STATUTORY RULES OF NORTHERN IRELAND

2007 No. 196

HOUSING; RATES; SOCIAL SECURITY
FAMILY LAW
CHILD SUPPORT

The Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2007

Made - - - -	*23rd March 2007*
Coming into operation	*2nd April 2007*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 28J(5) and 47 of, and paragraphs 8 and 9(d) of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**1**), sections 122(1)(a) and (d), 129(2), 132(3) and (4)(a) to (c), 132A(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), Articles 14(2) and (4)(a) to (c) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**3**), and now vested in it(**4**), and sections 15(6)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**5**).

Regulations 7, 8 and 9 are made with the consent of the Department of Finance and Personnel(**6**).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 7, 8 and 9 should not be referred to it(**7**).

(**1**) S.I. 1991/2628 (N.I. 23); Article 47 was amended by paragraph 31 of Schedule 6 to the Social Security (Northern Ireland Order) 1998 (S.I. 1998/1506 (N.I. 10)) and is amended by section 1(2) of, and paragraph 27 of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); paragraphs 8 and 9 of Schedule 1 were amended by paragraph 32 of Schedule 6 to the Social Security (Northern Ireland) Order 1998

(**2**) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c.14 (N.I.)); section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**3**) 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

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

(**5**) 2002 c. 14 (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* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2007 and shall come into operation on 2nd April 2007.

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

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**9**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation) after the definition of "war widower's pension"(**10**) insert—

> ""water charges" means any water and sewerage charges under Chapter I of Part VII of the Water and Sewerage Services (Northern Ireland) Order 2006(**11**) in so far as such charges are in respect of the dwelling which a person occupies as his home;".

(3) In regulation 42(4)(a) (notional income) at the end of head (ii)(**12**) add ", or is used for any water charges for which that claimant or partner is liable".

(4) In regulation 51(3)(a) (notional capital) at the end of head (ii)(**13**) add ", or is used for any water charges for which that claimant or partner is liable".

(5) In regulation 66B(3)(**14**) (treatment of payments from access funds) for "shall be disregarded as income to the extent of £20 per week" substitute "and any payments from access funds which are used for any water charges for which that claimant or partner is liable shall be disregarded as income to the extent of £20 per week".

(6) In regulation 68(3)(**15**) (income treated as capital) for "shall be disregarded as capital but only for a period of 52 weeks from the date of the payment" substitute "or which is used for an item other than any water charges for which that claimant or partner is liable shall be disregarded as capital but only for a period of 52 weeks from the date of the payment".

(7) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 13(**16**) at the end of sub-paragraph (2) add "or any water charges for which the claimant or member is liable";

(b) in paragraph 22—

(i) in sub-paragraph (2)(b)(**17**) after "rates" insert "or water charges", and

(ii) after sub-paragraph (2) insert—

(**8**) 1954 c. 33 (N.I.)

(**9**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 Nos. 146 and 318, S.R. 1989 No. 139, S.R. 1993 No. 120, S.R. 1994 No. 77, S.R. 1999 No. 342, S.R. 2000 No. 242, S.R. 2002 Nos. 128 and 132, S.R. 2003 No. 195, S.R. 2004 No. 143, S.R. 2005 No. 536 and S.R. 2007 No. 154

(**10**) The definition of "war widower's pension" was inserted by regulation 2(2) of S.R. 2002 No. 128 and amended by Article 2(3) of, and paragraph 12(2)(c) of Schedule 3 to, S.R. 2005 No. 536

(**11**) S.I. 2006/3336 (N.I. 21)

(**12**) Head (ii) was amended by regulation 4(4)(a) of S.R. 1994 No. 77 and regulation 2 of, and paragraph 10(e)(iv) of Schedule 1 to, S.R. 2003 No. 195 (except in a case where regulation 1(3) of those Regulations applies)

(**13**) Head (ii) was amended by regulation 10 of, and paragraph 7 of Schedule 1 to, S.R. 1989 No. 139, regulation 2(1) of, and paragraph 8 of Part I of the Schedule to, S.R. 2002 No. 132 and regulation 2 of, and paragraph 13(a)(iv) of Schedule 1 to, S.R. 2003 No. 195 (except in a case where regulation 1(3) of those Regulations applies)

