STATUTORY RULES OF NORTHERN IRELAND

2009 No. 68

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*25th February 2009*
Coming into operation	*18th March 2009*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 131(1) and (2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 6(5) and (12) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), sections 1(5)(a) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**4**) and sections 4(3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**5**).

Regulations 5 and 6 are made with the consent of the Department of Finance and Personnel(**6**).

It appears to the Department for Social Development that by reason of the urgency of the matter it is inexpedient to refer proposals in respect of these Regulations to the Social Security Advisory Committee(**7**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 18th March 2009.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7; section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)); section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) S.I. 1995/2705 (N.I. 15); Article 36(2)(a) 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)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 2002 c. 14 (N.I.)
(**5**) 2007 c. 2 (N.I.)
(**6**) *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
(**7**) *See* sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**8**) 1954 c. 33 (N.I.)

Amendment of the Income Support (General) Regulations

2. In regulation 21AA(4) of the Income Support (General) Regulations (Northern Ireland) 1987(**9**) (special cases: supplemental – persons from abroad)—

(a) at the end of sub-paragraph (i) omit "or";

(b) at the end of sub-paragraph (j) add "; or" and the following sub-paragraph—

"(k) a person who—

(i) arrived in Great Britain on or after 28th February 2009 but before 18th March 2011;

(ii) immediately before arriving there had been resident in Zimbabwe; and

(iii) before leaving Zimbabwe had accepted an offer, made by Her Majesty's Government, to assist that person to move to and settle in the United Kingdom.".

Amendment of the Jobseeker's Allowance Regulations

3. In regulation 85A(4) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**) (special cases: supplemental – persons from abroad)—

(a) at the end of sub-paragraph (i) omit "or";

(b) at the end of sub-paragraph (j) add "; or" and the following sub-paragraph—

"(k) a person who—

(i) arrived in Great Britain on or after 28th February 2009 but before 18th March 2011;

(ii) immediately before arriving there had been resident in Zimbabwe; and

(iii) before leaving Zimbabwe had accepted an offer, made by the Her Majesty's Government, to assist that person to move to and settle in the United Kingdom.".

Amendment of the State Pension Credit Regulations

4. In regulation 2(4) of the State Pension Credit Regulations (Northern Ireland) 2003(**11**) (persons not in Northern Ireland)—

(a) at the end of sub-paragraph (i) omit "or";

(b) at the end of sub-paragraph (j) add "; or" and the following sub-paragraph—

"(k) a person who—

(i) arrived in Great Britain on or after 28th February 2009 but before 18th March 2011;

(ii) immediately before arriving there had been resident in Zimbabwe; and

(iii) before leaving Zimbabwe had accepted an offer, made by Her Majesty's Government, to assist that person to move to and settle in the United Kingdom.".

(**9**) S.R. 1987 No. 459; regulation 21AA was inserted by regulation 2(3) of S.R. 2006 No. 178 and amended by regulation 2 of S.R. 2006 No. 379 and regulation 2 of S.R. 2006 No. 523

(**10**) S.R. 1996 No. 198; regulation 85A was inserted by regulation 4(3) of S.R. 2006 No. 178 and amended by regulation 4 of S.R. 2006 No. 379 and regulation 3 of S.R. 2006 No. 523

(**11**) S.R. 2003 No. 28; regulation 2 was substituted by regulation 5 of S.R. 2006 No. 178 and amended by regulation 5 of S.R. 2006 No. 379 and regulation 4 of S.R. 2006 No. 523