STATUTORY RULES OF NORTHERN IRELAND

2000 No. 367

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000

Made - - - - 20th November 2000
Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(*a*) and (*d*), 131(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Article 6(5) 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 (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000 and shall come into operation—

(a) for the purposes of this regulation on 1st April 2001;

(b) for the purposes of regulation 3—

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

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

(c) for all other purposes, on 9th April 2001.

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) *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)
(**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)); 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
(**5**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992

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

Amendment of the Income Support (General) Regulations

2. In the Income Support (General) Regulations (Northern Ireland) 1987(**7**)—

(a) in regulation 44(**8**) (modifications in respect of children and young persons) for the words "personal allowance and disabled child premium, if any," in each place in which they occur there shall be substituted "personal allowance, any disabled child premium and any enhanced disability premium";

(b) in regulation 57(1)(*b*)(**9**) (period over which payments other than periodical payments are to be taken into account) after head (ii) there shall be inserted the following head—

"(iia) any enhanced disability premium in respect of such a child or young person;";

(c) in Schedule 2 (applicable amounts)—

(i) for paragraph 6(**10**) there shall be substituted the following paragraph—

"**6.**—(1) Subject to sub-paragraph (2), the following premiums, namely—

(a) a severe disability premium to which paragraph 13(**11**) applies;

(b) an enhanced disability premium to which paragraph 13A(**12**) applies;

(c) a disabled child premium to which paragraph 14(**13**) applies, and

(d) a carer premium to which paragraph 14ZA(**14**) applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

(a) a pensioner premium under paragraph 9 or 9A(**15**), or

(b) a higher pensioner premium under paragraph 10(**16**).";

(ii) after paragraph 13 (severe disability premium) there shall be inserted the following paragraph—

(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 No. 146, S.R. 1989 Nos. 139 and 395, S.R. 1990 No. 346, S.R. 1991 No. 338, S.R. 1992 Nos. 6 and 147, S.R. 1993 Nos. 218 and 373, S.R. 1994 Nos. 327 and 474, S.R. 1996 No. 288, S.R. 1998 No. 324, S.R. 1999 No. 472 and S.R. 2000 Nos. 38 and 74
(**8**) Regulation 44 was amended by regulation 20 of S.R. 1988 No. 146, regulation 4(14)(*b*) and (*c*) of S.R. 1993 No. 373 and Article 7(8) of S.R. 1999 No. 472 (C. 36)
(**9**) Regulation 57(1)(*b*) was substituted by regulation 5 of S.R. 1990 No. 346 and amended by regulation 5(3) of S.R. 1996 No. 288
(**10**) Paragraph 6 was amended by regulation 6(*d*) of S.R. 1989 No. 395 and regulation 6(*b*) of S.R. 1990 No. 346
(**11**) Paragraph 13 was amended by S.R. 1988 No. 146, S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 373, S.R. 1994 Nos. 327 and 474 and S.R. 2000 No. 74
(**12**) Paragraph 13A was inserted by regulation 2(*c*)(ii) of these Regulations
(**13**) Paragraph 14 was amended by regulation 10(4)(*d*) of S.R. 1992 No. 6, regulation 4(17)(*c*) of S.R. 1993 No. 373 and Article 16(2) of S.R. 2000 No. 38
(**14**) Paragraph 14ZA was inserted by regulation 6(*d*) of S.R. 1990 No. 346 and amended by regulation 13(*d*)(i) of S.R. 1991 No. 338, regulation 10(4)(*e*) of S.R. 1992 No. 6 and regulation 4(2)(*b*) of S.R. 2000 No. 74
(**15**) Paragraphs 9 and 9A were substituted by regulation 5(*a*) of S.R. 1989 No. 139
(**16**) Paragraph 10 was amended by regulation 30(*a*) of S.R. 1988 No. 146, regulation 10 of S.R. 1992 No. 147 and regulation 8(3)(*a*) of S.R. 1998 No. 324

"**Enhanced disability premium**

13A.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with Regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act in respect of—

