STATUTORY RULES OF NORTHERN IRELAND

2006 No. 128

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Young Persons) (Amendment) Regulations (Northern Ireland) 2006

Made - - - - 13th March 2006

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)(a) and (d), 123(1)(d) and (e), 131(1), 133(2)(e), (f) and (i) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 5(1)(f)(iii), 5A(1)(e)(ii), 6(5) and 36(1) and (2) of, and paragraphs 8, 8A(1), 9C and 14 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), and sections 1(5)(b), 2(3)(b), 15(3) and (6), 17(2) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**4**).

Regulation 3 of these Regulations is made with the consent of the Department of Finance and Personnel(**5**).

The Social Security Advisory Committee has agreed that proposals in respect of regulation 3 should not be referred to it(**6**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Young Persons) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation—

(**1**) 1992 c. 7; section 123(1) was amended by paragraph 2 of Schedule 2 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); Article 5 was amended, and Article 5A was inserted, by paragraph 5(2) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); Article 6 was amended by paragraph 27(2) of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 2(3) of the Schedule to S.R. 2006 No. 37; 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) and paragraphs 8A and 9C of Schedule 1 were inserted by paragraph 16 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

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

(**4**) 2002 c. 14 (N.I.)

(**5**) *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

(**6**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(a) for the purposes of regulations 2(8) and 4(10) on 10th April 2006 immediately after the coming into operation of Articles 16(3) and 22(3) of the Social Security Benefits Up-rating Order (Northern Ireland) 2006(**7**); and

(b) for all other purposes on 10th April 2006.

(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 (9).

(2) For regulation 12(**10**) (relevant education) there shall be substituted the following regulation —

"**12.** For the purposes of these Regulations, a person is to be treated as receiving relevant education if he is a qualifying young person within the meaning of section 138(**11**) of the Contributions and Benefits Act (child and qualifying young person).".

(3) In regulation 13(2)(**12**) (circumstances in which persons in relevant education are to be entitled to income support)—

(a) for "aged 16 or over but under 19" there shall be substituted "who is a qualifying young person within the meaning of section 138 of the Contributions and Benefits Act (child and qualifying young person)"; and

(b) for sub-paragraph (b) there shall be substituted the following sub-paragraphs—

"(b) has in his applicable amount the disability premium or severe disability premium;

(bb) has satisfied the provisions of paragraph 7 of Schedule 1B for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

(bc) he is a person to whom paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(**13**) applies;".

(4) In regulation 14 (persons of a prescribed description)—

(a) in paragraph (1) for "aged 16 or over but under 19 who is treated as a child for the purposes of Article 4 of the Child Benefit (Northern Ireland) Order 1975 (meaning of child)" there shall be substituted "who falls within the definition of qualifying young person in section 138 of the Contributions and Benefits Act (child and qualifying young person)"; and

(b) paragraph (2)(a)(**14**) shall be omitted.

(**7**) S.R. 2006 No. 109
(**8**) 1954 c. 33 (N.I.)
(**9**) S.R. 1987 No. 459; relevant amending rules are S.R. 1988 No. 318, S.R 1989 No. 249, S.R 1990 No. 131, S.R. 1991 No. 338, S.R. 1992 No. 403, S.R. 1993 No. 373, S.R. 1996 Nos. 199 and 476, S.R. 1999 No. 382, S.R. 2000 No. 241, S.R. 2001 No. 150, S.R. 2003 No. 195, S.R. 2005 Nos. 319 (C. 23) and 458 and S.R. 2006 No. 109
(**10**) Regulation 12 was substituted by regulation 5 of S.R. 1990 No. 131 and amended by regulation 4(4) of S.R. 1992 No. 403 and regulation 4(4) of S.R. 1993 No. 373
(**11**) Section 138 was substituted by section 2(2) of the Child Benefit Act 2005 (c. 6); *see also* regulation 2 of S.I. 2006/223
(**12**) Regulation 13(2) was amended by regulation 4 of S.R. 1989 No. 249 and regulation 6(a) of S.R. 1991 No. 338
(**13**) S.R. 2000 No. 71
(**14**) Paragraph (2) was substituted by paragraph 2 of Schedule 1 to S.R. 2005 No. 319 (C. 23)

(5) In regulation 54 (interpretation for liable relatives) in the definition of "young claimant" for "19" there shall be substituted "20".

(6) In regulation 61(1) (interpretation for students) in the definition of "full-time student"(**15**) for "means a person," there shall be substituted "means a person who is not a qualifying young person or child within the meaning of section 138 of the Contributions and Benefits Act (child and qualifying young person) and".

(7) In Schedule 1B(**16**) (prescribed categories of person)—

(a) in paragraph 15 (persons in education) for "severely handicapped persons" there shall be substituted "disabled persons, persons with limited leave to enter or remain";

(b) before paragraph 28 there shall be inserted the heading "Persons engaged in training"; and

(c) in paragraph 28—

(i) after "A person who is" there shall be inserted "not a qualifying young person or child within the meaning of section 138 of the Contributions and Benefits Act (child and qualifying young person), and who is", and

(ii) for "Department of Economic Development" there shall be substituted "Department for Employment and Learning"(**17**).

(8) In Schedule 2 (applicable amounts) in paragraph 2(1)(b)(**18**) in column (1) for "nineteenth" there shall be substituted "twentieth".

(9) In Schedule 10 (capital to be disregarded) in paragraph 59(**19**), in sub-paragraphs (2)(c)(ii)(bb) and (4)(c)(ii)(bb) for "19" there shall be substituted "20".

