STATUTORY RULES OF NORTHERN IRELAND

2001 No. 134

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2001

Made - - - - 26th March 2001

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 123(1)(e), 131(1), 132(3) and (4)(a) and (b), 134(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and now vested in it(**2**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**3**) in so far as regulation 2 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(**4**), 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) 2001 and shall come into operation—

(a) for the purposes of this regulation and, subject to paragraph (2), regulation 5, on 1st April 2001;

(b) for the purposes of regulation 2—

(i) in a case where rent is or rates are payable at intervals of a whole number of weeks, on 2nd April 2001;

(ii) in any other case, on 1st April 2001;

(c) for all other purposes, subject to paragraph (3), on 9th April 2001.

(**1**) 1992 c. 7; 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)) and section 134(1)(a) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(**2**) *See* Article 8(*b*) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)

(**3**) *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)); consent function transferred from the Department of the Environment for Northern Ireland to the Department of Finance and Personnel; *see* Article 6(*b*) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

(**4**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (1992 c. 8)

(2) Regulation 5 shall come into operation immediately before the coming into operation of regulation 1 of the Social Security (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000(**5**).

(3) Regulation 3 shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph "benefit week"(**6**) and "claimant" shall have the same meaning as in regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(**7**).

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

Amendment of the Housing Benefit (General) Regulations

2.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**9**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation), in the definition of "attendance allowance"—

(a) in paragraph (*a*), for "section 35 of the principal Act" there shall be substituted "Part III of the Contributions and Benefits Act";

(b) in paragraph (*b*), for "61" there shall be substituted "104 or 105";

(c) in paragraph (*c*), for "section 150(3)(*b*) of", there shall be substituted "paragraph 4(2)(*b*) of Schedule 8 to".

(3) In regulation 21A(2A)(**10**) (treatment of childcare charges) for "paragraph (2)" there shall be substituted "paragraphs (2ZA) and (2ZC)".

(4) In Schedule 5 (capital to be disregarded) after paragraph 59(**11**) there shall be added the following paragraph—

"**60.** Any training grant payable under the New Deal 50 Plus Employment Credit Scheme pursuant to arrangements made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**12**) but only for a period of 52 weeks from the date of payment.".

Amendment of the Income Support Regulations

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

(2) In regulation 42(3)(*b*)(**13**) (notional income), for "9 or 10" there shall be substituted "8 or 9" and for "1987" there shall be substituted "1988".

(3) For regulation 71(2)(**14**) (applicable amounts in urgent cases) there shall be substituted the following paragraph—

(**5**) S.R. 2000 No. 367
(**6**) The definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318
(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1992 No. 236, S.R. 1999 Nos. 381 and 501 and S.R. 2000 No. 71
(**8**) 1954 c. 33 (N.I.)
(**9**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1994 No. 274, S.R. 1996 No. 476, S.R. 1999 No. 298 and S.R. 2001 No. 4
(**10**) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274; paragraph (2A) was inserted by regulation 3(3) of S.R. 1996 No. 476 and amended by regulation 4(3) of S.R. 1999 No. 298
(**11**) Paragraph 59 was added by regulation 2(*b*) of S.R. 2001 No. 4
(**12**) 1950 c. 29(N.I.); section 1(1) was substituted by Article 3 of the Employment and Training (Amendment) Order (Northern Ireland) 1988 (S.I. 1988/1087 (N.I. 10))
(**13**) Paragraph (3) was amended by regulation 2(*a*) of S.R. 1992 No. 236 and regulation 2(*a*) of S.R. 1999 No. 501
(**14**) Paragraph (2) was amended by regulation 5(8)(*b*) of S.R. 2000 No. 71