STATUTORY RULES OF NORTHERN IRELAND

2014 No. 133

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2014

Made - - - -	*8th May 2014*
Coming into operation	*31st May 2014*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 131(1) and (2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 6(5) and (12) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**) and sections 115(3), (4) and (8) of the Immigration and Asylum Act 1999(**3**), and now vested in it(**4**), sections 1(5)(a) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**5**) and sections 4(3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**6**).

Regulations 5 and 6 are made with the consent of the Department of Finance and Personnel(**7**).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 5 and 6 should not be referred to it(**8**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 31st May 2014.

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

(**1**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) 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 (S.I. 1999/671)
(**3**) 1999 c. 33
(**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
(**9**) 1954 c.33 (N.I.)

Amendment of the Income Support Regulations

2. In regulation 21AA(4) of the Income Support (General) Regulations (Northern Ireland) 1987(**10**) (special cases: supplemental – persons from abroad) for sub-paragraphs (a) to (f) substitute —

"(za) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006(**11**) as a worker or a self-employed person;

(zb) a family member of a person referred to in sub-paragraph (za) within the meaning of regulation 7(1)(a), (b) or (c) of those Regulations;

(zc) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of those Regulations;".

Amendment of the Jobseeker's Allowance Regulations

3. In regulation 85A(4) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**12**) (special cases: supplemental – persons from abroad) for sub-paragraphs (a) to (f) substitute—

"(za) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006 as a worker or a self-employed person;

(zb) a family member of a person referred to in sub-paragraph (za) within the meaning of regulation 7(1)(a), (b) or (c) of those Regulations;

(zc) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of those Regulations;".

Amendment of the State Pension Credit Regulations

4. In regulation 2(4) of the State Pension Credit Regulations (Northern Ireland) 2003(**13**) (persons not in Northern Ireland) for sub-paragraphs (a) to (f) substitute—

"(za) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006 as a worker or a self-employed person;

(zb) a family member of a person referred to in sub-paragraph (za) within the meaning of regulation 7(1)(a), (b) or (c) of those Regulations;

(zc) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of those Regulations;".

Amendment of the Housing Benefit Regulations

5. In regulation 10(5) of the Housing Benefit Regulations (Northern Ireland) 2006(**14**) (persons from abroad) for sub-paragraphs (a) to (f) substitute—

"(za) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006 as a worker or a self-employed person;

(zb) a family member of a person referred to in sub-paragraph (za) within the meaning of regulation 7(1)(a), (b) or (c) of those Regulations;

(**10**) S.R. 1987 No. 459; regulation 21AA was inserted by regulation 2(3) of S.R. 2006 No. 178 and paragraph (4)(f) was substituted by regulation 2 of S.R. 2013 No. 167
(**11**) S.I. 2006/1003; regulation 6 was amended by paragraph 3 of Schedule 1 to S.I. 2013 No. 3032
(**12**) S.R. 1996 No. 198; regulation 85A was inserted by regulation 4(3) of S.R. 2006 No. 178 and paragraph (4)(f) was substituted by regulation 3 of S.R. 2013 No. 167
(**13**) S.R. 2003 No. 28; regulation 2 was substituted by regulation 5 of S.R. 2006 No. 178 and paragraph (4)(f) was substituted by regulation 4 of S.R. 2013 No. 167
(**14**) S.R. 2006 No. 405; paragraph (5)(f) of regulation 10 was substituted by regulation 5 of S.R. 2013 No. 167