STATUTORY RULES OF NORTHERN IRELAND

2003 No. 367

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Back to Work Bonus and Lone Parent Run-on Amendment and Revocation) Regulations (Northern Ireland) 2003

Made - - - - 1st August 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(4), 131(1), 132(3) and (4)(b), 133(2)(d) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 1(1), 5(1)(a) and (b), 74(2) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 2(4), 28 and 36 of the Jobseekers (Northern Ireland) Order 1995(**3**), and now vested in it(**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 3 and 7 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 (Back to Work Bonus and Lone Parent Run-on Amendment and Revocation) Regulations (Northern Ireland) 2003 and shall come into operation on 25th October 2004 with the exception of regulation 5 which shall come into operation on 29th January 2005 and regulation 7 which shall come into operation on 28th January 2006.

(2) In these Regulations –

(**1**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) 1992 c. 8; subsection (1C) of section 1 was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11))
(**3**) S.I. 1995/2705 (N.I. 15)
(**4**) *See* Article 8(b) of S.R. 1999 No. 481
(**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* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

"the Back to Work Bonus Regulations" means the Social Security (Back to Work Bonus) (No. 2) Regulations (Northern Ireland) 1996(**7**);

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

(3) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support Regulations

2. In the Income Support (General) Regulations (Northern Ireland) 1987(**10**) –

(a) in regulation 6(**11**) (persons not treated as engaged in remunerative work) –

(i) paragraphs (2), (3) and (6)(b) shall be omitted;

(ii) immediately after paragraph (6)(a) "or" shall be omitted;

(iii) in paragraph (7) "(2)(b) or" and "(3) or" shall be omitted;

(b) in regulation 36(2)(**12**) (calculation of net earnings of employed earners) for ", 15A or 15B" there shall be substituted "or 15A";

(c) in regulation 38(2)(**13**) (calculation of net profit of self-employed earners) "or 15B" shall be omitted;

(d) the following provisions shall be omitted –

(i) paragraph 12(7)(**14**) (additional condition for the higher pensioner and disability premiums) of Schedule 2 (applicable amounts);

(ii) paragraph 15B(**15**) of Schedule 8 (sums to be disregarded in the calculation of earnings);

(iii) paragraph 68(**16**) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings);

(iv) paragraph 55(**17**) of Schedule 10 (capital to be disregarded).

Amendment of the Housing Benefit Regulations

3. In the Housing Benefit Regulations –

(a) in regulation 62A(**18**) (extended payments) –

(i) in paragraph (1)(**19**) "other than a case to which paragraph (1A) applies" shall be omitted;

(ii) paragraph (1A)(**20**) shall be omitted;

(**7**) S.R. 1996 No. 519; relevant amending Regulations are S.R. 2001 No. 78
(**8**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1996 Nos. 115 and 334, S.R. 1999 No. 381 and S.R. 2001 Nos. 99 and 215
(**9**) 1954 c. 33 (N.I.)
(**10**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1999 No. 381, S.R. 2001 Nos. 78 and 134 and S.R. 2003 No. 195
(**11**) In regulation 6 paragraphs (2) and (3) were added by regulation 2(3) of S.R. 1999 No. 381 and paragraphs (6) and (7) were added by regulation 4 of S.R. 2001 No. 78
(**12**) Regulation 36(2) was amended by regulation 2(5) of S.R. 1999 No. 381
(**13**) Regulation 38(2) was amended by regulation 2(6) of S.R. 1999 No. 381
(**14**) Paragraph 12(7) was added by regulation 2(8) of S.R. 1999 No. 381
(**15**) Paragraph 15B was inserted by regulation 2(9) of S.R. 1999 No. 381
(**16**) Paragraph 68 was added by regulation 2(10) of S.R. 1999 No. 381 and amended by regulation 3(4) of S.R. 2001 No. 134 and prospectively amended by paragraph 23(e) of Schedule 1 to S.R. 2003 No. 195
(**17**) Paragraph 55 was added by regulation 2(11) of S.R. 1999 No. 381
(**18**) Regulation 62A was inserted by regulation 3 of S.R. 1996 No. 115
(**19**) Paragraph (1) was amended by regulation 4(2)(a)(i) of S.R. 1999 No. 381 and regulation 3(2)(a) of S.R. 2001 No. 99
(**20**) Paragraph (1A) was inserted by regulation 4(2)(b) of S.R. 1999 No. 381 and amended by S.R. 2001 Nos. 99 and 215

