STATUTORY RULES OF NORTHERN IRELAND

# 2003 No. 267

# SOCIAL SECURITY

## The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations (Northern Ireland) 2003

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| *Made - - - -* | *9th May 2003* |
| *Coming into operation* | *6th October 2003* |

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a), 131(1), 134(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 6(5) and 36(1) of the Jobseekers (Northern Ireland) Order 1995(**2**) and now vested in it(**3**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation on 6th October 2003.

(2) Regulation 3 shall come into operation on 6th October 2003 immediately after regulation 25 of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003(**4**).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) *See* Article 8(b) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(**4**) S.R. 2003 No. 191
(**5**) 1954 c. 33 (N.I.)

**Amendment of the Income Support (General) Regulations**

**2.**—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**6**) shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation) the definition of "residential allowance"(**7**) shall be omitted.

(3) In regulation 17(1) (applicable amounts) sub-paragraph (bb)(**8**) shall be omitted.

(4) In regulation 18(1) (polygamous marriages) sub-paragraph (cc)(**9**) shall be omitted.

(5) In regulation 21(1B)(**10**) (special cases) for "paragraph 10A, 10B, 10C or 13" there shall be substituted "paragraph 13(2)".

(6) In regulation 71 (applicable amounts in urgent cases) –

(a) in paragraph (1) sub-paragraphs (a)(vi)(**11**) and (c) shall be omitted; and

(b) paragraph (1A)(**12**) shall be omitted.

(7) In Schedule 2 (applicable amounts) paragraph 2A(**13**) shall be omitted.

(8) In Schedule 7 (applicable amounts in special cases) –

(a) paragraphs –

(i) 10A(**14**) (single claimants temporarily in accommodation provided by a Health and Social Services Board);

(ii) 10B(**15**) (couples and members of polygamous marriages where one member is or all are temporarily in accommodation provided by a Health and Social Services Board);

(iii) 10C(**16**) (lone parents who are in residential accommodation temporarily), and

(iv) 13(1)(**17**) (persons in residential accommodation) in columns (1) and (2),

shall be omitted.

(9) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) paragraph 15B(**18**) shall be omitted.

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(**6**) S.R. 1987 No. 459; relevant amending Regulations are S.R.1988 Nos. 146, 318 and 431, S.R. 1989 No. 139, S.R. 1990 No. 131, S.R. 1993 Nos. 149, 165, 235 and 373, S.R. 1994 Nos. 65 and 77, S.R. 1996 Nos. 78 and 288, S.R. 1997 Nos. 22 and 412 and S.R. 2002 Nos. 99 and 132

(**7**) The definition of "residential allowance" was inserted by regulation 2(2)(d) of S.R. 1993 No. 149

(**8**) Sub-paragraph (bb) was inserted by regulation 2(3) of S.R. 1993 No. 149 and amended by regulation 2 of, and paragraph 2(b) of Schedule 1 to, S.R. 2003 No. 195

(**9**) Sub-paragraph (cc) was inserted by regulation 2(4) of S.R. 1993 No. 149 and amended by regulation 2 of, and paragraph 3(b) of Schedule 1 to, S.R. 2003 No. 195

(**10**) Paragraph (1B) was inserted by regulation 2(1) of, and paragraph 6(b) of Part I of the Schedule to, S.R. 2002 No. 132

(**11**) Head (vi) was added by regulation 4(16)(a) of S.R. 1993 No. 373

(**12**) Paragraph (1A) was inserted by regulation 2(1) of, and paragraph 11(e) of Part I of the Schedule to, S.R. 2002 No. 132

(**13**) Paragraph 2A was inserted by regulation 2(6) of S.R. 1993 No. 149 and amended by regulation 4(4) of S.R. 1993 No. 165, regulation 2(2)(a) of S.R. 1993 No. 235, regulation 4(17)(b) of S.R. 1993 No. 373, paragraph 1(j) of Schedule 12 to, S.R. 1994 No. 65, regulation 7(3)(a) of S.R. 1997 No. 412, Part 1 of Schedule 2 to, S.R. 2002 No. 99 and regulation 2(1) of, and paragraph 13 of Part I of the Schedule to, S.R. 2002 No. 132

(**14**) Paragraph 10A was inserted by regulation 34(b) of S.R. 1988 No. 146 and amended by regulation 8 of, and paragraph 13(a) of Schedule 1 to, S.R. 1989 No. 139, Part 1 of Schedule 4 to, S.R. 2002 No. 99 and regulation 2(1) of, and paragraph 15(c) of Part I of the Schedule to, S.R. 2002 No. 132

(**15**) Paragraph 10B was inserted by regulation 34(b) of S.R. 1988 No. 146 and amended by regulation 8 of, and paragraph 13(a) of Schedule 1 to, S.R. 1989 No. 139, Part 1 of Schedule 4 to, S.R. 2002 No. 99 and regulation 2(1) of, and paragraph 15(d) of Part I of the Schedule to, S.R. 2002 No. 132

