STATUTORY RULES OF NORTHERN IRELAND

2010 No. 345

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 6) Regulations (Northern Ireland) 2010

Made - - - - 7th October 2010

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 123(1)(e), 132(3) and (4)(b), and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 2A(1), (3)(e), (4)(b) and (5), 13A(2)(a) and (4), and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Articles 14(1) and (4)(b), and 36(2) of, and paragraph 8A(1) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**3**), and now vested in it(**4**), and sections 17(1) and (3)(a) and (b), 25(1) and (2)(a) and 28(2) of the Welfare Reform Act (Northern Ireland) 2007(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 6) Regulations (Northern Ireland) 2010 and, subject to paragraph (2), shall come into operation on 1st November 2010.

(2) Regulations 2(3), 3 and 4(5), so far as they relate to a particular beneficiary come in to operation on the first day of the first benefit week to commence for that beneficiary on or after 1st November 2010.

(3) In this regulation "benefit week" has the same meaning as in—

(**1**) 1992 c. 7; section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and amended by Schedule 3 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N. I)), section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**2**) 1992 c. 8; section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by section 29(2)(a) and (b) and (4) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N. I)); section 13A was inserted by paragraph 1 of the Schedule to the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I. 1992/1309 (N. I. 9)) and subsection 2(a) was amended by paragraph 9(b) of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 and 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)

(**3**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 8A of Schedule 1 was inserted by paragraph 16(2) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

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

(**5**) 2007 c. 2 (N.I.)

(a) regulation 2(1)(**6**) of the Income Support (General) Regulations (Northern Ireland) 1987(**7**);

(b) regulation 1(2)(**8**) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**9**); and

(c) regulation 2(1) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(**10**).

(4) 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 are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1B(**12**) (prescribed categories of person)—

(a) in paragraph 7(c)(**13**) for "that Act" substitute "the Contributions and Benefits Act"; and

(b) in paragraph 14(b)(**14**) omit "7 weeks after the date on which her pregnancy ends where the expected week of confinement begins prior to 6th April 2003 or" and "where the expected week of confinement begins on or after 6th April 2003".

(3) In paragraph 5B of Schedule 9(**15**) (sums to be disregarded in the calculation of income other than earnings), after sub-paragraph (2) add—

"(3) Any increase in respect of a dependent child or dependent young person under section 80 or 90 of the Contributions and Benefits Act(**16**) (increases for dependants) where—

(a) the claimant has a child or young person who is a member of the claimant's family for the purposes of the claimant's claim for income support; and

(b) the claimant, or that claimant's partner, has been awarded a child tax credit .".

Amendment of the Social Security (Claims and Payments) Regulations

3. In paragraph 1 of Schedule 8B of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**17**) (deductions of mortgage interest from benefit and payment to qualifying lenders) in the definition of "relevant benefits"(**18**)—

(a) after paragraph (b) insert—

(**6**) The definition of "benefit week" was amended by regulation 2(a) of S.R. 1988 No. 318
(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1996 No. 199, S.R. 2002 No. 332, S.R. 2003 No. 195 and S.R. 2009 No. 418
(**8**) The definition of "benefit week" was substituted by regulation 3 of S.R. 2009 No. 107
(**9**) S.R. 1996 No. 198; relevant Regulations are S.R. 2000 No. 350, S.R. 2003 No. 195 and S.R. 2009 No. 107
(**10**) S.R. 2008 No. 280; relevant amending Regulation is S.R. 2008 No. 338
(**11**) 1954 c. 33 (N.I.)
(**12**) Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 199
(**13**) Paragraph 7 was amended by regulation 2(1)(b) and (2) of S.R. 2009 No. 418
(**14**) Sub-paragraph (b) was amended by regulation 2 of S.R. 2002 No. 332
(**15**) Paragraph 5B was inserted by paragraph 23(b) of Schedule 1 to S.R. 2003 No. 195
(**16**) Sections 80 and 90 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 are repealed by section 1(3)(e) of the Tax Credits Act 2002, section 80 was repealed by Schedule 6 to that Act; *See also* Article 2 of S.R. 2003 No. 212 which saves the repealed provisions in certain circumstances; section 80(4) was amended by Article 8 of S.R. 2010 No. 118; *See also* section 30(1) and (2) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13)
(**17**) S.R. 1987 No. 465; Schedule 8B was inserted by regulation 5 of S.R. 1992 No. 271; relevant amending Regulations are S.R. 1992 No. 271, S.R. 1996 Nos. 354 and 622, S.R. 2003 No. 191 and S.R. 2008 No. 286
(**18**) The definition of "relevant benefits" was substituted by regulation 2(27)(a)(ii) of S.R. 1996 No. 354 and amended by regulation 16(2)(b) of S.R. 1996 No. 622, regulation 14(2)(b) of S.R. 2003 No. 191 and regulation 13(19)(a) of S.R. 2008 No. 286

"(ba) contribution-based jobseeker's allowance where—

(i) both income-based jobseeker's allowance and contribution-based jobseeker's allowance are in payment, and

(ii) the income-based jobseeker's allowance alone is insufficient for the purposes of this Schedule;";

(b) omit "and" after paragraph (c); and

(c) after paragraph (d) insert—

"(e) contributory employment and support allowance where—

(i) both income-related employment and support allowance and contributory employment and support allowance are in payment, and

(ii) the income-related employment and support allowance alone is insufficient for the purposes of this Schedule,".

Amendment of the Jobseeker's Allowance Regulations

4.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996 are amended in accordance with paragraphs (2) and (5).

(2) Subject to paragraph (3), in Schedule A1(**19**) (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order),—

(a) the following provisions are revoked—

(i) paragraph 6(a) and (b) (member incapable of work);

(ii) paragraph 9 (disabled students);

(iii) paragraph 10 (deaf students), and

(iv) paragraph 11 (blind members);

(b) for the heading preceding paragraph 6 substitute "Member treated as capable of work, or member entitled to statutory sick pay"; and

(c) in paragraph 6(c) for "that Act" substitute "the Benefits Act".

(3) A provision revoked or amended by paragraph (2) continues to have effect in relation to a joint-claim couple as if that revocation or amendment had not been made where, immediately before 1st November 2010—

(a) the couple were entitled to a jobseeker's allowance; and

(b) that provision applied to a member of that couple.

(4) Paragraph (3) ceases to apply to a joint-claim couple upon termination of the jobseeker's allowance award to which they were entitled to immediately before 1st November 2010.

(5) In paragraph 6B of Schedule 6(**20**) (sums to be disregarded in the calculation of income other than earnings), after sub-paragraph (2) add—

"(3) Any increase in respect of a dependent child or dependent young person under section 80 or 90 of the Benefits Act where—

(a) the claimant has a child or young person who is a member of the claimant's family for the purposes of the claimant's claim for income-based jobseeker's allowance; and

(b) the claimant, or that claimant's partner, has been awarded a child tax credit.".

(**19**) Schedule A1 was inserted by Schedule 1 to S.R. 2000 No. 350
(**20**) Paragraph 6B was inserted by paragraph 23(b) of Schedule 2 to S.R. 2003 No. 195