STATUTORY RULES OF NORTHERN IRELAND

2003 No. 213

SOCIAL SECURITY

The Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments No. 2) Regulations (Northern Ireland) 2003

Made - - - - 2nd April 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 60, 86A, 114(1), 140(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 1(1C), 71(1), 74(2) and 165(4) of the Social Security Administration (Northern Ireland) Act 1992(**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 (Working Tax Credit and Child Tax Credit Consequential Amendments No. 2) Regulations (Northern Ireland) 2003 and shall come into operation on –

(a) in the case of this regulation and regulation 2(1), (3), (4)(a), (5) and (8), on 6th April 2003;

(b) in the case of the remainder of regulation 2, on the day on which the provisions of the Tax Credits Act 2002 specified in Article 2(a) of the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003(**4**) and Article 2(3)(c) and (e) of, and Schedule 1 to, the Tax Credits Act 2002 (Commencement No. 4, Transitional Provisions and Savings) Order 2003(**5**) come into force, subject to Article 2 of the Tax Credits Act 2002 (Transitional Provisions and Savings) Order (Northern Ireland) 2003(**6**).

(**1**) 1992 c. 7; section 60 was amended by paragraph 18(9) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), paragraph 7 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1993 (S.I. 1993/3147 (N.I. 11)) and paragraph 45 of Schedule 3 to the Tax Credits Act 2002 (c. 21); section 86A was inserted by Article 4(4) of the Social Security (Incapacity for Work) Order (Northern Ireland) 1994 (S.I. 1994/1898 (N.I. 12)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002

(**2**) 1992 c. 8; section 1(1C) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)); section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))

(**3**) *See* Article 8(b) of S.R. 1999 No. 481

(**4**) S.I. 2003/938

(**5**) S.I. 2003/962 (C. 51)

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

Consequential amendments

2.—(1) In the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(**8**) regulation 2A(a) (disapplication of section 1(1A) of the Administration Act) shall be omitted.

(2) In the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(**9**) –

(a) in regulation 3 (allocation of contributions for spouse or children) –

(i) in the heading "or children" shall be omitted;

(ii) in paragraph (1)(**10**) "43(1)(b)," shall be omitted;

(b) in regulation 4A(1)(**11**) (circumstances in which a person who is not entitled to child benefit is to be treated as if he were so entitled) "41," shall be omitted;

(c) in regulation 4B(**12**) (circumstances in which a person entitled to child benefit is to be treated as if he were not so entitled) paragraphs (1)(c) and (4)(e) shall be omitted.

(3) In the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**13**) in regulation 2(1) (interpretation) at the end of the definition of "dependency benefit" there shall be added "or child tax credit under the Tax Credits Act 2002".

(4) In the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**14**) –

(a) regulation 1A(a)(**15**) (disapplication of section 1(1A) of the Administration Act for the purposes of retirement pension) shall be omitted;

(b) in regulation 6(3)(c)(**16**) (benefit at reduced rates for those who do not satisfy the contribution conditions in full) –

(i) "41," shall be omitted;

(ii) "and" after head (i) shall be omitted;

(iii) head (ii) shall be omitted.

(5) In the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**17**) regulation 2A(a) (disapplication of section 1(1A) of the Administration Act) shall be omitted.

(6) In the Social Fund (Recovery by Deductions from Benefits) Regulations (Northern Ireland) 1988(**18**) regulation 2(o) (benefits from which an award may be recovered) shall be omitted.

(**6**) S.R. 2003 No. 212
(**7**) 1954 c. 33 (N.I.)
(**8**) S.R. 1976 No. 99; regulation 2A was inserted by regulation 3 of S.R. 1997 No. 483
(**9**) S.R. 1977 No. 74; relevant amending Regulations are S.R. 1980 No. 144, S.R. 1983 No. 193, S.R. 1984 No. 382, S.R. 1985 No. 229, S.R. 1989 No. 103, S.R. 1994 No. 485, S.R. 1996 No. 289 and S.R. 2001 No. 108
(**10**) Regulation 3(1) was amended by regulation 2(2) and (3) of S.R. 1983 No. 193, regulation 3(a) of S.R. 1984 No. 382, regulation 2(2) of S.R. 1985 No. 229, regulation 15(3)(a) of S.R. 1994 No. 485 and regulation 5(3)(a) of S.R. 1996 No. 289
(**11**) Regulation 4A was inserted by regulation 2 of S.R. 1980 No. 144 and paragraph (1) was amended by regulation 2 of S.R. 1989 No. 103
(**12**) Regulation 4B was substituted by regulation 5(2) of S.R. 2001 No. 108
(**13**) S.R. 1979 No. 242
(**14**) S.R. 1979 No. 243; relevant amending Regulations are S.R. 1990 No. 452 and S.R. 1997 No. 483
(**15**) Regulation 1A was inserted by regulation 4(2) of S.R. 1997 No. 483
(**16**) Regulation 6(3) was substituted by regulation 2(2) of S.R. 1990 No. 452
(**17**) S.R. 1984 No. 317; regulation 2A was inserted by regulation 5 of S.R. 1997 No. 483
(**18**) S.R. 1988 No. 21; paragraph (o) was amended by regulation 20(b) of S.R. 1995 No. 150 and regulation 6(c) of S.R. 1996 No. 405