STATUTORY RULES OF NORTHERN IRELAND

2013 No. 246

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2013

Made - - - -	*17th October 2013*
Coming into operation	*29th October 2013*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 22(5), 95(1), 122(1)(a),123(1)(d) and (e), 131(1) and (2), 132(3) and (4) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1], sections 5(1)(a) and (q), 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992 [F2], Articles 6(5) and (12) and 36(2) of the Jobseekers (Northern Ireland) Order 1995 [F3], Articles 11(3) and (6) and 74(1), (3) and (4) of the Social Security (Northern Ireland) Order 1998 [F4], and now vested in it [F5], sections 1(5)(a), 15(6)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002 [F6] and sections 2(1), 4(2), 8, 9, 17(1) and (3), 24(1), (2) and (3), 25(2) and 28(2) of, and paragraphs 4(1), 6(3) and (8) of Schedule 1 and paragraphs 1, 9 and 10 of Schedule 2 to, the Welfare Reform Act (Northern Ireland) 2007 [F7].

Regulations 9 and 10 are made with the consent of the Department of Finance and Personnel [F8].

The Social Security Advisory Committee has agreed that proposals in respect of regulations 9 and 10 should not be referred to it [F9].

Annotations:

F1 1992 c. 7
;
section 22(5)
was amended by paragraph 5 of Schedule 2 to the
Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))
,
section 171(1)
was amended paragraph 5 of Schedule to the
Tax Credits Act 2002 (c. 21)
and paragraph 3(3)(b) of Schedule 3 to the
Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))

F2 !992 c. 8;
section 165(6)
was amended by paragraphs 109(c), (d) and (e) of Schedule 7 to the

Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
.

F3 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)

F4 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

F5 *See* Article 8(b) of S.R.
1999 No. 481

F6 2002 c. 14 (N.I.)

F7 2007 c. 2 (N.I.)

F8 *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

F9 S*ee* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2013 and shall come into operation on 29th October 2013.

(2) The Interpretation Act (Northern Ireland) 1954 [F10] shall apply to these Regulations as it applies to an Act of the Assembly.

Annotations:

F10 1954 c.33 (N.I.)

Amendment of the Social Security (Credits) Regulations

2. Omit regulation 8A(4) of the Social Security (Credits) Regulations (Northern Ireland) 1975 [F11] (credits for unemployment).

Annotations:

F11 S.R.
1975 No. 113
. Regulation 8A was inserted by regulation 2(6) of S.R.
1996 No. 430

Amendment of the Income Support Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987 [F12] are amended in accordance with paragraphs (2) to (5).

(2) In regulation 4ZA [F13] (prescribed category of person) omit paragraph (3)(a) [F14].

(3) In regulation 13(2) [F15] (circumstances in which persons in relevant education are to be entitled to income support) omit sub-paragraph (bc) [F16].

(4) In regulation 21AA(4) [F17] (special cases: supplemental—persons from abroad)—

(a) for sub-paragraph (h) [F18] substitute—

"(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 [F19] where that leave is—

(i) discretionary leave to enter or remain in the United Kingdom;

(ii) leave to remain under the Destitution Domestic Violence concession [F20], or

(iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 [F21];";

(b) at the end of sub-paragraph (hh) add " or "; and

(c) omit sub-paragraphs (j) and (k) [F22].

(5) Omit regulation 22B [F23] (period for which applicable amount is to be calculated where person not excluded from income support under section 115 of the Immigration and Asylum Act).

Annotations:

F12 S.R. 1987 No. 459 ; relevant amending Regulations are S.R. 1989 No. 249 , S.R. 1991 No. 338 , S.R. 1996 No. 199 , S.R. 2000 No. 71 , S.R. 2006 Nos. 128, 178 and 379, S.R. 2008 No. 112 , S.R. 2009 Nos. 68 and 418 and S.R. 2010 No. 6

F13 Regulation 4ZA was inserted by regulation 4 of S.R. 1996 No. 199

F14 Paragraph 3(a) was amended by regulation 5(3) of S.R. 2000 No. 71

F15 Regulation 13(2) was amended by regulation 4 of S.R. 1989 No. 249 , **regulation 6(a)** of S.R. 1991 No. 338 , **regulation 2(4)(a)** of S.R.

