STATUTORY RULES OF NORTHERN IRELAND

2001 No. 78

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2001

Made - - - - 23rd February 2001

Coming into operation 9th April 2001

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a), 123(1)(e), 131(1), 132(4)(b), 133(2)(d) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 1(1), 13A(2)(a) and 165(4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 6(5), 23, 28 and 36(2) of, and paragraph 1(2)(a) of Schedule 1 to, the Jobseeker's (Northern Ireland) Order 1995(**3**) and now vested in it(**4**), and of all other powers enabling it in that behalf, 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) 2001 and shall come into operation on 9th April 2001.

(2) In these Regulations "the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**5**).

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

Amendment of regulation 2 of the Income Support Regulations

2. In regulation 2(1) of the Income Support Regulations (interpretation) after the definition of "net-profit" there shall be inserted the following definition—

(**1**) 1992 c. 7; section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to the Jobseeker's (Northern Ireland) Order 1995 (S.I.1995/2705 (N.I. 15))

(**2**) 1992 c. 8; section 13A was inserted by paragraph 1 of the Schedule to the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I. 1992/1309 (N.I. 9))

(**3**) S.I. 1995/2705 (N.I. 15)

(**4**) *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)

(**5**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1995 Nos. 86 and 301, S.R. 1996 Nos. 199 and 405, S.R. 1998 No. 324, S.R. 1999 No. 381 and S.R. 2000 No. 74 and S.R. 2001 Nos. 4 and 25

(**6**) 1954 c. 33 (N.I.)

""the New Deal options" means the employment programmes specified in regulation 75(1)(*a*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**7**) and the training scheme specified in regulation 75(1)(*b*)(ii) of those Regulations;".

Amendment of regulation 5 of the Income Support Regulations

3. In regulation 5 of the Income Support Regulations (persons treated as engaged in remunerative work) paragraphs (8) to (10)(**8**) shall be omitted.

Amendment of regulation 6 of the Income Support Regulations

4. In regulation 6 of the Income Support Regulations (persons not treated as engaged in remunerative work) after paragraph (4)(**9**) there shall be added the following paragraphs—

"(5) A person shall not be treated as engaged in remunerative work for the period specified in paragraph (6) in so far as—

(a) he or his partner is engaged in work which—

(i) is remunerative work, and

(ii) he, or his partner, is expected to be engaged in for a period of no less than 5 weeks;

(b) he or his partner had, for a continuous period of 26 weeks ending on the day before the day on which he commenced the work referred to in sub-paragraph (*a*), been entitled to and in receipt of income support or an income-based jobseeker's allowance;

(c) he or his partner had, as at the day before the day on which he commenced the work referred to in sub-paragraph (*a*), an applicable amount which included—

(i) an amount determined in accordance with Schedule 3 (housing costs) as applicable to him in respect of a loan which qualifies under paragraph 15 (loans on residential property) or 16 (loans for repairs and improvements to the dwelling occupied as the home) of that Schedule, or

(ii) an amount determined in accordance with Schedule 2 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (housing costs) as applicable to him in respect of a loan which qualifies under paragraph 14 (loans on residential property) or 15 (loans for repairs and improvements to the dwelling occupied as the home) of that Schedule, and

(d) he or his partner remain liable to make payments on such a loan.

(6) A person referred to in paragraph (5) shall not be treated as engaged in remunerative work for—

(a) the period of 4 weeks commencing with the day on which he was first engaged in the work referred to in sub-paragraph (*a*) of that paragraph, or

(b) in the case of a person to whom paragraph (2) applies, a period of 2 weeks commencing with the day after the end of the 14 day period specified in paragraph (3).

(7) In calculating the period of benefit entitlement referred to in paragraph (2)(*b*) or (5)(*b*), no account shall be taken of entitlement arising by virtue of paragraph (3) or (6).

(**7**) S.R. 1996 No. 198; regulation 75(1)(*a*) was amended by regulation 2(4) of S.R. 2000 No. 197
(**8**) Paragraphs (8) to (10) were added by regulation 2(2) of S.R. 1999 No. 381
(**9**) Paragraph (4) was added by regulation 2(*b*)(iii) of S.R. 2000 No. 74

(8) In paragraph (5), a reference to the claimant or his partner being entitled to and in receipt of an income-based jobseeker's allowance or to an amount being applicable to either of them under the Jobseeker's Allowance Regulations (Northern Ireland) 1996 shall include a reference to the claimant and his partner being entitled to, and in receipt of, a joint-claim jobseeker's allowance and to an amount being applicable to that couple under those Regulations.".

Amendment of Schedule 1B to the Income Support Regulations

5. In Schedule 1B to the Income Support Regulations(**10**) (prescribed categories of person) after paragraph 9(**11**) (persons in employment living in residential care homes, nursing homes or residential accommodation) there shall be inserted the following paragraph—

"**Persons who have commenced remunerative work**

9A. A person to whom regulation 6(5)(**12**) (persons not treated as engaged in remunerative work) applies.".

