STATUTORY RULES OF NORTHERN IRELAND

# 2005 No. 98

# HOUSING; RATES; SOCIAL SECURITY

## The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2005

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| *Made - - - -* | *10th March 2005* |
| *Coming into operation* | *4th April 2005* |

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(a) and (b), 132A(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 14(1), (4)(a) and (b), and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**) and now vested in it(**3**), and sections 15(1)(j) and (6)(b) 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 regulations 2(2), (5), (9)(b), (10) and regulation 4 are concerned and after agreement by the Social Security Advisory Committee that proposals in respect of those Regulations should not be referred to it(**6**), hereby makes the following Regulations:

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2005 and shall come into operation on 4th April 2005.

(2) In these Regulations –

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**7**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**8**);

(**1**) 1992 c. 7; section 132A(3) was inserted by section 14 of and paragraph 3 of Part I of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14), 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**) *See* Article 8(b) of and Part II of Schedule 6 to 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 and Part II of Schedule 4 to S.R. 1999 No. 481
(**6**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**7**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1995 Nos. 410 and 481, S.R. 1998 No. 81 and S.R. 2002 No. 128
(**8**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1995 Nos. 410 and 481, S.R. 1996 No. 449, S.R. 1997 No. 22, S.R. 1998 Nos. 81 and 326, S.R. 2000 No. 260, S.R. 2002 No. 128 and S.R. 2003 No. 195

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**9**);

"the State Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**10**).

(3) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendments in relation to the Armed Forces and Reserve Forces Compensation Scheme**

**2.**—(1) In each of the provisions specified in paragraph (2) at the appropriate place, there shall be inserted the following definitions –

""the Armed Forces and Reserve Forces Compensation Scheme" means the scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004(**12**);";

""a guaranteed income payment" means a payment under Article 14(1)(b) or Article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(**13**);"

(2) The provisions specified for the purposes of paragraph (1) are –

(a) regulation 2(1) of the Housing Benefit Regulations (interpretation);

(b) regulation 2(1) of the Income Support Regulations (interpretation);

(c) regulation 1(2) of the Jobseeker's Allowance Regulations (citation, commencement and interpretation);

(d) regulation 1(2) of the State Pension Credit Regulations (citation, commencement and interpretation).

(3) In regulation 15(5) of the State Pension Credit Regulations(**14**), (income for the purposes of the Act) after sub-paragraph (a) there shall be inserted the following sub-paragraphs –

"(aa) a guaranteed income payment;

(ab) a payment made under Article 21(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 but only where the condition referred to in Article 23(2)(c) is met;".

(4) The amendments made by paragraph (5) and (9)(b) are to the Housing Benefit Regulations as modified in their application to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(**15**) applies.

(5) In regulation 25(1) of the Housing Benefit Regulations(**16**) (meaning of "income") after sub-paragraph (d) there shall be inserted the following sub-paragraphs –

"(dd) a guaranteed income payment;

(de) a payment made under Article 21(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 but only where the condition referred to in Article 23(2)(c) is met;".

(**9**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 503, S.R. 1998 Nos. 81 and 326, S.R. 2002 No. 128 and S.R. 2003 No. 195
(**10**) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2003 No. 421
(**11**) 1954 c. 33 (N.I.)
(**12**) 2004 c. 32
(**13**) S.I. 2005/439
(**14**) Regulation 15(5) was amended by regulation 2(7) of S.R. 2003 No. 421
(**15**) S.R. 2003 No. 197
(**16**) Regulation 25 was inserted by regulation 8 of S.R. 2003 No. 197 and paragraph (1) was amended by regulation 2(5)(b) of S.R. 2003 No. 418 and regulation 2(10) of S.R. 2004 No. 394

(6) In regulations 42(4)(a)(i) of the Income Support Regulations(**17**) (notional income) and 51(3)(a)(i)(**18**) (notional capital) after "benefit Acts," there shall be inserted "a payment from the Armed Forces and Reserve Forces Compensation Scheme,".

