STATUTORY RULES OF NORTHERN IRELAND

2003 No. 195

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003

Made - - - - 24th March 2003

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred on it by sections 22(5), 122(1)(a) and (d), 123(1)(e), 131(1), 132(1), (3) and (4), 134(1)(a), (2) and (4) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 1(1C) and 165(1) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 6(5), 14, 15(2) and 36(2) 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 regulation 4 and Schedule 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation and that Schedule 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 (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003 and this regulation shall come into operation on 1st April 2003.

(2) Subject to paragraph (5), in a case where a claimant for income support –

(a) has a child or young person who is a member of his family for the purposes of his claim for income support, and

(**1**) 1992 c. 7; section 123(1)(c) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))

(**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))

(**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 (c. 8)

(b) is awarded, or his partner is awarded, a child tax credit for a period beginning before 6th April 2004,

regulation 6 shall have effect from the first day of the first benefit week to commence for that claimant on or after the day from which that award of child tax credit begins and regulation 2 and Schedule 1 shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(3) Subject to paragraph (5), in a case where a claimant for income support –

(a) has a child or young person who is a member of his family for the purposes of his claim for income support, and

(b) has not been awarded, or his partner has not been awarded, a child tax credit for a period beginning before 6th April 2004,

regulations 2 and 6 and Schedule 1 shall have effect from the first day of the first benefit week to commence for that claimant on or after the day on which his, or his partner's, award of child tax credit begins.

(4) Subject to paragraph (5), in a case where paragraph (2)(a) or (3)(a) does not apply to a claimant for income support, regulation 2 and Schedule 1 shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(5) The provisions in –

(a) paragraphs 10(b) and (c), 20(b), 23(a) and 24(a) of Schedule 1 and regulation 2 insofar as it relates to those paragraphs shall have effect in relation to any particular claimant for income support from the first day of the first benefit week to commence for the claimant on or after 7th April 2003, and

(b) paragraph 19 of Schedule 1 and regulation 2 insofar as it relates to that paragraph shall come into operation on 7th April 2003.

(6) Subject to paragraph (9), in a case where a claimant for a jobseeker's allowance –

(a) has a child or young person who is a member of his family for the purposes of his claim for jobseeker's allowance, and

(b) is awarded, or his partner is awarded, a child tax credit for a period beginning before 6th April 2004,

regulation 7 shall have effect from the first day of the first benefit week to commence for that claimant on or after the day from which that award of child tax credit begins and regulation 3 and Schedule 2 shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(7) Subject to paragraph (9), in a case where a claimant for a jobseeker's allowance –

(a) has a child or young person who is a member of his family for the purposes of his claim for jobseeker's allowance, and

(b) has not been awarded, or his partner has not been awarded, a child tax credit for a period beginning before 6th April 2004,

regulations 3 and 7 and Schedule 2 shall have effect from the first day of the first benefit week to commence for that claimant on or after the day on which his, or his partner's, award of child tax credit begins.

(8) Subject to paragraph (9), in a case where paragraph (6)(a) or (7)(a) does not apply to a claimant for jobseeker's allowance, regulation 3 and Schedule 2 shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(9) Paragraphs 10(b), 20(b) and (e), 23(a) and 24(a) of Schedule 2 and regulation 3 insofar as it relates to those paragraphs shall have effect in relation to any particular claimant for jobseeker's

allowance from the first day of the first benefit week to commence for the claimant on or after 7th April 2003.

(10) The provisions in –

(a) paragraph 6 of Schedule 4 and regulation 5 insofar as it relates to that paragraph shall come into operation on 1st April 2003 immediately before the coming into operation of paragraph 5 of Schedule 2 to the Income-Related Benefits and Jobseeker's Allowance (Working Tax Credit and Child Tax Credit Amendment) Regulations (Northern Ireland) 2003(**7**),

(b) paragraph 5 of Schedule 4 and regulation 5 insofar as it relates to that paragraph shall come into operation on 1st April 2003, and

(c) the remaining paragraphs of Schedule 4 and regulation 5 insofar as it relates to those paragraphs and regulation 4 and Schedule 3 shall come into operation on 7th April 2003.

(11) In paragraphs (2) to (5) and regulation 6, the expressions "benefit week"(**8**), "claimant" and "partner" have the same meaning as in regulation 2(1) of the Income Support Regulations and in paragraphs (6) to (9) and regulation 7, the expressions "benefit week"(**9**) and "partner"(**10**) have the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations.

(12) In these Regulations –

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**11**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**12**), and

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**13**).

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

Amendment of the Income Support Regulations

2. The Income Support Regulations shall be amended in accordance with Schedule 1 and references in that Schedule to regulations and Schedules are to regulations of and Schedules to those Regulations.

(**7**) S.R. 2003 No. 1

(**8**) The definition of "benefit week" was amended by regulation 2(a) of S.R. 1988 No. 318

(**9**) The definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(a) of S.R. 1996 No. 503

(**10**) The definition of "partner" was amended by paragraph 1 of Schedule 2 to S.R. 2000 No. 350

(**11**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 No. 424, S.R. 1990 No. 345, S.R. 1991 No. 47, S.R. 1992 Nos. 6 and 404, S.R. 1994 Nos. 274 and 335, S.R. 1995 No. 129, S.R. 1996 No. 334, S.R. 1999 No. 385, S.R. 2000 No. 221 and S.R. 2002 No. 363