Amendment of Schedule 3 to the Income Support Regulations

6. In Schedule 3 to the Income Support Regulations(**13**) (housing costs)—

(a) in paragraph 14 (linking rule)—

(i) in sub-paragraph (1)(*a*)(ii)(**14**), after "12 weeks or less" there shall be inserted "or, as the case may be, 52 weeks or less,";

(ii) in sub-paragraph (1)(*c*)(iv), after "12 weeks" there shall be inserted "or, as the case may be, 52 weeks,";

(iii) in sub-paragraph (1)(*d*), after "12 weeks" there shall be inserted "or, as the case may be, 52 weeks,";

(iv) in sub-paragraph (1)(*f*)(iii), after "12 weeks" there shall be inserted "or, as the case may be, 52 weeks,";

(b) in sub-paragraph (10)(**15**) after "(1)(*a*)(ii)," there shall be inserted "(1)(*c*)(iv),";

(c) after sub-paragraph (10) there shall be added the following sub-paragraphs—

"(11) For the purposes of sub-paragraph (1)(*a*)(ii), (*c*)(iv), (*d*) and (*f*)(iii), the relevant period shall be—

(a) 52 weeks in the case of a person to whom sub-paragraph (12) applies;

(b) subject to sub-paragraph (10), 12 weeks in any other case.

(12) This sub-paragraph applies, subject to sub-paragraph (13), in the case of a person who, on or after 9th April 2001, has ceased to be entitled to income support because he or his partner—

(a) has commenced employment as an employed earner or as a self-employed earner or has increased the hours in which he is engaged in such employment;

(b) is taking active steps to establish himself in employment as an employed earner or as a self-employed earner under any scheme for assisting persons

(**10**) Schedule 1B was inserted by regulation 22 of and Schedule 1 to S.R. 1996 No. 199
(**11**) Paragraph 9 was amended by regulation 2(*d*)(ii) of S.R. 2000 No. 74
(**12**) Regulation 6(5) is inserted by regulation 4 of these Regulations
(**13**) Schedule 3 was substituted by regulation 2 of and Schedule 1 to S.R. 1995 No. 301
(**14**) Head (*a*)(ii) was amended by regulation 5(10)(*b*) of S.R. 1996 No. 405
(**15**) Sub-paragraph (10) was added by regulation 8(4)(*b*) of S.R. 1998 No. 324

to become so employed which is mentioned in regulation 19(1)(*q*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (circumstances in which a person is to be treated as actively seeking employment), or

(c) is participating in—

(i) a New Deal option, or

(ii) the self-employment route,

and, as a consequence, he or his partner was engaged in remunerative work or had income in excess of the applicable amount as prescribed in Part IV (applicable amounts).

(13) Sub-paragraph (12) shall only apply to the extent that immediately before the day on which the person ceased to be entitled to income support, his housing costs were being met in accordance with paragraph 6(1)(*a*) or 8(1)(*a*) or would have been so met but for any non-dependant deduction under paragraph 18.".

Amendment of Schedule 7 to the Income Support Regulations

7. In Schedule 7 to the Income Support Regulations (applicable amounts in special cases) after paragraph 17(**16**) (claimants entitled to the disability premium for a past period)—

(a) in column (1) there shall be inserted—

"**Persons who have commenced remunerative work**

17A. A person to whom regulation 6(5) (persons not treated as engaged in remunerative work) applies.", and

(b) in column (2) there shall be inserted—

"**17A.**—(1) Subject to sub-paragraph (2), the lowest of either—

(a) the amount determined in accordance with—

(i) Schedule 3 (housing costs), or

(ii) as the case may be, Schedule 2 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (housing costs);

which was applicable to the claimant or his partner immediately before he or his partner commenced the remunerative work referred to in regulation 6(5)(*a*), or

(b) the amount of income support or, as the case may be, income-based jobseeker's allowance which the claimant or his partner was entitled to in the benefit week immediately before the benefit week in which he or his partner commenced the remunerative work referred to in regulation 6(5)(*a*) or, where he or his partner was in receipt of a training allowance in that benefit week, the amount of income support or income-based jobseeker's allowance which he would have been entitled to in that week had he not been in receipt of a training allowance.

(2) Nothing in sub-paragraph (1) shall prevent any adjustment being made to the amount referred to in (*a*) or, as the case may be, (*b*) of that sub-paragraph during the period referred to in regulation 6(6)(**17**) (persons not treated as in remunerative work), in order to reflect changes during that period to the amounts prescribed in

(**16**) Paragraph 17 was amended by regulation 2(11) of S.R. 1995 No. 86 and regulation 6 of S.R. 2000 No. 74
(**17**) Regulation 6(6) is inserted by regulation 4 of these Regulations