STATUTORY RULES OF NORTHERN IRELAND

2003 No. 1

HOUSING; RATES; SOCIAL SECURITY

The Income-Related Benefits and Jobseeker's Allowance (Working Tax Credit and Child Tax Credit Amendment) Regulations (Northern Ireland) 2003

Made - - - - 2nd January 2003
Coming into operation in accordance with regulations 1(2) to (6)

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 131(1), 132(3) and (4)(a), (b) and (c), 133(2)(m) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14(2), (3) and (4)(b), 36(2) of, and paragraph 13 of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995(**2**) and now vested in it(**3**), and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations which are consequential upon sections 1(1) and (3)(d) and 60 of, and Schedule 6 to, the Tax Credits Act 2002(**4**) and which is made before the end of a period of six months from the commencement of those provisions, with the consent of the Department of Finance and Personnel(**5**) in so far as regulation 3 and Schedule 2 are concerned, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-Related Benefits and Jobseeker's Allowance (Working Tax Credit and Child Tax Credit Amendment) Regulations (Northern Ireland) 2003.

(2) This regulation, regulation 2 and Schedule 1 shall have effect in relation to any particular claimant for income support from the first day of the first benefit week to commence for that claimant on or after 6th April 2003 and in this paragraph "benefit week"(**6**) and "claimant" shall have the same meaning as in regulation 2(1) of the Income Support Regulations.

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 2002 c. 21
(**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**) The definition of "benefit week" was amended by regulation 2(a) of S.R. 1988 No. 318

(3) Subject to paragraphs (4) and (5), regulation 3 and Schedule 2 shall come into operation on 1st April 2003.

(4) Paragraphs 1, 7, 10, 11 and 12 of Schedule 2 and regulation 3 in so far as it relates to those paragraphs shall come into operation on 7th April 2003.

(5) In a case where rent is or rates are payable at intervals of a week or any multiple thereof, paragraphs 2 to 6, 8 and 9 of Schedule 2 and regulation 3 in so far as it relates to those paragraphs shall come into operation on 7th April 2003.

(6) This regulation, regulation 4 and Schedule 3 shall have effect in relation to any particular claimant for a jobseeker's allowance from the first day of the first benefit week to commence for that claimant on or after 6th April 2003 and in this paragraph "benefit week"(**7**) shall have the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations.

(7) In these Regulations–

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

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**9**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**).

(8) The Interpretation Act (Northern Ireland) 1954(**11**) 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.

Amendment of the Housing Benefit Regulations

3. The Housing Benefit 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 Jobseeker's Allowance Regulations

4. The Jobseeker's Allowance 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.

(**7**) 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

(**8**) S.R. 1987 No. 461; relevant amending Rules are S.R. 1990 No. 136, S.R. 1996 No. 334, S.R. 1997 Nos. 4 and 412, 1998 Nos. 112 and 182, S.R. 1999 Nos. 298 and 385, S.R. 2001 Nos. 41, 176 and 261 and S.R. 2002 No. 99

(**9**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1990 No. 131, S.R. 1993 No. 373, S.R. 1996 No. 449, S.R. 1998 No. 324, S.R. 1999 No. 385 and S.R. 2000 No. 74

(**10**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 358 and 503, S.R. 1998 No. 324, S.R. 1999 No. 385 and S.R. 2000 No. 74

(**11**) 1954 c. 33 (N.I.)

Sealed with the Official Seal of the Department for Social Development on 2nd January 2003.

John O'Neill
Senior Officer of the
Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 3 of and Schedule 2 to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance and Personnel on 2nd January 2003.

N. Taylor
Senior Officer of the
Department of Finance and Personnel

SCHEDULE 1

Regulation 2

AMENDMENTS TO THE INCOME SUPPORT REGULATIONS

1. In regulation 2(1) (interpretation)–

(a) after the definition of "child benefit" there shall be inserted the following definition–

> ""child tax credit" means a child tax credit under section 8 of the Tax Credits Act 2002;";

(b) after the definition of "welfare to work beneficiary"(**12**) there shall be inserted the following definition–

> ""working tax credit" means a working tax credit under section 10 of the Tax Credits Act 2002;", and

(c) the definitions of "disabled person's tax credit"(**13**) and "working families' tax credit"(**14**) shall be omitted.

2. In regulation 14 (persons of a prescribed description) after paragraph (2)(**15**) there shall be added the following paragraph–

> "(3) A person of a prescribed description for the purposes of section 133(1) of the Contributions and Benefits Act as it applies to income support (definition of family) includes a child or young person in respect of whom section 141A(**16**) of that Act applies for the purposes of entitlement to child benefit but only for the period prescribed under section 141A(1) of that Act.".

3. In regulation 15 (circumstances in which a person is to be treated as responsible or not responsible for another) at the end of paragraph (1)(**17**) there shall be added "and this includes a child or young person to whom regulation 14(3) applies".

4. In regulation 31 (date on which income is treated as paid) for paragraph (3)(**18**) there shall be substituted the following paragraph–

> "(3) Where an award of working tax credit or child tax credit does not commence on the first day of a benefit week, it shall be treated as paid on the first day of the benefit week that follows the date of the award.".

5. In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 5 there shall be inserted the following paragraph–

"5A.—(1) Any guardian's allowance.

(2) In the case of a claimant receiving child benefit in respect of a child under the age of one year, £10·45 in respect of one child only.".

SCHEDULE 2

Regulation 3

AMENDMENTS TO THE HOUSING BENEFIT REGULATIONS

1. In regulation 2(1) (interpretation)–

(**12**) The definition of "welfare to work beneficiary" was inserted by regulation 8(2) of S.R. 1998 No. 324
(**13**) The definition of "disabled person's tax credit" was substituted by regulation 2(3)(a) of S.R. 1999 No. 385
(**14**) The definition of "working families' tax credit" was inserted by regulation 2(3)(b) of S.R. 1999 No. 385
(**15**) Paragraph (2) was amended by regulation 6 of S.R. 1990 No. 131
(**16**) Section 141A is inserted by section 55 of the Tax Credits Act 2002 (c. 21)
(**17**) Paragraph (1) was substituted by regulation 4(5) of S.R. 1993 No. 373
(**18**) Paragraph (3) was added by regulation 3(1)(b) of S.R. 2000 No. 74