STATUTORY RULES OF NORTHERN IRELAND

2000 No. 109

SOCIAL SECURITY
HOUSING; RATES

The Social Security (Approved Work) Regulations (Northern Ireland) 2000

Made - - - -	*23rd March 2000*
Coming into operation	*3rd April 2000*

The Department for Social Development, in exercise of the powers conferred by sections 30C(3), 86A, 90(a), 122(1)(a) and (d), 132(4)(a), 167D and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14(4)(b) 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 in so far as its consent is required in respect of regulation 4(**4**), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations 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 (Approved Work) Regulations (Northern Ireland) 2000 and shall come into operation on 3rd April 2000.

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

(**1**) 1992 c. 7; section 30C was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)); section 86A was inserted by Article 4(4) of that Order and section 167D was inserted by Article 8(1) of that Order

(**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**) *See* Article 8(*b*) of S.R. 1999 No. 481

(**4**) *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 functions under section 171(6A) from the Department of the Environment to the Department of Finance and Personnel

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

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

Amendment of the Social Security (Severe Disablement Allowance) Regulations

2. In regulation 7 of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**7**) (days for which persons are to be regarded as incapable of work for the purposes of severe disablement allowance) after paragraph (1B) there shall be inserted the following paragraph—

"(1C) For the purposes of severe disablement allowance, a person shall be treated as incapable of work on any day where he is treated as incapable of work under regulation 10A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**8**) (certain persons participating in approved work to be treated as incapable of work).".

Amendment of the Income Support (General) Regulations

3. In regulation 42 of the Income Support (General) Regulations (Northern Ireland) 1987(**9**) (notional income)—

(a) in paragraph (6A)(**10**) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(b) in a case where the service is performed in connection with—

(i) the claimant's participation in an employment or training programme in accordance with regulation 19(1)(*p*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996, or

(ii) the claimant's or the claimant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or"; and

(b) in paragraph (6B)(*a*)(**11**) the words "throughout that period" shall be omitted.

Amendment of the Housing Benefit (General) Regulations

4. In regulation 35 of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**12**) (notional income)—

(a) in paragraph (5)(**13**)—

(i) at the beginning there shall be inserted "Subject to paragraph (5A),"; and

(ii) the words from "; but this paragraph" to the end shall be omitted; and

(b) after paragraph (5) there shall be inserted the following paragraph—

"(5A) Paragraph (5) shall not apply—

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the appropriate authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with—

(**7**) S.R. 1984 No. 317; regulation 7 was amended by regulation 2(5) of S.R. 1994 No. 462 and regulation 7(2) of S.R. 1998 No. 324
(**8**) S.R. 1995 No. 41; regulation 10A is inserted by regulation 7(3) of these regulations
(**9**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1999 No. 390
(**10**) Paragraph (6A) was inserted by regulation 2(2)(*b*), and amended by regulation 2(2)(*c*), of S.R. 1999 No. 390
(**11**) Paragraph (6B) was inserted by regulation 2(2)(*b*) of S.R. 1999 No. 390
(**12**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1991 No. 337, S.R. 1995 No. 89 and S.R. 1997 No. 541
(**13**) Paragraph (5) was amended by regulation 7 of S.R. 1991 No. 337, regulation 7 of S.R. 1995 No. 89 and regulation 17(3) and (4)(*b*) of S.R. 1997 No. 541

(i) the claimant's participation in an employment or training programme in accordance with regulation 19(1)(*p*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**14**), or

(ii) the claimant's or the claimant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme.".

Amendment of the Social Security (Incapacity Benefit) Regulations

5. In regulation 3(2) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**15**) (days not to be treated as days of incapacity for work) after sub-paragraph (*b*) there shall be added—

"or

(c) where such payment as is made is for the sole purpose of travelling or meal expenses incurred or to be incurred under the arrangement made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950.".

Amendment of the Social Security (Incapacity Benefit – Increases for Dependants) Regulations

6. In regulation 9 of the Social Security (Incapacity Benefit – Increases for Dependants) Regulations (Northern Ireland) 1994(**16**) (increase of incapacity benefit for adult dependants and persons having the care of children) after paragraph (2) there shall be inserted the following paragraph—

"(2A) For the purposes of, and subject to, paragraph (1), where, on any day, an adult dependant is a person who does approved work on a trial basis within the meaning of regulation 10A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (certain persons participating in approved work to be treated as incapable of work), the beneficiary shall be treated as entitled to an increase under section 86A of the Contributions and Benefits Act.".

Amendment of the Social Security (Incapacity for Work) (General) Regulations

7.—(1) The Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**17**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 6(3)(*b*)(**18**) (information required for determining capacity for work) for "regulations 10 to 14" there shall be substituted "regulations 10, 11 to 14".

(3) After regulation 10 (certain persons with a severe condition to be treated as incapable of work) there shall be inserted the following regulation—

(**14**) S.R. 1996 No. 198
(**15**) S.R. 1994 No. 461; regulation 3(1) was amended by S.R. 1999 No. 346
(**16**) S.R. 1994 No. 485
(**17**) S.R. 1995 No. 41; relevant amending regulations are S.R. 1995 No. 149 and S.R. 1996 Nos. 289 and 601
(**18**) Regulation 6(3) was substituted by regulation 4(2)(*b*) of S.R. 1995 No. 149 and amended by regulation 25(2) of S.R. 1996 No. 289