STATUTORY RULES OF NORTHERN IRELAND

2002 No. 299

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Personal Injury Payments Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*26th September 2002*
Coming into operation	*28th October 2002*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 132(4)(b) and (d) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Article 14(4)(b) and (d) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf with the consent of the Department of Finance and Personnel(**4**), in so far as regulations 2(a) and 3(1) and (2)(a) are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(**5**) hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Personal Injury Payments Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 28th October 2002.

(2) In these Regulations –

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**6**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**7**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**8**).

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) *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
(**5**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 c. 8
(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 Nos. 136 and 345, S.R. 1993 No. 145 and S.R. 1996 No. 93
(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1989 No. 365, S.R. 1990 No. 131, S.R. 1993 Nos. 149 and 373, S.R. 1994 No. 77, S.R. 1996 No. 93 and S.R. 2002 No. 132
(**8**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2002 No. 132

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

Capital treated as income

2. There shall be added as –

(a) regulation 34(4) of the Housing Benefit Regulations(**10**);

(b) regulation 41(6) of the Income Support Regulations(**11**);

(c) regulation 104(5) of the Jobseeker's Allowance Regulations,

(which relate to capital treated as income), the following paragraph –

"Where an agreement or court order provides that payments shall be made to the claimant in consequence of any personal injury to the claimant and that such payments are to be made, wholly or partly, by way of periodical payments, any such periodical payments received by the claimant (but not a payment which is treated as capital by virtue of this Part), shall be treated as income.".

Disregard of personal injury payments as income

3.—(1) In each of the provisions specified in paragraph (2) –

(a) in sub-paragraph (1), for "charitable payment or of any voluntary payment" there shall be substituted "relevant payment";

(b) in sub-paragraph (2), for "charitable payment or voluntary payment" there shall be substituted "relevant payment";

(c) in sub-paragraph (4), for "charitable or voluntary payments" there shall be substituted "relevant payments";

(d) after sub-paragraph (5), there shall be added as sub-paragraph (6) in the provision specified in paragraph (2)(a) and as sub-paragraph (5A) in the provisions specified in paragraph (2)(b) and (c), the following sub-paragraph –

"In this paragraph, "relevant payment" means –

(a) a charitable payment;

(b) a voluntary payment;

(c) a payment (not falling within sub-paragraph (a) or (b)) from a trust whose funds are derived from a payment made in consequence of any personal injury to the claimant;

(d) a payment under an annuity purchased –

(i) pursuant to any agreement or court order to make payments to the claimant; or

(ii) from funds derived from a payment made,

in consequence of any personal injury to the claimant; or

(e) a payment (not falling within sub-paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the claimant in consequence of any personal injury to the claimant.".

(**9**) 1954 c. 33 (N.I.)
(**10**) Regulation 34(3) was added by regulation 5 of S.R. 1990 No. 136
(**11**) Regulation 41(5) was added by regulation 13 of S.R. 1989 No. 365