STATUTORY RULES OF NORTHERN IRELAND

2000 No. 2

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Education Maintenance Allowance Amendment) Regulations (Northern Ireland) 2000

Made - - - -	*14th January 2000*
Coming into operation	*7th February 2000*

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(*a*) and (*d*), 132(4)(*b*) and 171(1) and (3) to (5) 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(**4**) in so far as regulations 2(1), (2)(*a*), (3) and (4)(*a*) and 3 are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those 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 (Education Maintenance Allowance Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 7th February 2000.

(2) In these Regulations—

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**6**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**7**);

(**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 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
(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1999 Nos. 275 and 342
(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1999 Nos. 275 and 381

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**8**).

(3) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Disregard of education maintenance allowance

2.—(1) For each of the paragraphs specified in paragraph (2) (which relate to sums to be disregarded in the calculation of income other than earnings) there shall be substituted the following paragraph—

"Any—

(a) education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996(**10**) (payment of school expenses; grant of scholarships etc.), or

(b) sum (not being an allowance coming within sub-paragraph (*a*)) in respect of a course of study attended by a child or young person payable by virtue of regulations made under Article 50, 51 or 55(1) of the Education and Libraries (Northern Ireland) Order 1986(**11**) (provisions to assist persons to take advantage of educational facilities).".

(2) The paragraphs specified for the purposes of paragraph (1)(**12**) are—

(a) paragraph 10 of Schedule 4 to the Housing Benefit Regulations;

(b) paragraph 11 of Schedule 9 to the Income Support Regulations;

(c) paragraph 12 of Schedule 6 to the Jobseeker's Allowance Regulations.

(3) At the end of each of the Schedules specified in paragraph (4) (which relate to capital to be disregarded) there shall be added the following paragraph bearing the respective specified paragraph number—

"Any education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.) which is payable as a termly bonus or as an achievement bonus at the end of an academic term but only for a period of 52 weeks from the date of receipt of that allowance.".

(4) The paragraphs specified for the purposes of paragraph (3) are—

(a) paragraph 58 of Schedule 5 to the Housing Benefit Regulations(**13**);

(b) paragraph 56 of Schedule 10 to the Income Support Regulations(**14**);

(c) paragraph 50 of Schedule 7 to the Jobseeker's Allowance Regulations(**15**).

Revocation and saving

3. The Social Security (Educational Maintenance Allowance Amendment) Regulations (Northern Ireland) 1999(**16**) are hereby revoked except to the extent that regulation 2(2)(*a*) and (*b*) of those Regulations substitutes the provisions specified in regulation 2(1) of those Regulations.

(**8**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 Nos. 275 and 342
(**9**) 1954 c. 33 (N.I.)
(**10**) 1996 c. 56; section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31)
(**11**) S.I. 1986/594 (N.I. 3); Article 55(1) was amended by Schedule 5 to the Education and Libraries (Northern Ireland) Order 1993 (S.I. 1993/2810 (N.I. 12))
(**12**) The paragraphs specified were substituted by regulation 2 of S.R. 1999 No. 275
(**13**) Paragraph 57 was added by regulation 4(5) of S.R. 1999 No. 342
(**14**) Paragraph 55 was added by regulation 2(11) of S.R. 1999 No. 381
(**15**) Paragraph 49 was added by regulation 6(5) of S.R. 1999 No. 342
(**16**) S.R. 1999 No. 275