STATUTORY RULES OF NORTHERN IRELAND

2009 No. 90

HOUSING; RATES; SOCIAL SECURITY

The Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009

Made - - - -	*10th March 2009*
Coming into operation	*6th April 2009*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 1(1C)(a) and (c) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 9 and 10 should not be referred to it(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009 and shall come into operation on 6th April 2009.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Invalid Care Allowance) Regulations

2. In regulation 2A of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(**5**) (disapplication of section 1(1A) of the Administration Act), at the end of paragraph (c) add—

"(d) to an adult dependant who—

(i) is a person in respect of whom a claim for an increase of carer's allowance is made,

(**1**) 1992 c. 8; section 1(1C) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)). 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)

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

(**3**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(**4**) 1954 c. 33 (N.I.)

(**5**) S.R. 1976 No. 99; regulation 2A was inserted by regulation 3 of S.R. 1997 No. 483 and amended by paragraph 1(b) of the Schedule to S.R. 2002 No. 323 and regulation 2(1) of S.R. 2003 No. 213

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999(**6**), and

(iii) has not previously been allocated a national insurance number.".

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations

3. In regulation 1A of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**7**) (disapplication of section 1(1A) of the Administration Act for the purposes of retirement pension), at the end of paragraph (b) add—

"(c) to an adult dependant who—

(i) is a person in respect of whom a claim for an increase of retirement pension is made;

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and

(iii) has not previously been allocated a national insurance number.".

Amendment of the Social Security (Maternity Allowance) Regulations

4. For regulation 1A of the Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987(**8**) (disapplication of section 1(1A) of the Administration Act), substitute—

"**1A.** Section 1(1A) of the Administration Act (requirement to state national insurance number) shall not apply to an adult dependant who—

(a) is a person in respect of whom a claim for an increase of maternity allowance is made;

(b) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and

(c) has not previously been allocated a national insurance number.".

Amendment of the Income Support (General) Regulations

5. In regulation 2A of the Income Support (General) Regulations (Northern Ireland) 1987(**9**) (disapplication of section 1(1A) of the Administration Act), at the end of paragraph (b) add—

"(c) to a person who—

(i) is a person in respect of whom a claim for income support is made,

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act,

(iii) is not entitled to income support for the purposes of section 123 of the Contributions and Benefits Act(**10**), and

(iv) has not previously been allocated a national insurance number.".

(**6**) 1999 c. 33

(**7**) S.R. 1979 No. 243; regulation 1A was inserted by regulation 4(2) of S.R. 1997 No. 483 and amended by regulation 2(4)(a) of S.R. 2003 No. 213

(**8**) S.R. 1987 No. 170; regulation 1A was inserted by regulation 6 of S.R. 1997 No. 483

(**9**) S.R. 1987 No. 459; regulation 2A was inserted by regulation 7 of S.R. 1997 No. 483 and amended by paragraph 1 of Schedule 1 to S.R. 2003 No. 195

(**10**) 1992 c. 7; section 123 was amended by paragraph 13 of Schedule 2 and Schedule 3 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), paragraph 2 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), paragraph 96 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and paragraph 3(9) and (10) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))

Amendment of the Social Security (Incapacity Benefit) Regulations

6. In regulation 1A of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**11**) (disapplication of section 1(1A) of the Administration Act), at the end of paragraph (b) add—

"(c) to an adult dependant who—

(i) is a person in respect of whom a claim for an increase of incapacity benefit is made;

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999, and

(iii) has not previously been allocated a national insurance number.".

Amendment of the Jobseeker's Allowance Regulations

7. In regulation 2A of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**12**) (disapplication of section 1(1A) of the Administration Act), at the end of paragraph (b) add—

"(c) to a person who—

(i) is a person in respect of whom a claim for jobseeker's allowance is made;

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;

(iii) is not entitled to a jobseeker's allowance for the purposes of Article 3 of the Order(**13**), and

(iv) has not previously been allocated a national insurance number.".

Amendment of the State Pension Credit Regulations

8. After regulation 1 of the State Pension Credit Regulations (Northern Ireland) 2003(**14**) (citation, commencement and interpretation), insert—

"**Disapplication of section 1(1A) of the Administration Act**

1A. Section 1(1A) of the Administration Act (requirement to state national insurance number) shall not apply to a person who—

(a) is a person in respect of whom a claim for state pension credit is made;

(b) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999;

(c) does not satisfy the conditions of entitlement to state pension credit specified in section 1(2) of the Act, and

(d) has not previously been allocated a national insurance number.".

(**11**) S.R. 1994 No. 461; regulation 1A was inserted by regulation 13 of S.R. 1997 No. 483 and amended by regulation 2(8) of S.R. 2003 No. 213

(**12**) S.R. 1996 No. 198; regulation 2A was inserted by regulation 14 of S.R. 1997 No. 483 and amended by paragraph 1 of Schedule 2 to S.R. 2003 No. 195

(**13**) Article 3 was amended by paragraph 3 of Schedule 7 and Part V of Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and paragraph 131 of Schedule 24 to the Civil Partnership Act 2004

(**14**) S.R. 2003 No. 28