(iii) in paragraph (1B)(**21**) "or (1A)" shall be omitted;

(iv) paragraph (5)(a)(i)(**22**) shall be omitted and in paragraph (5)(a)(ii)(**23**) "(ii) in any other case –" shall be omitted and –

(aa) sub-head (aa) shall be renumbered as head (i);

(bb) sub-head (bb) shall be renumbered as head (ii);

(b) in regulation 72(13)(c)(**24**) (time and manner in which claims are to be made) "has certified the matters specified in regulation 62A(1A)(b) to the relevant authority or" shall be omitted;

(c) in regulation 76 (who is to make a decision) –

(i) in paragraph (4)(**25**) "and subject to paragraph (5)," shall be omitted;

(ii) paragraph (5)(**26**) shall be omitted;

(d) in Schedule 5A(**27**) (extended payments of housing benefit) –

(i) paragraph 13(1)(**28**) shall be renumbered paragraph 13 and in that renumbered paragraph –

(aa) in the definition of "claimant" the words ", subject to sub-paragraph (2)," shall be omitted;

(bb) in the definition of "the relevant benefit period" the words "or, as the case may be, (1A)(a)" shall be omitted;

(ii) paragraph 13(2)(**29**) shall be omitted.

Amendment of the Social Security (Claims and Payments) Regulations

4. In regulation 3 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**30**) (claims not required for entitlement to benefit in certain cases) –

(a) in paragraph (h)(i) "6(2) or" shall be omitted;

(b) in paragraph (h)(iii) "regulation 6(3) or, as the case may be," shall be omitted.

Amendment of the Social Fund (Recovery by Deductions from Benefits) Regulations

5. In regulation 2 of the Social Fund (Recovery by Deductions from Benefits) Regulations (Northern Ireland) 1988(**31**) (benefits from which an award may be recovered) –

(a) in paragraph (a) ", other than a back to work bonus payable by way of income support or jobseeker's allowance in pursuance of Article 28 of the Jobseekers (Northern Ireland) Order 1995" shall be omitted;

(**21**) Paragraph (1B) was substituted by regulation 3(4) of S.R. 2001 No. 99
(**22**) Paragraph (5)(a)(i) was inserted by regulation 4(2)(c)(i) of S.R. 1999 No. 381
(**23**) Paragraph (5)(a)(ii) was amended by regulation 3(6) of S.R. 2001 No. 99
(**24**) Regulation 72(13)(c) was added by regulation 4(3)(a)(iii) of S.R. 1999 No. 381 and amended by regulation 4 of S.R. 2001 No. 99 and Schedule 1 to S.R. 2001 No. 215
(**25**) Paragraph (4) was added by regulation 5 of S.R. 1996 No. 115 and amended by S.R. 1996 No. 334, S.R. 1999 No. 381 and S.R. 2001 Nos. 99 and 215
(**26**) Paragraph (5) was added by regulation 4(4)(b) of S.R. 1999 No. 381 and amended by regulation 5(b) of S.R. 2001 No. 99 and Schedule 1 to S.R. 2001 No. 215
(**27**) Schedule 5A was inserted by regulation 6 of S.R. 1996 No. 115
(**28**) Paragraph 13 was renumbered 13(1) and the definitions of "claimant" and "the relevant benefit period" were amended by regulation 4(5)(e) of S.R. 1999 No. 381
(**29**) Paragraph 13(2) was added by regulation 4(5)(f) of S.R. 1999 No. 381
(**30**) S.R. 1987 No. 465; regulation 3(h) was added by regulation 5 of S.R. 1999 No. 381 and amended by regulation 11(2) of S.R. 2001 No. 78
(**31**) S.R. 1988 No. 21; regulation 2(a) and (c) was amended by regulation 6 of S.R. 1996 No. 405