STATUTORY RULES OF NORTHERN IRELAND

2008 No. 290

SOCIAL SECURITY

The Social Security (Students Responsible for Children or Young Persons) (Amendment) Regulations (Northern Ireland) 2008

Made - - - -	*8th July 2008*
Coming into operation	*9th July 2008*

Approved by resolution of the Assembly on 14th October 2008

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 123(1)(d) and (e) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 8(4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**) and now vested in it(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Students Responsible for Children or Young Persons) (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on the day after the day on which they are made.

(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 Income Support (General) Regulations

2. In regulation 4ZA(**5**) (prescribed categories of person) of the Income Support (General) Regulations (Northern Ireland) 1987(**6**), for paragraph (3)(c)(**7**) substitute—

"(c) any other paragraph of Schedule 1B applies to him and—

(i) in the case of a person with a partner, the partner is also a full-time student and either he or his partner is treated as responsible for a child or young person, or

(**1**) 1992 c. 7; section 123(1)(d) was substituted by paragraph 13(4) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 and the word "and" was repealed by Schedule 3 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax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)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 1954 c. 33 (N.I.)
(**5**) Regulation 4ZA was inserted by regulation 4 of S.R. 1996 No. 199
(**6**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199 and S.R. 2000 Nos. 71 and 241
(**7**) Regulation 4ZA(3) was amended by regulation 5(3) of S.R. 2000 No. 71 and regulation 3(5) and the Schedule to, S.R. 2000 No. 241

(ii) in any other case, he is treated as responsible for a child or young person,

but this provision applies only for the period of the summer vacation appropriate to his course.".

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**8**) are amended in accordance with paragraphs (2) to (5).

(2) The existing provisions of regulation 15(**9**) (circumstances in which a person is not to be regarded as available) become paragraph (1) of that regulation.

(3) For the provision that becomes regulation 15(1)(a) substitute—

"(a) subject to paragraph (2), if he is a full-time student during the period of study;".

(4) After the provisions that become regulation 15(1) add—

"(2) Notwithstanding paragraph (1)(a), a full-time student shall be regarded as available for employment during the period of the summer vacation appropriate to his course, but only if the first and second conditions are satisfied.

(3) The first condition is satisfied if—

(a) in the case of a student with a partner, the partner is also a full-time student and either of them is treated as responsible for a child or a young person, or

(b) in any other case, the student is treated as responsible for a child or young person.

(4) The second condition is satisfied if the student is—

(a) available for employment in accordance with this Chapter, or

(b) treated as available for employment in accordance with regulation 14(1)(a) or (ja)(**10**).".

(5) In regulations 14(1)(**11**) (circumstances in which a person is to be treated as available) and 17A(1)(**12**) (further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course), and in paragraph 13(8)(b) of Schedule 2 (housing costs), for "15(a)", in each place where it occurs, substitute "15(1)(a)".

(**8**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358, S.R. 1997 No. 138, S.R. 1998 No. 198, S.R. 1999 Nos. 107 and 468, S.R. 2001 No. 56, S.R. 2002 No. 388, S.R. 2004 No. 308, S.R. 2006 Nos. 234 and 359 and S.R. 2008 No. 112

(**9**) Regulation 15 was amended by regulation 3 of S.R. 1997 No. 138, regulation 2(4) of S.R. 2002 No. 388 and regulation 4(4) of S.R. 2008 No. 112

(**10**) Regulation 14(1)(ja) was inserted by regulation 2(2) of S.R. 1999 No. 107 and amended by regulation 4(3) of S.R. 2008 No. 112

(**11**) Regulation 14(1) was amended by regulation 5(2)(b) of S.R. 1996 No. 358, regulation 2(2) and (3) of S.R. 1997 No. 138, regulation 2(2) of S.R. 1999 No. 107, regulation 2 of S.R. 1999 No. 468, regulation 2(2) of S.R. 2001 No. 56, regulation 3(2) of S.R. 2004 No. 308, regulation 3(3)(a) and (b) of S.R. 2006 No. 234, regulation 13(3)(a) of S.R. 2006 No. 359 and regulation 4(3) of S.R. 2008 No. 112

(**12**) Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198