(**14**) Regulation 66B was inserted by regulation 2(5) of S.R. 2000 No. 242 and amended by regulation 2(1) of, and paragraph 9 of Part I of the Schedule to, S.R. 2002 No. 132, regulation 2 of, and paragraph 17 of Schedule 1 to, S.R. 2003 No. 195 (except in a case where regulation 1(3) of those Regulations applies) and regulation 2(5) of S.R. 2007 No. 154

(**15**) Regulation 68(3) was added by regulation 2(6) of S.R. 2000 No. 242 and amended by regulation 2(1) of, and paragraph 10 of Part I of the Schedule to, S.R. 2002 No. 132, regulation 2 of, and paragraph 17 of Schedule 1 to, S.R. 2003 No. 195 (except in a case where regulation 1(3) of those Regulations applies) and regulation 2(6) of S.R. 2007 No. 154

(**16**) Paragraph 13 was substituted by regulation 2(3)(a) of S.R. 2004 No. 143

(**17**) Sub-paragraph (2) was substituted by regulation 36(e)(ii) of S.R. 1988 No. 146 and regulation 24(a)(ii) of S.R. 1988 No. 318 and regulation 4(7)(a) of S.R. 1993 No. 120

"(2A) The definition of "water charges" in regulation 2(1) shall apply to sub-paragraph (2) with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".."; and

(c) in paragraph 67(**18**) at the end of sub-paragraph (2) add ", or any water charges for which the claimant or member is liable".

(8) In Schedule 10 (capital to be disregarded) in paragraph 54(**19**) at the end of sub-paragraph (2) add "or any water charges for which the claimant or member is liable".

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations

3.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(**20**) shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M) after paragraph 23(b) add—

"(c) water charges payable in respect of that property.".

(3) In Schedule 3 (eligible housing costs)—

(a) in paragraph 6—

(i) after sub-paragraph (b) insert—

"(ba) water charges, and where the amount of such charges is not separately identified, such part of the charges in question as is attributable to those services;", and

(ii) in sub-paragraph (c)(**21**) for "and (b)" substitute "to (ba)"; and

(b) in paragraph 7 after the definition of "close relative"(**22**) add—

""water charges" means any water and sewerage charges under Chapter I of Part VII of the Water and Sewerage Services (Northern Ireland) Order 2006 in so far as such charges are in respect of the dwelling which a person occupies as his home.".

Amendment of the Jobseeker's Allowance Regulations

4.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**23**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (interpretation) after the definition of "war widower's pension"(**24**) insert—

""water charges" means any water and sewerage charges under Chapter I of Part VII of the Water and Sewerage Services (Northern Ireland) Order 2006 in so far as such charges are in respect of the dwelling which a person occupies as his home;".

(3) In regulation 105(10)(a) (notional income) at the end of head (ii)(**25**) add ", or is used for any water charges for which that claimant or partner is liable".

(**18**) Paragraph 67 was added by regulation 5(4) of S.R. 1999 No. 342 and amended by regulation 2(1) of, and paragraph 17(g) of Part I of the Schedule to, S.R. 2002 No. 132
(**19**) Paragraph 54 was added by regulation 5(5) of S.R. 1999 No. 342 and amended by regulation 2(1) of, and paragraph 18 of Part I of the Schedule to, S.R. 2002 No. 132
(**20**) S.R. 1992 No. 341, which was revoked, with savings, by regulation 15(1) of S.R. 2001 No. 18
(**21**) Sub-paragraph (c) was amended by paragraph 3(6) of Schedule 2 to S.R. 2006 No. 407
(**22**) The definition of "close relative" was amended by Article 2(4) of, and paragraph 2(6) of Schedule 4 to, S.R. 2005 No. 536
(**23**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 No. 342, S.R. 2000 Nos. 242 and 350, S.R. 2002 Nos. 128 and 132, S.R. 2003 No. 195, S.R. 2004 No. 143, S.R. 2005 No. 536 and S.R. 2007 No. 154
(**24**) The definition of "war widower's pension" was inserted by regulation 4(2) of S.R. 2002 No. 128 and amended by Article 2(3) of, and paragraph 23(2)(d) of Schedule 3 to, S.R. 2005 No. 536
(**25**) Head (ii) was amended by regulation 2(5) of, and paragraph 42 of Schedule 2 to, S.R. 2000 No. 350 and regulation 3 of, and paragraph 10(c)(iv) of Schedule 2 to, S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies)

