STATUTORY RULES OF NORTHERN IRELAND

2002 No. 80

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Loss of Benefit) (Consequential Amendments) Regulations (Northern Ireland) 2002

Made - - - -	*6th March 2002*
Coming into operation	*1st April 2002*

The Department for Social Development, in exercise of the powers conferred by sections 22(5), 122(1)(*a*) and (*d*), 123(1)(*e*), 131(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 7(3), 28(1) and (4)(*d*) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), Articles 10(1), 11(3) and (6) and 74(1) of the Social Security (Northern Ireland) Order 1998(**3**) and now vested in it(**4**), and section 60(1) and (2)(*a*) of, and paragraphs 3(1) and 4(3) and (5) of Schedule 7 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**5**) and all other powers enabling it in that behalf, by this statutory rule which contains only regulations made consequential upon sections 6 to 12 of the Social Security Fraud Act (Northern Ireland) 2001(**6**), with the consent of the Department of Finance and Personnel(**7**) in so far as regulation 4 is concerned, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Loss of Benefit) (Consequential Amendments) Regulations (Northern Ireland) 2002 and shall come into operation on 1st April 2002.

(2) 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; section 22(5) was amended by paragraph 5 of, and section 123(1)(*e*) was inserted by paragraph 13(5) of, Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I.1995/2705 (N.I. 15))
(**2**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**3**) S.I. 1998/1506 (N.I. 10)
(**4**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**5**) 2000 c. 4 (N.I.)
(**6**) 2001 c. 17 (N.I.)
(**7**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; subsection (6A) was 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 which transferred the consent function under section 171(6A) from the Department of the Environment to the Department of Finance and Personnel
(**8**) 1954 c. 33 (N.I.)

Amendment of the Social Security (Credits) Regulations

2.—(1) The Social Security (Credits) Regulations (Northern Ireland) 1975(**9**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of "the Contributions and Benefits Act"(**10**) there shall be inserted the following definition—

""the Fraud Act" means the Social Security Fraud Act (Northern Ireland) 2001;".

(3) In regulation 7A(1)(**11**) (credits for invalid care allowance) after "paid to him" there shall be inserted "or would be paid to him but for a restriction under section 6 of the Fraud Act (loss of benefit provisions)".

(4) In regulation 8A(2)(**12**) (credits for unemployment) after sub-paragraph (*c*) there shall be added—

"or

(d) a week in respect of which he would have been paid a jobseeker's allowance but for a restriction imposed pursuant to section 6, 7 or 8 of the Fraud Act (loss of benefit provisions).".

Amendment of the Income Support (General) Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**13**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of "the Contributions and Benefits Act"(**14**) there shall be inserted the following definition—

""the Fraud Act" means the Social Security Fraud Act (Northern Ireland) 2001;".

(3) In Schedule 1B(**15**) (prescribed categories of person) in paragraph 4(*b*) (persons caring for another person) at the end there shall be added "or would be in receipt of that allowance but for the application of a restriction under section 6 of the Fraud Act (loss of benefit provisions)".

(4) In Schedule 2 (applicable amounts) in paragraph 13 (severe disability premium) after sub-paragraph (4) there shall be added the following sub-paragraph—

"(5) In sub-paragraph (2)(*a*)(iii) and (*b*), references to a person being in receipt of an invalid care allowance shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6 of the Fraud Act (loss of benefit provisions).".

Amendment of the Housing Benefit (General) Regulations

4.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**16**) shall be amended in accordance with paragraphs (2) to (4).