(a) the claimant, or

(b) a member of the claimant's family,

who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of—

(a) a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except as provided in regulation 44(1)(**17**) (modifications in respect of children and young persons) would exceed £3,000;

(b) a claimant who—

(i) is not a member of a couple or a polygamous marriage, and

(ii) is a patient within the meaning of regulation 21(3) (special cases) and has been for a period of more than six weeks, or

(c) a member of a couple or a polygamous marriage where each member is a patient within the meaning of regulation 21(3) (special cases) and has been for a period of more than six weeks.";

(iii) after paragraph 15(7)(**18**) there shall be added to the table the following sub-paragraph—

"(8) Enhanced disability premium where the conditions in paragraph 13A are satisfied.	(8) £5·95 in respect of each child or young person in respect of whom the conditions specified in paragraph 13A are satisfied; (b) £5·95 in respect of each person who is neither— (i) a child or young person, nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 13A are satisfied; (c) £8·60 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 13A are satisfied in respect

(**17**) Regulation 44(1) was substituted by Article 7(8) of S.R. 1999 No. 472 (C. 36)
(**18**) Paragraph 15(7) was inserted by regulation 6(*e*) of S.R. 1990 No. 346

of a member of that couple or polygamous marriage.".

Amendment of the Housing Benefit (General) Regulations

3. In the Housing Benefit (General) Regulations (Northern Ireland) 1987(**19**)—

(a) in regulation 36(1)(**20**) (modifications in respect of child and young person) for "personal allowance and disabled child premium, if any," there shall be substituted "personal allowance, any disabled child premium and any enhanced disability premium";

(b) in Schedule 2 (applicable amounts)—

(i) for paragraph 6(**21**) there shall be substituted the following paragraph—

"**6.**—(1) Subject to sub-paragraph (2), the following premiums, namely—

(a) a severe disability premium to which paragraph 13(**22**) applies;

(b) an enhanced disability premium to which paragraph 13A(**23**) applies;

(c) a disabled child premium to which paragraph 14(**24**) applies, and

(d) a carer premium to which paragraph 14ZA(**25**) applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

(a) a pensioner premium under paragraph 9 or 9A(**26**), or

(b) a higher pensioner premium under paragraph 10(**27**).";

(ii) after paragraph 13 (severe disability premium) there shall be inserted the following paragraph—

"**Enhanced disability premium**

13A.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with Regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act in respect of—

(a) the claimant, or

(b) a member of the claimant's family,

(**19**) S.R. 1987 No. 461; relevant amending Rules are S.R. 1989 No. 125, S.R. 1990 Nos. 136 and 345, S.R. 1991 No. 520, S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 381, S.R. 1994 Nos. 335 and 474, S.R. 1996 No. 93, S.R. 1998 No. 324 and S.R. 2000 Nos. 38 and 74

(**20**) Regulation 36(1) was amended by regulation 3(2) of S.R. 1991 No. 520 and regulation 11(*a*) of S.R. 1993 No. 381

(**21**) Paragraph 6 was amended by regulation 10(*a*) of S.R. 1990 No. 136 and regulation 9(*b*) of S.R. 1990 No. 345

(**22**) Paragraph 13 was amended by S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 381, S.R. 1994 Nos. 335 and 474, S.R. 1996 No. 93 and S.R. 2000 No. 74

(**23**) Paragraph 13A is inserted by regulation 3(*b*)(ii) of these Regulations

(**24**) Paragraph 14 was amended by regulation 11(4)(*d*) of S.R. 1992 No. 6 and regulation 12(*b*) of S.R. 1993 No. 381

(**25**) Paragraph 14ZA was inserted by regulation 9(*d*) of S.R. 1990 No. 345 and amended by regulation 11(4)(*e*) of S.R. 1992 No. 6 and regulation 4(4)(*b*) of S.R. 2000 No. 74

(**26**) Paragraphs 9 and 9A were substituted by regulation 9(*a*) of S.R. 1989 No. 125

(**27**) Paragraph 10 was amended by regulation 9(*a*) of S.R. 1998 No. 324