(7) In regulations 105(10)(a)(i) of the Jobseeker's Allowance Regulations(**19**) (notional income) and 113(3)(a)(i)(**20**) (notional capital) after "Benefits Act," there shall be inserted "a payment from the Armed Forces and Reserve Forces Compensation Scheme,".

(8) In each of the provisions specified in paragraph (9) –

(a) after sub-paragraph (c) there shall be inserted the following sub-paragraph –

"(cc) a guaranteed income payment;";

(b) in sub-paragraph (d) after "pension" there shall be inserted "or payment";

(c) in sub-paragraph (e) for "pensions mentioned in sub-paragraphs (a) to (c)" there shall be substituted "pensions or payments mentioned in sub-paragraphs (a) to (cc)"

(9) The provisions specified for the purposes of paragraph (8) (which relate to the sums to be disregarded in the calculation of income other than earnings) are –

(a) paragraph 16 of Schedule 9 to the Income Support Regulations(**21**);

(b) paragraph 1 of Schedule 4A to the Housing Benefit Regulations(**22**);

(c) paragraph 1 of Schedule 4 to the State Pension Credit Regulations(**23**).

(10) In Schedule 4 to the Housing Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) –

(a) in paragraph 13(**24**) –

(i) after sub-paragraph (c) there shall be inserted the following sub-paragraph –

"(cc) a guaranteed income payment;";

(ii) in sub-paragraph (d) after "pension" there shall be inserted "or payment";

(b) in paragraph 14(**25**) –

(i) after "paid" there shall be inserted "or payment made";

(ii) for "pension to which paragraph 13(a) to (c) refers" there shall be substituted "pension or payments made to which paragraph 13(a) to (cc) refers".

(11) In Schedule 6, paragraph 17(**26**) to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) –

(a) after sub-paragraph (a) there shall be inserted the following sub-paragraph –

(**17**) Regulation 42(4) was substituted by regulation 9(a) of S.R. 1988 No. 318 and amended by regulation 5(2) of S.R. 1995 No. 410, regulation 2(1)(a) and (2) of S.R 1995 No. 481, regulation 2(2) of S.R. 1998 No. 326, regulation 2(3) of S.R. 2002 No. 128, regulation 2 and paragraph 10(e)(i) and (ii) of Schedule 1 to S.R. 2003 No. 195

(**18**) Regulation 51(3) was substituted by paragraph 11(a) of S.R. 1988 No. 318 and amended by regulation 9 of S.R. 1997 No. 22, regulation 3(2)(a) of S.R. 1998 No. 326, regulation 2(4) of S.R. 2002 No. 128, regulation 2 and paragraph 13(a)(i) and (ii) of Schedule 1 to S.R. 2003 No. 195

(**19**) Regulation 105(10)(a)(i) was substituted by regulation 2(1)(a) of S.R. 1998 No. 326 and amended by regulation 4(3) of S.R. 2002 No. 128, regulation 3 and paragraph 10(c)(i) and (ii) of Schedule 2 to S.R. 2003 No. 195

(**20**) Regulation 113(3)(a)(i) was amended by regulation 4(4) of S.R. 2002 No. 128 and regulation 3 and paragraph 13(a)(ii) of Schedule 2 to S.R. 2003 No. 195

(**21**) Paragraph 16 was substituted by regulation 5(3) of S.R. 1995 No. 410 and amended by regulation 2(4) of S.R. 2000 No. 260 and regulation 2(5)(a) and (b) of S.R. 2002 No. 128

(**22**) Schedule 4A has effect by virtue of regulation 12 and Schedule 2, paragraph 1(b) of S.R. 2003 No. 197

(**23**) Paragraph 1 was amended by regulation 2(10)(a) of S.R. 2003 No. 421

(**24**) Paragraph 13 was substituted by regulation 4(2)(a) of S.R. 1995 No. 410 and amended by regulation 2(2) of S.R. 1995 No. 481 and regulation 3(3)(a) and (b) of S.R. 2002 No. 128

(**25**) Paragraph 14 was substituted by regulation 4(2)(b) of S.R. 1995 No. 410

(**26**) Paragraph 17 was amended by regulation 4(5)(a) and (b) of S.R. 2002 No. 128