STATUTORY RULES OF NORTHERN IRELAND

2008 No. 179

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2008

Made - - - - 18th April 2008

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 131(1), 132(3) and (4)(a) and (b), 133(2)(f), (h) and (i) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 11(6) and 74(1) and (3) of the Social Security (Northern Ireland) Order 1998(**2**) and now vested in it(**3**).

Regulations 3 and 4 are made with the consent of the Department of Finance and Personnel(**4**).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 3 and 4 should not be referred to it(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2008 and, subject to paragraph (2), shall come into operation on 19th May 2008.

(2) Regulation 3(10)(c) shall come into operation on 27th October 2008.

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

(**1**) 1992 c. 7; section 129(2) was amended by Article 8(2) of the Housing Support Services (Northern Ireland) Order 2002 (S.I. 2002/3154 (N.I. 8)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002
(**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 (c. 8)
(**6**) 1954 c. 33 (N.I.)

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

2. In regulation 7 of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**7**) (date from which a decision superseded under Article 11 takes effect)—

(a) in paragraph (2)—

(i) in sub-paragraph (bc)(**8**) for "subject to sub-paragraph (bd)," substitute "subject to paragraph (2A),", and

(ii) omit sub-paragraph (bd)(**9**); and

(b) after paragraph (2) insert—

"(2A) Paragraph (2)(bc) shall only apply to the disabled person whose benefit is affected by the cessation of payment of carer's allowance.".

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**10**) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 7(8)(c)(ii)(**11**) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) omit "9, 10, 11,".

(3) In regulation 25(11) (treatment of child care charges)—

(a) for sub-paragraph (a) substitute—

"(a) the claimant's applicable amount includes a disability premium on account of the other member's incapacity;"; and

(b) in sub-paragraph (b) omit "or a higher pensioner premium".

(4) In regulation 39(**12**) (notional income) omit paragraphs (3) to (5).

(5) In regulation 50(1) (students: interpretation)—

(a) for the definition of "sandwich course" substitute—

""sandwich course" has the meaning prescribed in regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007(**13**), regulation 2(9) of the Education (Student Support) Regulations 2008(**14**) or regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007(**15**), as the case may be;"; and

(b) in the definition of "student loan" for "Students' Allowances (Scotland) Regulations 1999" substitute "Students' Allowances (Scotland) Regulations 2007(**16**)".

(6) In regulation 53(2) (full-time students to be treated as not liable to make payments in respect of a dwelling)—

(a) in sub-paragraph (c) omit "pensioner premium for persons under 75 or, as the case may be, persons 75 or over, higher pensioner premium,"; and

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(**7**) S.R. 1999 No. 162; relevant amending Regulations are S.R. 2006 No. 365 and S.R. 2007 No. 392
(**8**) Sub-paragraph (bc) was inserted by regulation 3(2) of S.R. 2006 No. 365 and amended by regulation 3(4)(a) of S.R. 2007 No. 392
(**9**) Sub-paragraph (bd) was inserted by regulation 3(4)(b) of S.R. 2007 No. 392
(**10**) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2007 Nos. 306 and 396 and S.R. 2008 No. 92
(**11**) Paragraph (8) was amended by regulation 9(3) of S.R. 2007 No. 396
(**12**) Paragraphs (3) and (3A) were substituted for paragraph (3) by regulation 5(4)(b), and paragraphs (4) and (5) were respectively amended by regulation 5(4)(c) and (d), of S.R. 2007 No. 306
(**13**) S.R. 2007 No. 195
(**14**) S.I. 2008/529
(**15**) S.S.I. 2007/154
(**16**) S.S.I. 2007/153

(b) in sub-paragraph (i)—

(i) for head (ii) substitute—

"(ii) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 2007 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority Bursaries (Scotland) Regulations 2007(**17**), in respect of expenses incurred;", and

(ii) for head (iv) substitute—

"(iv) a grant has been made under regulation 39 of the Education (Student Support) Regulations (Northern Ireland) 2007 or under regulation 37 of the Education (Student Support) Regulations 2008, or".

(7) In regulation 60(2) (other amounts to be disregarded) for "Students' Allowances (Scotland) Regulations 1999" substitute "Students' Allowances (Scotland) Regulations 2007".

(8) In Schedule 4 (applicable amounts)—

(a) in paragraph 3(4)(e) omit "9, 10, 11 or";

(b) for paragraph 6 substitute—

"**6.** The following premiums, namely—

(a) a severe disability premium to which paragraph 14 applies;

(b) an enhanced disability premium to which paragraph 15 applies;

(c) a disabled child premium to which paragraph 16 applies; and

(d) a carer premium to which paragraph 17 applies,

may be applicable in addition to any other premium which may apply under this Schedule.";

(c) omit paragraphs 9, 10 and 11;

(d) in paragraph 13—

(i) in the heading for "higher pensioner and disability premiums" substitute "disability premium";

(ii) in sub-paragraph (1) for "paragraphs 11 and" substitute "paragraph";

(iii) in sub-paragraph (3) omit "the higher pensioner premium or";

(iv) omit sub-paragraph (4), and

(v) in sub-paragraph (8) for "within the meaning of paragraph 11(5)" substitute "(a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**18**) applies, and who again becomes incapable of work for the purposes of Part XIIA of the Act(**19**))"; and

(e) in paragraph 20(**20**) omit sub-paragraphs (2), (3) and (4).

(9) In Schedule 5 (sums to be disregarded in the calculation of earnings)—

(a) in paragraph 3—

(i) for sub-paragraph (3)(a) substitute—

(**17**) S.S.I. 2007/149

(**18**) S.R. 1995 No. 41; regulation 13A was inserted by regulation 4(2) of S.R. 1998 No. 324 and amended by regulation 2(6) of S.R. 2000 No. 4 and regulation 2(2) of S.R. 2006 No. 150

(**19**) Part XIIA was inserted by Articles 7 and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(**20**) The amounts in sub-paragraphs (2), (3) and (4) were amended by Schedule 7 to S.R. 2008 No. 92