STATUTORY RULES OF NORTHERN IRELAND

2002 No. 128

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2002

Made - - - -	*27th March 2002*
Coming into operation	*8th April 2002*

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)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and Articles 6(5), 14(1) and (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 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 (Miscellaneous Amendments) Regulations (Northern Ireland) 2002 and shall come into operation on 8th April 2002.

(2) In these Regulations—

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**6**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**7**).

(3) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**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. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1994 No. 327, S.R. 1995 Nos. 86 and 410, S.R. 1997 No. 22, S.R. 1998 No. 326 and S.R. 2001 No. 78
(**7**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1998 No. 326 and S.R. 2001 No. 78
(**8**) 1954 c. 33 (N.I.)

Income Support: income disregard

2.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) after the definition of "voluntary organisation"(**9**) there shall be inserted the following definition—

> ""war widower's pension" means any widower's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917(**10**), the Personal Injuries (Emergency Provisions) Act 1939(**11**), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**12**), the Polish Resettlement Act 1947(**13**) or Part VII or section 151 of the Reserve Forces Act 1980(**14**) or a pension or allowance for a widower granted under any scheme mentioned in section 315(2)(*e*) of the Income and Corporation Taxes Act 1988(**15**);".

(3) In regulation 42(4)(*a*)(i)(**16**) (notional income) after "war widow's pension" there shall be inserted "or war widower's pension" and after "widow" there shall be inserted "or widower".

(4) In regulation 51(3)(*a*)(i)(**17**) (notional capital) after "war widow's pension" there shall be inserted "or war widower's pension" and after "widow" there shall be inserted "or widower".

(5) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 16(*b*)(**18**) after "pension" there shall be inserted "or war widower's pension";

(b) in paragraph 16(*c*) after "widow" there shall be inserted "or widower";

(c) in paragraphs 54 and 55(**19**) after "widows" there shall be inserted "or widowers";

(d) in paragraph 56(1)(*a*)(**20**) after "widow" there shall be inserted "or widower", and

(e) in paragraph 56(1)(*b*) after "widows" there shall be inserted "or widowers".

Housing Benefit: income disregard

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**21**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) after the definition of "voluntary organisation"(**22**) there shall be inserted the following definition—

> ""war widower's pension" means any widower's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part VII or section 151 of the Reserve Forces Act 1980 or a pension or allowance for a widower granted

(**9**) Definition of "voluntary organisation" was inserted by regulation 2(2) of S.R. 1995 No. 86
(**10**) 1917 c. 51 (7 & 8 Geo. 5)
(**11**) 1939 c. 82 (2 & 3 Geo. 6)
(**12**) 1939 c. 83 (2 & 3 Geo. 6)
(**13**) 1947 c. 19 (10 & 11 Geo. 6)
(**14**) 1980 c. 9
(**15**) 1988 c. 1
(**16**) Paragraph (4) was substituted by regulation 9(*a*) of S.R. 1988 No. 318 and amended by regulation 5(2) of S.R. 1995 No. 410 and regulation 2(2)(*a*) of S.R. 1998 No. 326
(**17**) Paragraph (3) was substituted by regulation 11(*a*) of S.R. 1988 No. 318 and amended by regulation 9 of S.R. 1997 No. 22 and regulation 3(2)(*a*) of S.R. 1998 No. 326
(**18**) Paragraph 16 was substituted by regulation 5(3) of S.R. 1995 No. 410
(**19**) Paragraphs 54 and 55 were added by regulation 2(10)(*b*) of S.R. 1994 No. 327
(**20**) Paragraph 56 was added by regulation 2(10)(*b*) of S.R. 1994 No. 327
(**21**) 1987 No. 461; relevant amending Regulations are S.R. 1994 No. 335 and S.R. 1995 Nos. 89, 335 and 410
(**22**) Definition of "voluntary organisation" was inserted by regulation 2 of S.R. 1995 No. 89