STATUTORY RULES OF NORTHERN IRELAND

2005 No. 374

HOUSING; RATES; SOCIAL SECURITY

The Income-related Benefits (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*8th August 2005*
Coming into operation	*9th August 2005*

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14(1) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), and sections 15(6)(b) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**4**) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**5**) in so far as regulation 3 is concerned, without having referred any proposals in respect of these Regulations to the Social Security Advisory Committee since it appears to the Department for Social Development that by reason of the urgency of the matter it is inexpedient to do so(**6**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 9th August 2005.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2. In Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(**8**) (capital to be disregarded) after paragraph 22(**9**) there shall be inserted the following paragraph—

(**1**) 1992 c. 7; 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 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)
(**3**) S*ee* 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* sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**7**) 1954 c. 33 (N.I.)
(**8**) S.R. 1987 No. 459

"**22A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

(a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or

(b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

(a) an award of income support during which the grant is paid; and

(b) where that award is followed by one or more further awards of income support which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—

(i) is the person who received the grant, or

(ii) is the partner of that person, or was the partner of that person at the date of the latter's death.

(3) In sub-paragraph (1), "the London Bombings Relief Charitable Fund" means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.".

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**10**) shall be amended in accordance with paragraphs (2) to (4).

(2) In Schedule 5 (capital to be disregarded) after paragraph 23(**11**) there shall be inserted the following paragraph—

"**23A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

(a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or

(b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

(a) an award of housing benefit during which the grant is paid; and

(b) where that award is followed by one or more further awards of housing benefit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—

(i) is the person who received the grant, or

(ii) is the partner of that person, or was the partner of that person at the date of the latter's death.

(**9**) Paragraph 22 was substituted by regulation 4(8)(a) of S.R. 1991 No. 204 and amended by regulation 5(8)(a) of S.R. 1992 No. 201, regulation 5(5)(a) of S.R. 1993 No. 233, regulation 3(5) of S.R. 2000 No. 241 and regulation 3(1), (2)(b), (3) and (4)(b) of S.R. 2004 No. 213

(**10**) S.R. 1987 No. 461

(**11**) Paragraph 23 was substituted by regulation 3(8)(a) of S.R. 1991 No. 204 and amended by regulation 4(8)(a) of S.R. 1992 No. 201, regulation 4(6)(a) of S.R. 1993 No. 233 and regulation 3(1), (2)(a), (3) and (4)(a) of S.R. 2004 No. 213

(3) In sub-paragraph (1), "the London Bombings Relief Charitable Fund" means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.".

(3) The amendment made by paragraph (4) 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(**12**) applies.

(4) In Schedule 5ZA(**13**) (capital to be disregarded) after paragraph 16(**14**) there shall be inserted the following paragraph—

"**16A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

(a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or

(b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

(a) an award of housing benefit during which the grant is paid; and

(b) where that award is followed by one or more further awards of housing benefit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—

(i) is the person who received the grant, or

(ii) is the partner of that person, or was the partner of that person at the date of the latter's death.

(3) In sub-paragraph (1), "the London Bombings Relief Charitable Fund" means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.".

Amendment of the Jobseeker's Allowance Regulations

4. In Schedule 7 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**15**) (capital to be disregarded) after paragraph 27(**16**) there shall be inserted the following paragraph—

"**27A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

(a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or

(b) the death of a partner or close relative of his in, or as a result of, those attacks.

(**12**) S.R. 2003 No. 197
(**13**) Schedule 5ZA was inserted by regulation 12 of, and Schedule 2 to, S.R. 2003 No.197
(**14**) Paragraph 16 was amended by regulation 2(14)(c)(xvi) of S.R. 2003 No. 418 and regulation 3(5) and (6)(a) of S.R. 2004 No. 213
(**15**) S.R. 1996 No. 198
(**16**) Paragraph 27 was amended by regulation 3(5) and (6)(b) of S.R. 2004 No. 213