STATUTORY RULES OF NORTHERN IRELAND

2006 No. 97

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2006

Made - - - - 9th 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)(e), 131(1), 132(4)(a) and (b), 132A(3), 134(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(l) and 165(1), (4) and (5) of the Social Security Administration Act (Northern Ireland) 1992(**2**), Articles 14(4)(a) and (b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**3**), and now vested in it(**4**), and sections 2(3)(b) and (9), 13(1)(a), 15(1)(j) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**5**).

Regulation 3 of these Regulations is made with the consent of the Department of Finance and Personnel(**6**).

The Social Security Advisory Committee has agreed that proposals in respect of regulation 3 should not be referred to it(**7**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2006 and shall, subject to paragraphs (2) to (6), come into operation on 6th April 2006.

(2) This regulation and regulation 3(4)(d) and (7) shall come into operation on 1st April 2006.

(**1**) 1992 c. 7; section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)); section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)); section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**2**) 1992 c. 8

(**3**) S.I. 1995/2705 (N.I. 15); 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)

(**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)

(3) Regulation 2(4)(a) to (c), (e) and (f) shall come into operation on 3rd April 2006.

(4) Regulations 2(2)(a) and (b) and (3)(a), 3(4)(a) and (6)(a), and 4(2)(a) and (b) and (3)(a) shall come into operation on 6th April 2006 immediately after the provisions referred to in regulation 1(4) of the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2005(**8**).

(5) Regulations 2(4)(d) and 6 shall come into operation on 10th April 2006.

(6) Regulation 5(3) and (5) shall come into operation on 10th April 2006 immediately after the coming into operation of regulation 7(5) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 2005(**9**).

(7) The Interpretation Act (Northern Ireland) 1954(**10**) 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(**11**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 42 (notional income)—

(a) in paragraph (2)(g)(**12**) for "or retirement annuity contract" there shall be substituted ", retirement annuity contract or a payment made by the Board of the Pension Protection Fund";

(b) in paragraph (2ZA)(a)(**13**) for "personal pension scheme or retirement annuity contract" there shall be substituted "a personal pension scheme, a retirement annuity contract or the Board of the Pension Protection Fund";

(c) in paragraph (4)(a)(ia)(**14**) for "or is a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund"; and

(d) in paragraph (4ZA)(d)(**15**) for "or in respect of a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund".

(3) In regulation 51(notional capital)—

(a) in paragraph (2)(da)(**16**) after "scheme" there shall be inserted "or a payment made by the Board of the Pension Protection Fund";

(b) in paragraph (3)(a)(ia)(**17**) for "or is a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund"; and

(**8**) S.R. 2005 No. 424
(**9**) S.R. 2005 No. 580
(**10**) 1954 c. 33 (N.I.)
(**11**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 No. 318, S.R. 1989 No. 139, S.R. 1995 No. 367, S.R. 1999 No. 391, S.R. 2000 No. 260, S.R. 2003 No. 195 and S.R. 2005 Nos. 424 and 536
(**12**) Paragraph (2)(g) was added by regulation 2(4)(a) of S.R. 1995 No. 367 and amended by regulation 2(3)(a) of S.R. 2005 No. 424
(**13**) Paragraph (2ZA)(a) was substituted by regulation 2(3)(b) of S.R. 2005 No. 424
(**14**) Paragraph (4)(a)(ia) was inserted by regulation 2(1)(a) of S.R. 1999 No. 391 and amended by paragraph 10(e)(iii) of Schedule 1 to S.R. 2003 No. 195
(**15**) Paragraph (4ZA)(d) was added by regulation 2(3)(b) of S.R. 1999 No. 391 and amended by paragraph 10(g) of Schedule 1 to S.R. 2003 No. 195
(**16**) Paragraph (2)(da) was inserted by regulation 2(5) of S.R. 2005 No. 424
(**17**) Paragraph (3)(a)(ia) was inserted by regulation 2(1)(a) of S.R. 1999 No. 391 and amended by paragraph 13(a)(iii) of Schedule 1 to S.R. 2003 No. 195

(c) in paragraph (3A)(c)(**18**) for "or in respect of a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund".

(4) The following provisions shall be omitted—

(a) regulation 17(1)(g)(**19**) (applicable amounts);

(b) regulation 18(1)(h)(**20**) (polygamous marriages);

(c) regulation 71(1)(a)(v) and (d)(iv)(**21**) (applicable amounts in urgent cases);

(d) paragraph 16A(**22**) of Schedule 1B (prescribed categories of person);

(e) Schedule 3A(**23**) (protected sum); and

(f) Schedule 3B(**24**) (protected sum).

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**25**) shall be amended in accordance with paragraphs (2) to (7).

(2) The amendments made by paragraphs (3) and (5) are 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(**26**) applies.

(3) In regulation 25(1)(**27**) (meaning of "income")—

(a) at the end of sub-paragraph (r) the word "and" shall be omitted; and

(b) after sub-paragraph (s) there shall be added—

"and

(t) PPF periodic payments within the meaning of section 17(1)(**28**) of the State Pension Credit Act.".

