STATUTORY RULES OF NORTHERN IRELAND

2010 No. 8

HOUSING; RATES

The Housing Benefit (War Pension Disregards Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*20th January 2010*
Coming into operation	*26th January 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 132(4)(b) and 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

The Regulations are made with the consent of the Department of Finance and Personnel(**3**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**4**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (War Pension Disregards Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 26th January 2010.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Housing Benefit Regulations

2. In paragraph 15 of Schedule 6 to the Housing Benefit Regulations (Northern Ireland) 2006(**6**) (sums to be disregarded in the calculation of income other than earnings) after sub-paragraph (b) insert—

(**1**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) *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
(**4**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 2006 No. 405; paragraph 15 of Schedule 6 was amended by regulation 5(5)(a) of S.R. 2008 No. 498 and regulation 6(6)(b) of S.R. 2009 No. 338

"(ba) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under—

(i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865(**7**);

(ii) the Army Pensions Warrant 1977(**8**);

(iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917(**9**);

(iv) any order or regulations made under section 4 of the Reserve Forces Act 1996(**10**), or

(v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv);

(bb) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under any power of Her Majesty otherwise than under any statutory provision to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

(bc) a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under—

(i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865;

(ii) the Army Pensions Warrant 1977;

(iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917;

(iv) any order or regulations made under section 4 of the Reserve Forces Act 1996, or

(v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv);".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

3. In paragraph 1 of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**11**) (amounts to be disregarded in the calculation of income other than earnings) after sub-paragraph (b) insert—

"(ba) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under—

(i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865;

(ii) the Army Pensions Warrant 1977;

(iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917;

(iv) any order or regulations made under section 4 of the Reserve Forces Act 1996, or

(**7**) 1865 c. 73; section 3 was amended by section 4 of the Armed Forces (Pension and Compensation) Act 2004 (c. 32) and paragraph 2 of Schedule 16 to the Armed Forces Act 2006 (c. 52)
(**8**) Army Code No. 13045 published by TSO
(**9**) 1917 c. 51; section 2 was amended by paragraph 13 of Schedule 16 to the Armed Forces Act 2006
(**10**) 1996 c. 14; section 4 was amended by paragraph 26 of Schedule 14 to the Armed Forces Act 2006
(**11**) S.R. 2006 No. 406; paragraph 1 of Schedule 6 was amended by regulation 6(6)(a) of S.R. 2008 No. 498 and regulation 7(5) of S.R. 2009 No. 338