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**20**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 13 (persons of prescribed description)—

(a) in paragraph (1) for "aged 16 or over but under 19 who is treated as a child for the purposes of Article 4 of the Child Benefit (Northern Ireland) Order 1975 (meaning of child)" there shall be substituted "who falls within the definition of qualifying young person in section 138 of the Contributions and Benefits Act (child and qualifying young person)";

(b) in paragraph (2)(**21**)—

(i) at the end of sub-paragraph (a) there shall be inserted "or", and

(ii) sub-paragraph (b) shall be omitted.

(**15**) Regulation 61 was renumbered as regulation 61(1) by regulation 3(3), and the definition of "full-time student" was inserted by regulation 3(3)(a), of S.R. 2000 No. 241

(**16**) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, S.R. 1996 No. 199

(**17**) *See* Article 4(b) of S.R. 1999 No. 481 and section 1 of the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15 (N.I.))

(**18**) Sub-paragraph (1) was amended by regulation 18 of S.R. 1988 No. 318, regulation 2 of S.R. 1996 No. 476, regulation 2(1)(b) of S.R. 1999 No. 382 and Article 16(3) of S.R. 2006 No. 109; the omission of paragraph 2 by paragraph 20(a) of Schedule 1 to S.R. 2003 No. 195 does not have effect where regulation 1(3) of S.R. 2003 No. 195 applies and paragraph 2 continues to have effect in relation to any person who has not been awarded, or whose partner has not been awarded, a child tax credit

(**19**) Paragraph 59 was inserted by regulation 2(1) of S.R. 2001 No. 150 and amended by paragraph 13 of Schedule1 to S.R. 2005 No.458

(**20**) S.R. 1987 No. 461; relevant amending rules are S.R. 1990 No. 297, S.R. 1995 No. 129, S.R. 1996 No. 334, S.R. 1998 Nos. 2, 73 and 112, S.R. 1999 No. 382, S.R. 2000 No. 242, S.R. 2001 No. 150, S.R. 2003 No. 197, S.R. 2005 Nos. 319 (C. 23) and 458 and S.R. 2006 No. 109

(**21**) Paragraph (2) was substituted by paragraph 1 of Schedule 2 to S.R. 2005 No. 319 (C. 23)

(3) In regulation 48A(2)(**22**) (full-time students to be treated as not liable to make payments in respect of a dwelling) for sub-paragraph (f) there shall be substituted the following sub-paragraph—

"(f) who is—

(i) aged under 19 and whose course of study is not a course of higher education, or

(ii) a qualifying young person or child within the meaning of section 138 of the Contributions and Benefits Act (child and qualifying young person); or".

(4) In Schedule 2 (applicable amounts) in paragraph 2(1)(b)(**23**) in column (1) for "nineteenth" there shall be substituted "twentieth".

(5) In Schedule 2A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit) in paragraph 2(1)(b)(**24**) in column (1) for "nineteenth" there shall be substituted "twentieth".

(6) The amendment made by paragraph (5) is to the Regulations as modified in their application to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(**25**) applies.

(7) In Schedule 5 (capital to be disregarded) in paragraph 61(**26**) in sub-paragraphs (2)(c)(ii)(bb) and (4)(c)(ii)(bb) for "19" there shall be substituted "20".

Amendment of the Jobseeker's Allowance Regulations

4.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**27**) shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 1(2) (citation, commencement and interpretation) in the definition of "full-time student" after "training allowance" there shall be inserted "or a person who is a qualifying young person or child within the meaning of section 138 of the Benefits Act (child and qualifying young person)".

(3) In regulation 3C(1)(c)(**28**) (entitlement of a new joint-claim couple to a jobseeker's allowance) for "no longer receiving full-time education for the purposes of section 138 of the Benefits Act" there shall be substituted "not qualifying young persons within the meaning of section 138 of the Benefits Act (child and qualifying young person)".

(4) In regulation 54 (relevant education) for paragraph (2) there shall be substituted the following paragraph—

"(2) A child or young person shall be treated as receiving full-time education where he is a qualifying young person or child within the meaning of section 138 of the Benefits Act (child and qualifying young person).".

(5) In regulation 57 (interpretation of Part IV) for the definition of "child benefit extension period" there shall be substituted the following definition—

(**22**) Regulation 48A was inserted by regulation 3(6) of S.R. 1990 No. 297 and paragraph (2) was amended by regulation 6(a) of S.R. 1995 No. 129, regulation 9 of S.R. 1996 No. 334, regulation 3(5) of S.R. 1998 No. 2, regulation 3 of S.R. 1998 No. 112, and regulation 4(3) of S.R. 2000 No. 242

(**23**) Paragraph 2 was substituted by regulation 4(a) of, and Schedule 1 to, S.R. 1998 No. 73 and amended by regulation 2(1)(b) of S.R. 1999 No. 382 and Article 19(5) of S.R. 2006 No. 109

(**24**) Schedule 2A was inserted by regulation 6(2) of S.R. 2003 No. 197 and amended by Article 20(4) of S.R. 2006 No. 109

(**25**) S.R. 2003 No. 197

(**26**) Paragraph 61 was added by regulation 2(2) of S.R. 2001 No. 150 and amended by paragraph 8 of Schedule 2 to S.R. 2005 No. 458

(**27**) S.R. 1996 No. 198; relevant amending rules are S.R. 1996 No. 476, S.R. 1999 No. 382, S.R. 2000 No. 350, S.R. 2001 Nos. 120 and 150, S.R. 2003 No. 195, S.R. 2005 Nos. 319 (C. 23) and 458 and S.R. 2006 No. 109

(**28**) Regulation 3C was inserted by regulation 2(2) of S.R. 2000 No. 350