(**16**) Paragraph 10C was inserted by regulation 19(c) of S.R. 1988 No. 431 and amended by regulation 5(5)(b) of S.R. 1996 No. 288, Part 1 of Schedule 4 to, S.R. 2002 No. 99 and regulation 2 of, and paragraph 21(e) and (f) of Schedule 1 to, S.R. 2003 No. 195

(**17**) Paragraph 13 was amended by regulation 22(d) of S.R. 1988 No. 318, regulation 19(k)(i) and (ii) of S.R. 1990 No. 131, regulation 1(6)(a)(iv) of Schedule 1 to, S.R. 1993 No. 149, Part 1 of Schedule 4 to, S.R. 2002 No. 99 and regulation 2 of, and paragraph 21(g) of Schedule 1 to, S.R. 2003 No. 195

(**18**) Paragraph 15B was inserted by regulation 2 of S.R. 1996 No. 78 and amended by 2(2)(a)(i)(aa) and (bb) and 2(2)(a)(ii) and (iii) of S.R. 1997 No. 22 and regulation 2(1) of, and paragraph 17(d) of Part I of the Schedule to, S.R. 2002 No. 132

**Amendment of the Social Fund (Cold Weather Payments) (General) Regulations**

**3.**—(1) The Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988(**19**) shall be amended in accordance with paragraph (2).

(2) In regulation 1A(1)(**20**) (prescribed description of persons) –

(a) for "The" there shall be substituted "Subject to paragraph (2), the";

(b) in sub-paragraph (a)(**21**) ", but does not include the allowance specified in paragraph 2A of that Schedule (residential allowances)" shall be omitted;

(c) in sub-paragraph (aa)(**22**) "but does not include the allowance specified in paragraph 3 of that Schedule (residential allowances)" shall be omitted;

(d) in sub-paragraph (ab)(**23**) "and is not resident in a residential care home or nursing home" shall be omitted; and

(e) for paragraph (2)(**24**) there shall be substituted the following paragraph –

"(2) Paragraph (1) does not apply to a person who resides in –

(a) a nursing home within the meaning given by regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(**25**);

(b) a residential care home within the meaning given by regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(**26**), or

(c) residential accommodation within the meaning given by regulation 21(3) of the Income Support (General) Regulations (Northern Ireland) 1987(**27**).".

**Amendment of the Jobseeker's Allowance Regulations**

**4.**—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**28**) shall be amended in accordance with paragraphs (2) to (12).

(2) In regulation 1(2)(**29**) (citation, commencement and interpretation) the definition of "residential allowance" shall be omitted.

(3) In regulation 83(**30**) (applicable amounts) paragraph (c) shall be omitted.

(4) In regulation 84(1)(**31**) (polygamous marriages) sub-paragraph (d) shall be omitted.

(5) In regulation 85 (special cases) –

(a) at the beginning of paragraph (1)(**32**) for "Subject to paragraph (2A) in" there shall be substituted "In", and

(**19**) S.R. 1988 No. 368; relevant amending regulations are S.R. 1991 No. 487, S.R. 1993 No. 413, S.R. 1996 No. 488 and S.R. 2003 No. 191
(**20**) Regulation 1A was inserted by regulation 2 of S.R. 1991 No. 487 and amended by regulation 2 of S.R. 1993 No. 413, regulation 3 of S.R. 1996 No. 488 and regulation 25 of S.R.2003 No. 191
(**21**) Sub-paragraph (a) was amended by regulation 2 of S.R. 1993 No. 413
(**22**) Sub-paragraph (aa) was inserted by regulation 3(b) of S.R. 1996 No. 488
(**23**) Sub-paragraph (ab) was inserted by regulation 25(5)(b) of S.R. 2003 No. 191
(**24**) Paragraph (2) was inserted by regulation 25(6) of S.R. 2003 No. 191
(**25**) The definition of "nursing home" was substituted by regulation 2(1) of, and paragraph 1 of Part I of the Schedule to, S.R. 2002 No. 132
(**26**) The definition of "residential care home" was substituted by regulation 2(1) of, and paragraph 1 of Part I of the Schedule to, S.R. 2002 No. 132
(**27**) The definition of "residential accommodation" was substituted by paragraph 1(4)(a) of Schedule 1 to, S.R. 1993 No. 149 and amended by paragraph 1(f) of Schedule 12 to, S.R. 1994 No. 65
(**28**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 288, S.R. 1997 No. 412, S.R. 2000 No. 350, S.R. 2002 Nos. 99 and 132 and S.R. 2003 No. 195
(**29**) To which there are amendments not relevant to these Regulations
(**30**) Regulation 83 was amended by regulation 3 of, and paragraph 2 of Schedule 2 to, S.R. 2003 No. 195
(**31**) Regulation 84 was amended by regulation 3 of, and paragraph 3 of Schedule 2 to, S.R. 2003 No. 195
(**32**) Paragraph (1) was amended by regulation 2(2) of, and paragraph 6(a) of Part II of the Schedule to, S.R. 2002 No. 132