

(b) regulation 1(2G) (citation, commencement and interpretation) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**11**);

(c) regulation 1(3A) (citation, commencement and interpretation) of the State Pension Credit Regulations (Northern Ireland) 2003(**12**);

(d) regulation 2(4A) (interpretation) of the Housing Benefit Regulations (Northern Ireland) 2006(**13**);

(e) regulation 2(5A) (interpretation) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**14**); and

(f) regulation 2(8) (interpretation) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(**15**).

(2) Each of the provisions specified in paragraph (1) (which define when a claimant is participating as a service user) are amended as follows—

(a) after sub-paragraph (a) insert—

"(ab) a person who is being consulted by or on behalf of—

(i) the Department in relation to any of the Department's functions in the field of social security or child support or under section 1 of the Employment and Training Act (Northern Ireland) 1950(**16**) (general functions of the Department as to employment and training for employment), or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,

in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or"; and

(b) in sub-paragraph (b) for "sub-paragraph (a)" substitute "sub-paragraphs (a) or (ab)".

Amendment of the Social Security (Maternity Allowance) Regulations

3. In regulation 2 of the Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987(**17**) (disqualification for the receipt of a maternity allowance) omit paragraphs (5) and (6).

(**9**) 1954 c.33 (N.I.)
(**10**) S.R. 1987 No. 459; regulation 2(1B) was inserted by regulation 2(2)(b) of S.R. 2014 No. 105
(**11**) S.R. 1996 No. 198; regulation 1(2G) was inserted by regulation 4(2)(b) of S.R. 2014 No. 105
(**12**) S.R. 2003 No. 28; regulation 1(3A) was inserted by regulation 5(2)(b) of S.R. 2014 No. 105
(**13**) S.R. 2006 No. 405; regulation 2(4A) was inserted by regulation 6(2)(b) of S.R. 2014 No. 105
(**14**) S.R. 2006 No. 406; regulation 2(4A) was inserted by regulation 7(2)(b) of S.R. 2014 No. 105
(**15**) S.R. 2008 No. 280; regulation 2(8) was added by regulation 11(2)(b) of S.R. 2013 No. 246
(**16**) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))
(**17**) S.R. 1987 No. 170; regulation 2 was substituted by regulation 2(3) of S.R. 2014 No. 140

Amendment of the Social Fund Winter Fuel Payment Regulations

4.—(1) The Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(**18**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (citation, commencement and interpretation) omit the definition of the "Income Support Regulations".

(3) In regulation 2(4)(**19**) (social fund winter fuel payments) for "(2)(a)(ii)" substitute "(1)(a)(ii)".

(4) In regulation 3(1)(a)(**20**) (persons not entitled to a social fund winter fuel payment)—

(a) at the end of head (ii) omit "or"; and

(b) after head (iii) insert—

"(iv) in residential care and is a person to whom state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance has been, or falls to be, paid in respect of the qualifying week; or".

Amendment of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations

5. In regulation 9 of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations (Northern Ireland) 2001(**21**) (application for allocation of national insurance number)—

(a) in paragraph (1) for "paragraph (2)" substitute "paragraphs (2) and (2A)"; and

(b) after paragraph (2) insert—

"(2A) The provisions of paragraph (1) shall not apply to a person in respect of whom the Department or the Commissioners of Her Majesty's Revenue and Customs are notified that a biometric immigration document is to be issued pursuant to regulation 13 of the Immigration (Biometric Registration) Regulations 2008(**22**).".

Amendment of the Housing Benefit Regulations

6. At the end of regulation 56(4) of the Housing Benefit Regulations (Northern Ireland) 2006(**23**) (calculation of grant income) add "or paid under Article 44(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(**24**)".

(**18**) S.R. 2000 No. 91; relevant amending Regulations are S.R. 2012 No. 121, S.R. 2003 Nos. 349 and 389, S.R. 2004 No. 354, S.R. 2008 No. 286, S.R. 2010 No. 103 and S.R. 2013 No. 191

(**19**) Regulation 2 was substituted by regulation 2 of S.R. 2003 No. 349 and amended by regulation 2 of S.R. 2003 No. 389, regulation 2(3) of S.R. 2004 No. 354, regulation 24(3) of S.R. 2008 No. 286, regulation 6(3) of S.R. 2010 No. 103 and regulation 2(2) of S.R. 2013 No. 191

(**20**) Regulation 3(1) was amended by regulation 6(4) of S.R. 2010 No. 103 and regulation 16 of S.R. 2012 No. 121

(**21**) S.R. 2001 No. 102

(**22**) S.I. 2008/3048 as amended by S.I. 2009/819 and S.I. 2012/594

(**23**) S.R. 2006 No. 405

(**24**) S.I. 1972/1265 (N.I. 14)