STATUTORY RULES OF NORTHERN IRELAND

2003 No. 417

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2003

Made - - - - *22nd September 2003*

Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 129(2) and (4), 131(1), 132(3) and (4)(b) and 171(1), (3) to (6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 6(5), 14(1), (2) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**4**), in so far as regulations 3 and 5 are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(**5**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2003 and shall come into operation –

(a) for the purposes of this regulation and regulations 2 to 4, on 1st October 2003;

(b) for the purposes of regulation 5, on 6th October 2003.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**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)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) *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
(**5**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(**6**) 1954 c. 33 (N.I.)

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**7**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation), after the definition of "employment"(**8**) there shall be inserted the following definition –

> ""ERA payment" means a payment made in respect of participation in the Employment Retention and Advancement Scheme for the provision of assistance to individuals to improve their job retention or career advancement (or both) under section 2 of the Employment and Training Act 1973(**9**);".

(3) In paragraph 14ZA(**10**) (carer premium) of Schedule 2 (applicable amounts) –

(a) sub-paragraph (2) shall be omitted;

(b) in sub-paragraph (3)(b)(**11**) "or ceases to be treated as entitled" shall be omitted;

(c) in sub-paragraph (3A)(**12**) –

(i) in head (a) before "the Sunday" there shall be inserted "where sub-paragraph (3)(a) applies,";

(ii) head (b) shall be omitted;

(d) in sub-paragraph (4)(**13**) –

(i) head (b) shall be omitted;

(ii) for head (c) there shall be substituted the following head –

"(c) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.".

(4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) –

(a) in paragraph 25 –

(i) in sub-paragraph (1)(b)(**14**) after "(permitted allowances)" there shall be inserted "or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002(**15**)";

(ii) after sub-paragraph (1) there shall be inserted the following sub-paragraph –

"(1A) Any payment, other than a payment to which sub-paragraph (1)(b) applies, made to the claimant in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.";

(b) for paragraph 72(**16**) there shall be substituted the following paragraph –

"**72.** Any payment made by the Northern Ireland Housing Executive to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.";

(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1989 No. 366, S.R. 1990 No. 346, S.R. 1998 No. 2, S.R. 2002 Nos. 322 and 323 and S.R. 2003 Nos. 154 and 195

(**8**) Definition of "employment" was inserted by regulation 2(b) of S.R. 1988 No. 318

(**9**) 1973 c. 50 as amended by the Employment Act 1988 (c. 19), the Trade Union Reform and Employment Rights Act 1993 (c. 19) and the Employment Act 1989 (c. 38)

(**10**) Paragraph 14ZA was inserted by regulation 6(d) of S.R. 1990 No. 346

(**11**) Sub-paragraph (3) was substituted by regulation 2(a) of S.R. 2002 No. 322 and amended by paragraph 1(g) of the Schedule to S.R. 2002 No. 323

(**12**) Sub-paragraph (3A) was substituted by regulation 2(a) of S.R. 2002 No. 322 and amended by paragraph 1(g) of the Schedule to S.R. 2002 No. 323

(**13**) Sub-paragraph (4) was amended by regulation 2(b) of S.R. 2002 No. 322 and paragraph 1(g) of the Schedule to S.R. 2002 No. 323

(**14**) Sub-paragraph (1) was substituted by regulation 4 of S.R. 1989 No. 366 and is prospectively amended by paragraph 23(c) of Schedule 1 to S.R. 2003 No. 195 and paragraph (b) was substituted by regulation 2(8)(a) of S.R. 1998 No. 2

(**15**) 2002 c. 38

(**16**) Paragraph 72 was added by regulation 2(2) of S.R. 2003 No. 154

(c) after paragraph 72 there shall be inserted the following paragraph –

"**73.** Any ERA payment.".

(5) In Schedule 10 (capital to be disregarded) –

(a) for paragraph 62(**17**) there shall be substituted the following paragraph –

"**62.** Any payment made by the Northern Ireland Housing Executive to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.";

(b) after paragraph 62 there shall be added the following paragraphs –

"**63.** Any payment made under Article 15A of the Health and Personal Social Services (Northern Ireland) Order 1972(**18**).

64. Any payment made to the claimant in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.

65. Any ERA payment but only for a period of 52 weeks from the date of receipt of that payment.".

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**19**) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) after the definition of "employed earner" there shall be inserted the following definition –

""ERA payment" means a payment made in respect of participation in the Employment Retention and Advancement Scheme for the provision of assistance to individuals to improve their job retention or career advancement (or both) under section 2 of the Employment and Training Act 1973;".

