STATUTORY RULES OF NORTHERN IRELAND

2009 No. 262

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Deemed Income from Capital) Regulations (Northern Ireland) 2009

Made - - - -	*7th July 2009*
Coming into operation	*2nd November 2009*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 132(2) and (4) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), and sections 15(2) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**3**).

Regulation 3 is made with the consent of the Department of Finance and Personnel(**4**).

The Social Security Advisory Committee has agreed that proposals in respect of regulation 3 should not be referred to it(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Deemed Income from Capital) Regulations (Northern Ireland) 2009 and shall come into operation on 2nd November 2009.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the State Pension Credit Regulations

2. In regulation 15 of the State Pension Credit Regulations (Northern Ireland) 2003(**7**) (income for the purposes of the Act)—

(a) for paragraph (6) substitute—

(**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**) 2002 c. 14 (N.I.)
(**4**) *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
(**5**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2005 No. 458

"(6) For the purposes of section 15(2) of the Act (deemed income from capital) and subject to regulation 17(8) (capital to be disregarded), a claimant's capital shall be deemed to yield a weekly income of—

(a) £1 for each £500 in excess of £10,000; and

(b) £1 for any excess which is not a complete £500."; and

(b) omit paragraphs (7)(**8**) and (8).

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

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**9**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 27 (meaning of "income")—

(a) for paragraph (2) substitute—

"(2) For the purposes of these Regulations and subject to regulation 42(2), a claimant's capital shall be treated as if it were a weekly income of—

(a) £1 for each £500 in excess of £10,000; and

(b) £1 for any excess which is not a complete £500."; and

(b) omit paragraphs (6) and (7).

(3) For paragraph 25 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) substitute—

"**25.** Where the total value of any capital specified in Part II of Schedule 7 does not exceed £10,000, any income actually derived from such capital.".

Revocation

4. Paragraph 4 of Schedule 4 to the Social Security (Residential Care Homes, Nursing Homes and Independent Hospitals) Regulations (Northern Ireland) 2005(**10**) (Amendment of the State Pension Credit Regulations) is revoked.

Sealed with the Official Seal of the Department for Social Development on 7th July 2009

Anne McCleary
A senior officer of the Department for Social Development

(**8**) Paragraph 7 was amended by paragraph 4 of Schedule 4 to, S.R. 2005 No. 458
(**9**) S.R. 2006 No. 406; to which there are amendments not relevant to these Regulations
(**10**) S.R. 2005 No. 458