(4) In regulation 113(3)(a) (notional capital) at the end of head (ii)(**26**) add ", or is used for any water charges for which that claimant or partner is liable".

(5) In regulations 136A(3)(**27**) (treatment of payments from access funds) for "shall be disregarded as income to the extent of £20 per week" substitute "and any payments from access funds which are used for any water charges for which that claimant or partner is liable shall be disregarded as income to the extent of £20 per week".

(6) In regulation 138(3)(**28**) (income treated as capital) for "shall be disregarded as capital but only for a period of 52 weeks from the date of the payment" substitute "or which is used for an item other than any water charges for which that claimant or partner is liable shall be disregarded as capital but only for a period of 52 weeks from the date of the payment".

(7) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 14(**29**) at the end of sub-paragraph (2) add "or any water charges for which the claimant or member is liable";

(b) in paragraph 23—

(i) in sub-paragraph (2)(b) after "rates" insert "or water charges", and

(ii) after sub-paragraph (2) insert—

"(2A) The definition of "water charges" in regulation 1(2) shall apply to sub-paragraph (2) with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".."; and

(c) in paragraph 65(**30**) at the end of sub-paragraph (2) add "or any water charges for which that claimant or member is liable".

(8) In Schedule 7 (capital to be disregarded) in paragraph 49(**31**) at the end of sub-paragraph (2) add ", or any water charges for which that claimant or member is liable".

Amendment of the Child Support (Voluntary Payments) Regulations

5.—(1) The Child Support (Voluntary Payments) Regulations (Northern Ireland) 2001(**32**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) after the definition of "relevant person" add—

""water charges" means any water and sewerage charges under Chapter I of Part VII of the Water and Sewerage Services (Northern Ireland) Order 2006 in so far as such charges are in respect of the dwelling which a person occupies as his home.".

(3) In regulation 3(b)(iv) (types of payment) after "mains supplied gas" insert ", water".

(**26**) Head (ii) was amended by regulation 2(5) of, and paragraph 44 of Schedule 2 to, S.R. 2000 No. 350, regulation 2(2) of, and paragraph 11 of Part II of the Schedule to, S.R. 2002 No. 132 and regulation 3 of, and paragraph 13(a)(iv) of Schedule 2 to, S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies)

(**27**) Regulation 136A was inserted by regulation 3(7) of S.R. 2000 No. 242 and amended by regulation 2(2) of, and paragraph 12 of Part II of the Schedule to, S.R. 2002 No. 132, regulation 3 of, and paragraph 17 of Schedule 2 to, S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies) and regulation 3(6) of S.R. 2007 No. 154

(**28**) Regulation 138 was amended by regulation 3(8) of S.R. 2000 No. 242, regulation 2(2) of, and paragraph 13 of Part II of the Schedule to, S.R. 2002 No. 132, regulation 3 of, and paragraph 17 of Schedule 2 to, S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies) and regulation 3(7) of S.R. 2007 No. 154

(**29**) Paragraph 14 was substituted by regulation 4(3)(a) of S.R. 2004 No. 143

(**30**) Paragraph 65 was added by regulation 6(4) of S.R. 1999 No. 342 and amended by regulation 2(2) of, and paragraph 23(g) of Part II of the Schedule to, S.R. 2002 No. 132

(**31**) Paragraph 49 was added by regulation 6(5) of S.R. 1999 No. 342 and amended by regulation 2(2) of, and paragraph 24 of Part II of the Schedule to, S.R. 2002 No. 132

(**32**) S.R. 2001 No. 21