(3) In Schedule 1 (ineligible service charges) –

(a) in paragraph 1(a)(iv)(**20**), for "where a qualifying payment is not made in respect of such cleaning," there shall be substituted –

"where a payment is not made in respect of such cleaning by the Executive to the claimant or his partner, or to another person on their behalf,";

(b) in paragraph 7, the definition of "qualifying payment"(**21**) shall be omitted.

(4) In paragraph 14ZA(**22**) (carer premium) of Schedule 2 (applicable amounts) –

(a) sub-paragraph (2) shall be omitted;

(b) in sub-paragraph (3)(b)(**23**) "or ceases to be treated as entitled" shall be omitted;

(c) in sub-paragraph (3A)(**24**) –

(**17**) Paragraph 62 was added by regulation 2(3)(b) of S.R. 2003 No. 154

(**18**) S.I. 1972/1265 (N.I. 14); Article 15A was inserted by Article 3 of the Personal Social Services (Direct Payments) (Northern Ireland) Order 1996 (S.I. 1996/1923 (N.I. 19))

(**19**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1989 No. 366, S.R. 1990 No. 345, S.R. 1993 No. 145, S.R. 1996 No. 448, S.R. 1998 No. 2, S.R. 2000 No. 74, S.R. 2002 Nos. 322 and 323 and S.R. 2003 Nos. 108 and 154

(**20**) Head (iv) was amended by regulation 3(2)(a) of S.R. 2003 No. 108

(**21**) Definition of "qualifying payment" was inserted by regulation 3(3)(a) of S.R. 2003 No. 108

(**22**) Paragraph 14ZA was inserted by regulation 9(d) of S.R. 1990 No. 345

(**23**) Sub-paragraph (3) was substituted by regulation 2(a) of S.R. 2002 No. 322 and amended by paragraph 1(h) of the Schedule to S.R. 2002 No. 323

(**24**) Sub-paragraph (3A) was substituted by regulation 2(a) of S.R. 2002 No. 322 and amended by paragraph 1(h) of the Schedule to S.R. 2002 No. 323

(i) in head (a) before "the Sunday" there shall be inserted "where sub-paragraph (3)(a) applies,";

(ii) head (b) shall be omitted;

(d) in sub-paragraph (4)(**25**) –

(i) head (b) shall be omitted;

(ii) for head (c) there shall be substituted the following head –

"(c) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.".

(5) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings) –

(a) in paragraph 25 –

(i) in sub-paragraph (1)(b)(**26**) after "(permitted allowances)" there shall be inserted "or paragraph 3 of Schedule 4 to the Adoption and Children Act 2002";

(ii) after sub-paragraph (1) there shall be inserted the following sub-paragraph –

"(1A) Any payment, other than a payment to which sub-paragraph (1)(b) applies, made to the claimant in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.";

(b) for paragraph 74(**27**) there shall be substituted the following paragraph –

"**74.** Any payment made by the Executive to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.";

(c) after paragraph 74 there shall be inserted the following paragraph –

"**75.** Any ERA payment.".

(6) In Schedule 5 (capital to be disregarded) –

(a) paragraph 44(**28**) shall be omitted;

(b) for paragraph 64(**29**) there shall be substituted the following paragraph –

64. Any payment made by the Executive to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.";

(c) after paragraph 64 there shall be added the following paragraphs –

"**65.** Any payment made under Article 15A of the Health and Personal Social Services (Northern Ireland) Order 1972.

66. Any payment made to the claimant in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002.

67. Any ERA payment but only for a period of 52 weeks from the date of receipt of that payment.".

(**25**) Sub-paragraph (4) was substituted by regulation 4(4)(b)(iii) of S.R. 2000 No. 74 and amended by regulation 2(b) of S.R. 2002 No. 322 and paragraph 1(h) of the Schedule to S.R. 2002 No. 323

(**26**) Paragraph (1) was substituted by regulation 3 of S.R. 1989 No. 366 and heads (a) and (b) were substituted by regulation 3(6)(a) of S.R. 1998 No. 2

(**27**) Paragraph 74 was inserted by regulation 4(2)(b) of S.R. 2003 No. 154

(**28**) Paragraph 44 was added by regulation 13(c) of S.R. 1993 No. 145 and amended by regulation 5(a) of S.R. 1996 No. 448

(**29**) Paragraph 64 was added by regulation 4(3) of S.R. 2003 No. 154