2008 No. 112
and regulation 2(1)(a) of S.R.
2009 No. 418

F16 Sub-paragraph (bc) was substituted by regulation 2(3)(b) of S.R.
2006 No. 128

F17 Regulation 21AA
was inserted by regulation 2(3) of S.R.
2006 No. 178

F18 Sub-paragraph (h) was substituted by regulation 2 of S.R.
2006 No. 379

F19 1991 c. 77

F20 The Destitution Domestic Violence concession is published by the Home Office at: http://www.ukba.homeoffice.gov.uk/

F21 S.I. 2005/1379

F22 Sub-paragraph (k) was added by regulation 2(b) of S.R.
2009 No. 68

F23 Regulation 22B
was inserted by regulation 3(2)(c) of S.R.
2010 No. 6

Amendment of the Social Security (Claims and Payments) Regulations

4.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 [F24] are amended in accordance with paragraphs (2) and (3)

(2) In regulation 5 (amendment and withdrawal of claim) for paragraph (1) [F25] substitute—

"(1) A person who has made a claim for benefit may amend it at any time before a determination has been made on the claim by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Department or in such other manner as the Department may decide or accept.

(1A) Any claim amended in accordance with paragraph (1) may be treated as if it had been so amended in the first instance.".

(3) In paragraph 4 (miscellaneous accommodation costs) of Schedule 8A [F26] (deductions from benefits and direct payment to third parties)—

(a) in sub-paragraph (1) [F27] for head (b) substitute—

"(b) in the case of state pension credit, is made to a person residing in—

(i) a nursing home or residential care home as defined in regulation 1(2) of the State Pension Credit Regulations,

(ii) an independent hospital as defined in regulation 1(2) of those Regulations,

(iii) an establishment run by the Abbeyfield Society (including all bodies corporate or incorporate which are affiliated to the Society), or

(iv) accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 [F28].";

(b) in sub-paragraph (2)(a) [F29] for "regulation 15(7)(c) of the State Pension Credit Regulations" substitute " sub-paragraph (1)(b)(ii) ".

Annotations:

F24 S.R.

1987 No. 465
; relevant amending Rules are S.R.
1988 No. 67
, S.R.
1989 No. 398
, S.R.
1993 No. 149
, S.R.
1996 No. 354
, S.R.
1999 No. 472
(C. 36), S.R.
2002 No. 132
, S.R. 2005 Nos. 14 and 458, S.R.
2008 No. 286
and S.R.
2009 No. 240

F25 Paragraph (1) was amended by regulation 2(3) of S.R.
2005 No. 14
and regulation 2(5) of S.R.
2009 No. 240

F26 Schedule 8A
was inserted by regulation 2(3) of S.R.
1988 No. 67
and paragraph 4 was substituted by paragraph 2(2) of Schedule 1 to S.R.
1993 No. 149

F27 Sub-paragraph (1) was amended by regulation 8(a)(ii) of S.R.
1989 No. 398
,
paragraph 2(2)
of Schedule 1 to, S.R.
1993 No. 149
,
regulation 2(26)(d)
of S.R.
1996 No. 354
,
Article 9(2)
of S.R.
1999 No. 472
and regulation 3(3)(a) and (b) of S.R.
2002 No. 132

F28 S.I. 1972/1265 (N.I. 14)

F29 Sub-paragraph (2)(a) was substituted by regulation 5(3)(b)(ii) of S.R.
2005 No. 458
and amended by regulation 13(18)(2)(ii)(aa) and (bb) of S.R.
2008 No. 286

Amendment of the Jobseeker's Allowance Regulations

5. In regulation 85A(4) (special cases: supplemental – persons from abroad) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 [F30] for sub-paragraph (h) substitute—