STATUTORY RULES OF NORTHERN IRELAND

2000 No. 366

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Capital Limits and Earnings Disregards 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*)*, 130(1), 132(2) and (4)(b) and (d), and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14(4)(b) and (d), 15(1) and (3) 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 regulations 2(3), 3 and 4 of, and paragraph 1 of the Schedule to, these Regulations, are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations and paragraph 1 of the Schedule, 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 (Capital Limits and Earnings Disregards 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 2(3) and for the purposes of regulation 3 and 4 and paragraph 1 of the Schedule (in so far as those regulations and that paragraph relate to housing benefit)—

(i) in a case where rent 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;

(**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

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

(2) Regulation 2(1) 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 the 9th April 2001 and in this paragraph "benefit week"(**6**) and "claimant" shall have the same meanings as in regulation 2(1) of the Income Support Regulations.

(3) Regulation 2(2) shall, in relation to any particular claimant for a jobseeker's allowance, 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"(**7**) shall have the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations.

(4) In these Regulations—

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**9**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**).

(5) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

Capital Limits

2.—(1) In the Income Support Regulations—

(a) in regulation 41(1)(**12**) (capital treated as income), after "£8,000" there shall be inserted "or, in a case where regulation 45(*aa*)(**13**) (capital limit) applies, £12,000";

(b) in regulation 45(**14**) (capital limit)—

(i) in paragraph (*a*) after "paragraph" there shall be inserted "(*aa*) or";

(ii) after paragraph (*a*) there shall be inserted the following paragraph—

"(aa) where the circumstances prescribed in regulation 53(1ZA)(**15**) (calculation of tariff income from capital) apply in the claimant's case, the prescribed amount is £12,000;";

(c) in regulation 53 (calculation of tariff income from capital)—

(i) in paragraph (1)(**16**), after "paragraph" there shall be inserted "(1ZA) or";

(ii) after paragraph (1) there shall be inserted the following paragraph—

"(1ZA) Where the claimant—

(a) is aged 60 or over or has a partner who is aged 60 or over;

(**6**) The definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318
(**7**) The definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(*a*) of S.R. 1996 No. 503
(**8**) S.R. 1987 No. 461; relevant amending Rules are S.R. 1988 No. 424, S.R. 1989 No. 125, S.R. 1990 No. 137, S.R. 1992 No. 298, S.R. 1993 Nos. 145 and 381 and S.R. 1996 No. 93
(**9**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 318 and 431, S.R. 1989 Nos. 139 and 395, S.R. 1990 No. 137, S.R. 1992 Nos. 147 and 298, S.R. 1993 Nos. 120 and 149, S.R. 1996 No. 93, S.R. 1998 No. 112, S.R. 1999 No. 472 (C. 36)
(**10**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 356, 358 and 503, S.R. 1997 No. 22, S.R. 1998 No. 112, S.R. 1999 No. 428 (C. 32) and S.R. 2000 No. 350
(**11**) 1954 c. 33 (N.I.)
(**12**) Regulation 41(1) was amended by Article 7(6) of S.R.1999 No. 472 (C. 36)
(**13**) Paragraph (*aa*) is inserted by regulation 2(1)(*b*)(ii) of these Regulations
(**14**) Regulation 45 was substituted by regulation 11(1)(*a*) of S.R. 1996 No. 93
(**15**) Paragraph (1ZA) is inserted by regulation 2(1)(*c*)(ii) of these Regulations
(**16**) Regulation 53(1) was amended by regulation 5(2) of S.R. 1990 No. 137 and regulation 11(1)(*b*)(i) of S.R. 1996 No. 93

(b) is not a person to whom the circumstances prescribed in paragraph (1B) apply, and

(c) has capital which, calculated in accordance with this Part, exceeds £6,000,

that capital shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £12,000.";

(iii) in both paragraph (2)(**17**) and (3)(**18**) after "(1)" there shall be inserted ", (1ZA)".

(2) In the Jobseeker's Allowance Regulations—

(a) in regulation 104(1)(**19**) (capital treated as income), after "£8,000" there shall be inserted "or, in a case where regulation 107(*aa*)(**20**) (capital limit) applies, £12,000";

(b) in regulation 107(**21**) (capital limit)—

(i) in paragraph (*a*) after "paragraph" there shall be inserted "(*aa*) or";

(ii) after paragraph (*a*) there shall be inserted the following paragraph—

"(aa) where the circumstances prescribed in regulation 116(1ZA)(**22**) (calculation of tariff income from capital) apply in the claimant's case, the prescribed amount is £12,000;";

(c) in regulation 116 (calculation of tariff income from capital)—

(i) in paragraph (1)(**23**), after "paragraph" there shall be inserted "(1ZA) or";

(ii) after paragraph (1) there shall be inserted the following paragraph—

"(1ZA) Where the claimant—

(a) is aged 60 or over or has a partner who is aged 60 or over;

(b) is not a person to whom the circumstances prescribed in paragraph (1B) apply, and

(c) has capital which, calculated in accordance with this Part, exceeds £6,000,

that capital shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £12,000.";

(iii) in both paragraphs (2)(**24**) and (3)(**25**), after "(1)" there shall be inserted ", (1ZA)".

(3) In regulation 45 of the Housing Benefit Regulations (calculation of tariff income from capital)—

(a) in paragraph (1)(**26**), after "paragraph" there shall be inserted "(1ZA) or";

(b) after paragraph (1) there shall be inserted the following paragraph—

"(1ZA) Where the claimant—

(a) is aged 60 or over or has a partner who is aged 60 or over;

(b) is not a person to whom the circumstances prescribed in paragraph (1B) apply, and

(c) has capital which, calculated in accordance with this Part, exceeds £6,000,

(**17**) Paragraph (2) was amended by regulation 11(1)(*b*)(iii) of S.R. 1996 No. 93
(**18**) Paragraph (3) was amended by regulation 12 of S.R. 1988 No. 431 and regulation 11(1)(*b*)(iii) of S.R. 1996 No. 93
(**19**) Regulation 104(1) was amended by regulation 3(2) of S.R. 1997 No. 22 and Article 9(8)(*b)* of S.R. 1999 No. 428 (C. 32)
(**20**) Paragraph (*aa*) is inserted by regulation 2(2)(*b*)(ii) of these Regulations
(**21**) Regulation 107 was substituted by regulation 9 of S.R. 1996 No. 356
(**22**) Paragraph (1ZA) is inserted by regulation 2(2)(*c*)(ii) of these Regulations
(**23**) Regulation 116(1) was amended by regulation 10(*a*) of S.R. 1996 No. 356
(**24**) Regulation 116(2) was amended by regulation 10(*c*) of S.R. 1996 No. 356
(**25**) Regulation 116(3) was amended by regulation 10(*c*) of S.R. 1996 No. 356
(**26**) Regulation 45(1) was amended by regulation 4(2) of S.R. 1990 No. 137 and regulation 11(2)(*b*)(i) of S.R. 1996 No. 93