STATUTORY RULES OF NORTHERN IRELAND

2002 No. 295

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2002

Made - - - -	*19th September 2002*
Coming into operation	*14th 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 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Article 14(4)(b) and 36(2) 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 regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation 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 (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2002 and shall come into operation on 14th October 2002.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of capital disregard provisions for income support

2. In paragraph 7 of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(**7**) (capital to be disregarded) –

(a) in sub-paragraph (a) for ", 9 or 9A" there shall be substituted "or 9";

(**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**) 1954 c. 33 (N.I.)
(**7**) S.R. 1987 No. 459; paragraph 7 was amended by regulation 10(7) of S.R. 1992 No. 6, regulation 26 of S.R. 1996 No. 199 and regulation 2(2)(b) of S.R. 2001 No. 261

(b) at the beginning there shall be inserted "—(1) Subject to sub-paragraph (2)," and at the end there shall be added the following sub-paragraphs –

"(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to any one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as the "relevant sum") and is –

(a) paid in order to rectify, or to compensate for, an official error as defined in regulation 1(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**8**), and

(b) received by the claimant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from, and including, the date of receipt, or, if the relevant sum is received in its entirety during the award of income support, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph (2) "the award of income support" means –

(a) the award either of income support or of an income-based jobseeker's allowance in which the relevant sum (or first part thereof where it is paid in more than one instalment) is received, and

(b) where that award is followed by one or more further awards which in each case may be either of income support or of an income-based jobseeker's allowance and which, or each of which, begins immediately after the end of the previous award, such further awards until the end of the last such award, provided that for any such further awards the claimant –

(i) is the person who received the relevant sum, or

(ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death, or

(iii) in the case of a joint-claim jobseeker's allowance, is a joint-claim couple either member or both members of which received the relevant sum.".

Amendment of capital disregard provisions for housing benefit

3. In paragraph 8 of Schedule 5 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(**9**) (capital to be disregarded) at the beginning there shall be inserted "—(1) Subject to sub-paragraph (2)," and at the end there shall be added the following sub-paragraphs –

"(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to any one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as the "relevant sum") and is –

(a) paid in order to rectify, or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations(**10**), and

(b) received by the claimant in full on or after 14th October 2001,

(**8**) S.R. 1999 No. 162; the definition of "official error" was substituted by paragraph 2(b) of Schedule 4 to S.R. 2001 No. 176 and amended by regulation 2(2)(a) of S.R. 2002 No. 189

(**9**) S.R. 1987 No. 461; paragraph 8 was amended by regulation 21(b) of S.R. 1996 No. 334 and regulation 2(2)(a) of S.R. 2001 No. 261

(**10**) S.R. 2001 No. 213; the definition of "official error" was amended by regulation 3(2)(b) of S.R. 2002 No. 189