(**12**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 146, 274, 318 and 431, S.R. 1989 Nos. 139, 249 and 366, S.R. 1990 Nos. 131, 297 and 346, S.R. 1992 Nos. 6 and 147, S.R. 1993 Nos. 149 and 373, S.R. 1994 Nos. 77 and 327, S.R. 1995 Nos. 67, 410 and 481, S.R. 1996 Nos. 199, 288, 449 and 476, S.R. 1997 Nos. 22, 331 and 483, S.R. 1998 Nos. 2, 81, 112 and 326, S.R. 1999 Nos. 381, 382, 385, 391, 472 (C. 36) and 500, S.R. 2000 Nos. 71, 242, 366 and 367, S.R. 2001 Nos. 134 and 278, S.R. 2002 Nos. 99, 128, 132, 222, 267, 270, 295, 323 and 363, and S.R. 2003 No. 1

(**13**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 288, 356 and 476, S.R. 1997 Nos. 130, 331 and 483, S.R. 1998 Nos. 2, 81, 112 and 326, S.R. 1999 Nos. 382, 385, 391 and 428 (C. 32), S.R. 2000 Nos. 71, 242, 350, 366 and 367, S.R. 2001 Nos. 261 and 278, S.R. 2002 Nos. 99, 128, 132, 222, 267 and 323 and S.R. 2003 No. 1

(**14**) 1954 c. 33 (N.I.)

Amendment of the Jobseeker's Allowance Regulations

3. The Jobseeker's Allowance Regulations shall be amended in accordance with Schedule 2 and references in that Schedule to regulations and Schedules are to regulations of and Schedules to those Regulations.

Amendment of the Housing Benefit Regulations

4. The Housing Benefit Regulations shall be amended in accordance with Schedule 3 and references in that Schedule to regulations and Schedules are to regulations of and Schedules to those Regulations.

Other miscellaneous consequential amendments

5. The consequential amendments to the regulations specified in Schedule 4 shall have effect.

Income support – transitional arrangements

6.—(1) In the case of a claimant for income support who makes a claim, or whose partner makes a claim, for a child tax credit, the Department shall treat that claimant's income as including an amount equivalent to the amount of child tax credit to which he, or his partner, is entitled for the period specified in paragraph (3).

(2) In a case where a claimant for income support –

(a) has a child or young person who is a member of his family for the purposes of his claim for income support, and

(b) is, or has a partner who is, aged not less than 60,

the Department shall, in the first benefit week in which his, or his partner's, award of child tax credit begins during the period specified in paragraph (3), disregard from his income an amount equivalent to the amount of child tax credit to which he is entitled.

(3) For the purposes of paragraphs (1) and (2), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after 7th April 2003, or the date the award of child tax credit begins if later, and ends on the day before the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(4) In the case of a claimant for income support who applies for an applicable amount under regulation 17 or 18 of the Income Support Regulations on or after 7th April 2003 in respect of a child or young person who is a member of his family, the Department shall treat that claimant's income as including an amount equivalent to the amount of child benefit to which he, or his partner, is entitled in respect of that child or young person for the period specified in paragraph (5).

(5) For the purposes of paragraph (4), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after the date from which his claim includes that applicable amount and ends on –

(a) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning before 6th April 2004, the first day of the first benefit week to commence for that claimant on or after 6th April 2004;

(b) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning on or after 6th April 2004, the first day of the first benefit week to commence for that claimant on or after the day that award of child tax credit begins, or

(c) the first day of the first benefit week in which his applicable amount in respect of that child or young person ends, if earlier.

(6) In the case of a claimant for income support who is entitled, or whose partner is entitled, to child benefit in respect of a child under the age of one year, for the purposes of his claim for income support, the Department shall disregard from that claimant's income the sum of £10·45 in respect of one child only for the period specified in paragraph (7).

(7) For the purposes of paragraph (6), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after 7th April 2003 and ends on –

(a) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning before 6th April 2004, the first day of the first benefit week to commence for that claimant on or after 6th April 2004;

(b) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning on or after 6th April 2004, the first day of the first benefit week to commence for that claimant on or after the day that award child tax credit begins, or

(c) the first day of the first benefit week in which the award of child benefit in respect of that child ends, if earlier.

Jobseeker's allowance – transitional arrangements

7.—(1) In the case of a claimant for jobseeker's allowance who makes a claim, or whose partner makes a claim, for a child tax credit, the Department shall treat that claimant's income as including an amount equivalent to the amount of child tax credit to which he, or his partner, is entitled for the period specified in paragraph (2).

(2) For the purposes of paragraph (1) the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after 7th April 2003, or the date that award of child tax credit begins if later, and ends on the day before the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(3) In the case of a claimant for jobseeker's allowance who applies for an applicable amount under regulation 83 or 84 of the Jobseeker's Allowance Regulations on or after 7th April 2003 in respect of a child or young person who is a member of his family, the Department shall treat that claimant's income as including an amount equivalent to the amount of child benefit to which he, or his partner, is entitled in respect of that child or young person for the period specified in paragraph (4).

(4) For the purposes of paragraph (3), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after the date from which his claim includes that applicable amount and ends on –

(a) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning before 6th April 2004, the first day of the first benefit week to commence for that claimant on or after 6th April 2004;

(b) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning on or after 6th April 2004, the first day of the first benefit week to commence for that claimant on or after the day on which that award of child tax credit begins, or

(c) the first day of the first benefit week in which his applicable amount in respect of that child or young person ends, if earlier.

(5) In the case of a claimant for jobseeker's allowance who is entitled, or whose partner is entitled, to child benefit in respect of a child under the age of one year, for the purposes of his claim for jobseeker's allowance, the Department shall disregard from that claimant's income the sum of £10·45 in respect of one child only for the period specified in paragraph (6).

(6) For the purposes of paragraph (5), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after 7th April 2003 and ends on –