(4) In regulation 35 (notional income)—

(a) in paragraph (2)(c)(**29**) for "or retirement annuity contract" there shall be substituted ", retirement annuity contract or a payment made by the Board of the Pension Protection Fund";

(b) in paragraph (3)(za)(**30**) for "or is a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", a pension or other periodical

(**18**) Paragraph (3A)(c) was added by regulation 2(3)(b) of S.R. 1999 No. 391 and amended by paragraph 13(c) of Schedule 1 to S.R. 2003 No. 195

(**19**) Regulation 17(1)(g) was added by paragraph 13 of Schedule 1 to S.R. 1988 No. 318 and amended by paragraph 17 of Schedule 1 to S.R. 1989 No. 139

(**20**) Regulation 18(1)(h) was added by paragraph 14 of Schedule 1 to S.R. 1988 No. 318 and amended by paragraph 17 of Schedule 1 to S.R. 1989 No. 139

(**21**) Regulation 71(1)(a)(v) and (d)(iv) was added by paragraph 15 of Schedule 1 to S.R. 1988 No. 318 and amended by paragraph 17 of Schedule 1 to S.R. 1989 No. 139

(**22**) Paragraph 16A was inserted by regulation 2(2) of S.R. 2000 No. 260 and amended by paragraph 12(6) of Schedule 3 to S.R. 2005 No. 536

(**23**) Schedule 3A was inserted by paragraph 16 of Schedule 1 to S.R. 1988 No. 318

(**24**) Schedule 3B was inserted by paragraph 18 of Schedule 1 to S.R. 1989 No. 139

(**25**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1990 No. 137, S.R. 1995 No. 367, S.R. 1999 No. 391, S.R. 2003 Nos. 197 and 418, S.R. 2004 Nos. 144, 390 and 394 and S.R. 2005 Nos. 98 and 424

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

(**27**) Regulation 25(1) was amended by regulation 2(5)(b) of S.R. 2003 No. 418, regulation 2(10)(a) of S.R. 2004 No. 394 and regulation 2(5) of S.R. 2005 No. 98

(**28**) Section 17(1) was amended by paragraph 3(3) of the Schedule to S.R. 2006 No. 37

(**29**) Paragraph (2)(c) was substituted by regulation 3(4)(a) of S.R. 1995 No. 367 and amended by regulation 3(2) of S.R. 2005 No. 424

(**30**) Paragraph (3)(za) was inserted by regulation 2(2)(a) of S.R. 1999 No. 391

payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund";

(c) in paragraph (3A)(d)(**31**) for "or in respect of a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund"; and

(d) in paragraph (4)(a) for "or, as the case may be, (3)(b)" there shall be substituted "or (c)"(**32**).

(5) In regulation 37(2) (income paid to third parties) for "or in respect of a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund".

(6) In regulation 43 (notional capital)—

(a) in paragraph (2)(d)(**33**) for "or retirement annuity contract" there shall be substituted ", retirement annuity contract or a payment made by the Board of the Pension Protection Fund";

(b) in paragraph (3)(za)(**34**) for "or is a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund"; and

(c) in paragraph (3A)(c)(**35**) for "or in respect of a pension or other periodical payment made under a personal pension scheme" there shall be substituted ", in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund".

(7) In regulation 65 (date on which entitlement is to commence)—

(a) in paragraph (1)(**36**) for "paragraph (2)"there shall be substituted "paragraphs (2) and (3)"; and

(b) after paragraph (2) there shall be added the following paragraph—

"(3) A claimant shall become entitled to housing benefit from the benefit week in which the first day in respect of which his claim is made falls, where—

(a) he is otherwise entitled to housing benefit;

(b) paragraph (2) does not apply to him; and

(c) he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of a hostel which he occupies as his home.".

Amendment of the Jobseeker's Allowance Regulations

4.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**37**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 105 (notional income)—

(**31**) Paragraph (3A)(d) was added by regulation 2(3)(a) of S.R. 1999 No. 391
(**32**) Regulation 69(2)(c) was inserted by regulation 2(11)(a)(ii) of S.R. 2005 No. 444
(**33**) Paragraph (2)(d) was added by regulation 3(5) of S.R. 1995 No. 367 and amended by regulation 3(3) of S.R. 2005 No. 424
(**34**) Paragraph (3)(za) was inserted by regulation 2(2)(a) of S.R. 1999 No. 391
(**35**) Paragraph (3A)(c) was added by regulation 2(3)(a) of S.R. 1999 No. 391
(**36**) Paragraph (1) was amended by regulation 4(3)(a) of S.R. 1990 No. 137, regulation 14(a) of S.R. 2004 No. 144, and regulation 2(4)(a) of S.R. 2004 No. 390
(**37**) S.R. 1996 No. 198; relevant amending regulations are S.R. 1999 No. 391, S.R. 2003 No. 195 and S.R. 2005 No. 424