(**9**) S.R. 1975 No. 113; relevant amending regulations are S.R. 1976 No. 99, S.R. 1987 No. 153, S.R. 1988 No. 326S.R. 1995 No. 150, S.R. 1996 No. 430 and S.R. 2001 No. 108
(**10**) The definition of "the Contributions and Benefits Act" was inserted by regulation 6(2) of S.R. 1995 No. 150
(**11**) Regulation 7A was inserted by regulation 19 of S.R. 1976 No. 99 and paragraph (1) was amended by regulation 6(*a*) of S.R. 1987 No. 153, regulation 2(5)(*c*) of of S.R. 1988 No. 326 and regulation 3(5) of S.R. 2001 No. 108
(**12**) Regulation 8A was inserted by regulation 2(6) of S.R. 1996 No. 430
(**13**) S.R. 1987 No. 459; relevant amending regulations are S.R, 1993 No. 373, S.R. 1996 No. 199 and S.R. 2000 No. 74
(**14**) The definition of "the Contributions and Benefits Act" was inserted by regulation 4(2)(*a*) of S.R. 1993 No. 373
(**15**) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, S.R. 1996 No. 199 and paragraph (4)(*b*) was amended by regulation 4(1) of S.R. 2000 No. 74
(**16**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1994 No. 335, S.R. 1996 No. 334, S.R. 1997 No. 331and S.R. 2000 No. 365

(2) In regulation 2(1) (interpretation) after the definition of "the Children Order"(**17**) there shall be inserted the following definition—

""the Fraud Act" means the Social Security Fraud Act (Northern Ireland) 2001;".

(3) In regulation 2(3A)(**18**) (interpretation) after sub-paragraph (*c*) there shall be added the following sub-paragraph—

"(d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6, 7 or 8 of the Fraud Act (loss of benefit provisions).".

(4) In Schedule 2 (applicable amounts) in paragraph 13 (severe disability premium) after sub-paragraph (4)(**19**) there shall be added the following sub-paragraph—

"(5) In sub-paragraph (2)(*a*)(iii) and (*b*), references to a person being in receipt of an invalid care allowance shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6 of the Fraud Act (loss of benefit provisions).".

Amendment of the Jobseeker's Allowance Regulations

5.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**20**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of "the Child Support Order" there shall be inserted the following definition—

""the Fraud Act" means the Social Security Fraud Act (Northern Ireland) 2001;".

(3) In regulation 47(4)(*b*)(ii)(**21**) (jobseeking period) after "Article 22A of the Order" there shall be added "or by virtue of a restriction imposed pursuant to section 6, 7 or 8 of the Fraud Act (loss of benefit provisions);".

(4) In Schedule 1 (applicable amounts)—

(a) in paragraph 15 (severe disability premium) after sub-paragraph (8) there shall be added the following sub-paragraph—

"(9) In sub-paragraphs (1)(*c*) and (2)(*d*), references to a person being in receipt of an invalid care allowance shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6 of the Fraud Act (loss of benefit provisions).";

(b) in paragraph 20I(**22**) (severe disability premium) after sub-paragraph (6) there shall be added the following sub-paragraph—

"(7) In sub-paragraph (1)(*d*), the reference to a person being in receipt of an invalid care allowance shall include a reference to a person who would have been in receipt of that allowance but for the application of a restriction under section 6 of the Fraud Act (loss of benefit provisions).".

Amendment of the Social Security (Back to Work Bonus) (No. 2) Regulations

6. In regulation 3(1) of the Social Security (Back to Work Bonus) (No. 2) Regulations (Northern Ireland) 1996(**23**) (period of entitlement to a qualifying benefit: further provisions) after "Article 21

(**17**) The Definition of "the Children Order" was inserted by regulation 2(1) and (2)(*b*) of S.R. 1997 No. 331
(**18**) Paragraph (3A) was inserted by regulation 2(*b*) of S.R. 1996 No. 334 and amended by regulation 3 of S.R. 2000 No. 365
(**19**) Sub-paragraph (4) was added by regulation 11(*b*) of S.R. 1994 No. 335
(**20**) S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 No. 358, S.R. 2000 No. 350 and S.R. 2001 No. 120
(**21**) Paragraph (4)(*b*) was substituted by regulation 14(3) of S.R. 1996 No. 358 and amended by regulation 2(5) of S.R. 2001 No. 120
(**22**) Paragraph 20I was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350
(**23**) S.R. 1996 No. 519; to which there are amendments not relevant to these Regulations