STATUTORY RULES OF NORTHERN IRELAND

2008 No. 497

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Child Benefit Disregard) Regulations (Northern Ireland) 2008

Made - - - - 11th December 2008

Coming into operation 5th January 2009

The Department for Social Development makes the following Regulations in exercise of powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and Articles 14(1), (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**).

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

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

Citation, commencement, effect and interpretation

1.—(1) These Regulations may be cited as the Social Security (Child Benefit Disregard) Regulations (Northern Ireland) 2008 and shall come into operation on 5th January 2009.

(2) Subject to paragraph (3) regulations 2 to 4 cease to have effect and are revoked on 6th April 2009; and on and after that date the Income Support Regulations, the Jobseeker's Allowance Regulations and the Housing Benefit Regulations shall have effect as if regulations 2 to 4 had not been made.

(3) Regulation 4 ceases to have effect and is revoked on 1st April 2009 in relation to a claimant whose eligible rent falls to be calculated in accordance with regulation 78(2)(b) or (c) of the Housing Benefit Regulations (calculation of weekly income); and on and after that date the Housing Benefit Regulations shall have effect in relation to such a claimant as if regulation 4 had not been made.

(4) In these Regulations—

(**1**) 1992 c. 7; 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) 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**) *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

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006(**6**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**7**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**8**).

(5) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2. In Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 5B(**10**) insert—

"**5C.**—(1) £1.20 in relation to each week in which child benefit is payable to the claimant at the enhanced rate in respect of a child or qualifying young person for whom the claimant is treated as responsible.

(2) 65 pence in relation to each week in which child benefit is payable to the claimant other than at the enhanced rate in respect of a child or qualifying young person for whom the claimant is treated as responsible (and if there is more than one, 65 pence in relation to each such child or young person).

(3) This paragraph does not apply to a claimant in relation to whom regulation 2 of, and Schedule 1 to, the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003(**11**) has effect.

(4) In sub-paragraphs (1) and (2)—

"claimant" includes a partner of the claimant;

"child" and "qualifying young person" have the meanings given in section 138(**12**) of the Contributions and Benefits Act;

"treated as responsible" is to be construed in accordance with section 139(**13**) of the Contributions and Benefits Act;

"the enhanced rate" has the meaning given in regulation 2(1)(a) of the Child Benefit (Rates) Regulations 2006(**14**).".

Amendment of the Jobseeker's Allowance Regulations

3. In Schedule 6 to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 6B(**15**) insert—

"**6C.**—(1) £1.20 in relation to each week in which child benefit is payable to the claimant at the enhanced rate in respect of a child or qualifying young person for whom the claimant is treated as responsible.

(**6**) S.R. 2006 No. 405 to which there are amendments not relevant to these Regulations
(**7**) S.R. 1987 No. 459; as amended by S.R. 2003 No. 195
(**8**) S.R. 1996 No. 198; as amended by S.R. 2003 No. 195
(**9**) 1954 c. 33 (N.I.)
(**10**) Paragraph 5B was inserted by paragraph 23(b) of Schedule 1 to S.R. 2003 No. 195
(**11**) S.R. 2003 No. 195
(**12**) Section 138 was substituted by section 2(2) of the Child Benefit Act 2005 c. 6
(**13**) Section 139 was amended by paragraph 35 of Schedule 1 to the Child Benefit Act 2005
(**14**) S.I. 2006/965; regulation 2 was amended by S.I. 2008/797
(**15**) Paragraph 6B was inserted by paragraph 23(b) of Schedule 2 to S.R. 2003 No. 195