STATUTORY RULES OF NORTHERN IRELAND

2004 No. 213

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2004

Made - - - -	*6th May 2004*
Coming into operation	*12th May 2004*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 131(1), 132(3) and (4)(b) and (d), 134(1)(a) and 171(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14(1) and (4)(b) and (d) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**) and Article 2(2) of, and paragraph 8 of Schedule 1 to, the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997(**3**), and now vested in it(**4**), section 15(3) and (6)(b) and (d) of the State Pensions Credit (Northern Ireland) Act 2002(**5**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**6**), in so far as regulations 2, 3(1), (2)(a), (3), (4)(a), (5) and (6)(a) are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(**7**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2004 and shall come into operation on 12th May 2004.

(2) In these Regulations –

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**);

(**1**) 1992 c. 7; section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
(**2**) 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 (S.I. 1999/671)
(**3**) S.I. 1997/1183 (N.I. 12)
(**4**) *See* Article 8(b) of and Part II of Schedule 6 to 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 and Part II of Schedule 4 to S.R. 1999 No. 481
(**7**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**8**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 2003 No. 197

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**9**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**);

"the Recovery of Benefits Regulations" means the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997(**11**);

"the Social Fund Maternity and Funeral Expenses Regulations" means the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(**12**);

"the State Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**13**).

(3) The Interpretation Act (Northern Ireland) 1954(**14**) shall apply to these Regulations as it applies to an Act of the Assembly.

Common amendments relating to interpretation

2. In regulation 2(1) of each of the Housing Benefit Regulations(**15**) and the Income Support Regulations(**16**) and regulation 1(2) of each of the Jobseeker's Allowance Regulations and the State Pension Credit Regulations –

(a) in the definition of "qualifying person" for "or the Eileen Trust" there shall be substituted ", the Eileen Trust or the Skipton Fund";

(b) immediately after the definitions of –

(i) in the Housing Benefit Regulations, the Income Support Regulations and the Jobseeker's Allowance Regulations, "single claimant", and

(ii) in the State Pension Credit Regulations, "residential care home",

there shall be inserted the following definition –

""the Skipton Fund" means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions;".

Common amendments relating to capital to be disregarded

3.—(1) In each of the paragraphs of the Schedules to the Regulations specified in paragraph (2) for "or the Independent Living Funds" there shall be substituted ", the Independent Living Funds or the Skipton Fund".

(2) The paragraphs of the Schedules specified for the purpose of paragraph (1) are –

(a) paragraph 23(1)(**17**) of Schedule 5 to the Housing Benefit Regulations;

(**9**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 2003 No. 191
(**10**) S.R. 1996 No. 198
(**11**) S.R. 1997 No. 429
(**12**) S.R. 1987 No. 150; relevant amending Regulations are S.R. 1997 No. 155 and S.R. 2001 No. 150
(**13**) S.R. 2003 No. 28
(**14**) 1954 c. 33 (N.I.)
(**15**) The definition of "qualifying person" was inserted by regulation 4(2)(b) of S.R. 1992 No. 201 and amended by regulation 4(2)(b) of S.R. 1993 No. 233
(**16**) The definition of "qualifying person" was inserted by regulation 5(2)(b) of S.R. 1992 No. 201 and amended by regulation 5(2)(b) of S.R. 1993 No. 233
(**17**) Paragraph 23 was substituted by regulation 3(8)(a) of S.R. 1991 No. 204 and amended by regulation 4(8)(a)(i) of S.R. 1992 No. 201, regulation 4(3)(g) of S.R. 1993 No. 195 and regulation 4(6)(a) of S.R. 1993 No. 233

(b) paragraph 22(1)(**18**) of Schedule 10 to the Income Support Regulations;

(c) paragraph 15(1) of Schedule 5 to the State Pension Credit Regulations.

(3) In each of the paragraphs of the Schedules to the Regulations specified in paragraph (4) for "and the Eileen Trust" there shall be substituted ", the Eileen Trust and the Skipton Fund".

(4) The paragraphs of the Schedules specified for the purpose of paragraph (3) are –

(a) paragraph 23(7)(**19**) of Schedule 5 to the Housing Benefit Regulations;

(b) paragraph 22(7)(**20**) of Schedule 10 to the Income Support Regulations;

(c) paragraph 15(7) of Schedule 5 to the State Pension Credit Regulations.

(5) In each of the paragraphs of the Schedules to the Regulations specified in paragraph (6) after "the Eileen Trust" there shall be inserted ", the Skipton Fund".

(6) The paragraphs of the Schedules specified for the purpose of paragraph (5) are –

(a) paragraph 16(1)(a) of Schedule 5ZA(**21**) to the Housing Benefit Regulations;

(b) paragraph 27(1) of Schedule 7 to the Jobseeker's Allowance Regulations.

Further amendment of the Income Support Regulations

4. In paragraph 12(1)(d)(i) of Schedule 2 to the Income Support Regulations(**22**) (applicable amounts) for "Social Security (Hospital In-Patient) Regulations (Northern Ireland)1975" there shall be substituted "Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(**23**) or the Social Security (Disability Living Allowance) Regulations (Northern Ireland)1992(**24**)".

Amendment of the Recovery of Benefit Regulations relating to the Skipton Fund

5. In regulation 2(2) of the Recovery of Benefit Regulations (exempted trusts and payments) –

(a) in sub-paragraph (i) for "10th April 1992." there shall be substituted "10th April 1992;";

(b) after sub-paragraph (i) there shall be added the following sub-paragraph –

"(j) any payment made from the Skipton Fund, the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions.".

Amendment of the Social Fund Maternity and Funeral Expenses Regulations relating to the Skipton Fund

6. In regulation 7(2) of the Social Fund Maternity and Funeral Expenses Regulations(**25**) (deductions from an award of a funeral payment) –

(a) for "or the Eileen Trust" there shall be substituted ", the Eileen Trust or the Skipton Fund";

(b) for "and "the Eileen Trust"" there shall be substituted ", "the Eileen Trust" and "the Skipton Fund"".

(**18**) Paragraph 22 was substituted by regulation 4(8)(a) of S.R. 1991 No. 204 and amended by regulation 5(8)(a)(i) of S.R. 1992 No. 201, regulation 5(3)(g) of S.R. 1993 No. 195 and regulation 5(5)(a) of S.R. 1993 No. 233

(**19**) Sub-paragraph (7) was added by regulation 4(8)(a)(vi) of S.R. 1992 No. 201 and amended by regulation 4(6)(b) of S.R. 1993 No. 233

(**20**) Sub-paragraph (7) was added by regulation 5(8)(a)(vi) of S.R. 1992 No. 201 and amended by regulation 5(5)(b) of S.R. 1993 No. 233

(**21**) Schedule 5ZA was inserted by regulation 12(1) of and Schedule 2 to S.R. 2003 No. 197

(**22**) Head (d) was substituted by regulation 24(5)(e) of S.R. 2003 No. 191

(**23**) S.R. 1992 No. 20

(**24**) S.R. 1992 No. 32

(**25**) Paragraph (2) was added by regulation 2(6)(c) of S.R. 1997 No. 155 and amended by regulation 3 of S.R. 2001 No. 150