STATUTORY RULES OF NORTHERN IRELAND

1999 No. 342

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Sports Awards Amendments) Regulations (Northern Ireland) 1999

Made - - - - 3rd August 1999
Coming into operation in acccordance with regulation 1

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1), 132(3) and (4)(b), 133(2)(d) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14(1) and (4)(b) and 36(2) of, and paragraph 1(2)(b) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**2**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**3**) in so far as regulations 2(1) and (2)(c) and 4 are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those Regulations should not be referred to it(**4**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Sports Awards Amendments) Regulations (Northern Ireland) 1999 and shall come into operation on 23rd August 1999.

(2) In relation to any particular claimant for either family credit or disability working allowance, regulations 2 and 3 shall have effect, where a claimant has an award of either of those benefits—

(a) which expires on 23rd August 1999, on 24th August 1999;

(b) which expires after 23rd August 1999, on the day following the expiration of that award.

(3) In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**5**);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**6**);

(**1**) 1992 c. 7; section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) 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))
(**4**) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**5**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1994 No. 327 and S.R. 1998 No. 421
(**6**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1992 No. 148, S.R. 1994 No. 327 and S.R. 1998 No. 421

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**7**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**8**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**9**).

(3) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Common amendments: definition of "sports award"

2.—(1) In each of the regulations specified in paragraph (2), there shall be inserted the following definition in the appropriate place—

""sports award" means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993(**11**) out of sums allocated to it for distribution under that section;".

(2) The regulations specified in this paragraph are—

(a) regulation 2 of the Disability Working Allowance Regulations;

(b) regulation 2(1) of the Family Credit Regulations;

(c) regulation 2(1) of the Housing Benefit Regulations;

(d) regulation 2(1) of the Income Support Regulations;

(e) regulation 1(2) of the Jobseeker's Allowance Regulations.

Amendment of the Disability Working Allowance Regulations and the Family Credit Regulations

3.—(1) Both the Disability Working Allowance Regulations and the Family Credit Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In both regulation 6(3) of the Disability Working Allowance Regulations(**12**) and regulation 4(3) of the Family Credit Regulations(**13**) (remunerative work) after sub-paragraph (d) there shall be added the following sub-paragraph—

"(e) he is engaged in an activity in respect of which—

(i) a sports award has been made, or is to be made, to him, and

(ii) no other payment is made or is expected to be made to him.".

(3) In both regulation 24(3) of the Disability Working Allowance Regulations(**14**) and regulation 21(3) of the Family Credit Regulations(**15**) (earnings of self-employed earners) at the end there shall be added "nor shall it include any sports award.".

(**7**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1993 No. 381, S.R. 1994 No. 335 and S.R. 1998 No. 421
(**8**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1998 No. 421
(**9**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1998 No. 421
(**10**) 1954 c. 33 (N.I.)
(**11**) 1993 c. 39
(**12**) Regulation 6(3) was substituted by regulation 4(2)(a) of S.R. 1994 No. 327 and modified to include sub-paragraph (d) by regulation 12(4) of S.R. 1998 No. 421
(**13**) Regulation 4 was substituted by regulation 3 of S.R. 1992 No. 148, paragraph (3) was substituted by regulation 3(2)(a) of S.R. 1994 No. 327 and modified to include sub-paragraph (d) by regulation 12(4) of S.R. 1998 No. 421
(**14**) Paragraph (3) was added by regulation 4(6)(b) of S.R. 1994 No. 327
(**15**) Paragraph (3) was added by regulation 3(8)(b) of S.R. 1994 No. 327

(4) There shall be added as paragraph 62 of Schedule 3 to the Disability Working Allowance Regulations(**16**) and as paragraph 64 of Schedule 2 to the Family Credit Regulations(**17**) (sums to be disregarded in the calculation of income other than earnings) the following paragraph—

"(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or housing costs of any member of the family.

(3) For the purposes of sub-paragraph (2)—

"food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

"housing costs" do not include accommodation costs incurred as a consequence of living away from home whilst training for, or competing in, the sport in respect of which the award was made;

"ordinary clothing and footwear" means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.".

(5) There shall be added as paragraph 55 of Schedule 4 to the Disability Working Allowance Regulations(**18**) and as paragraph 56 of Schedule 3 to the Family Credit Regulations(**19**) (sums to be disregarded in the calculation of capital) the following paragraph—

"(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or housing costs of any member of the family.

(3) For the purposes of sub-paragraph (2)—

"food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

"housing costs" do not include accommodation costs incurred as a consequence of living away from home whilst training for, or competing in, the sport in respect of which the award was made;

"ordinary clothing and footwear" means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.".

Amendment of the Housing Benefit Regulations

4.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 4 (remunerative work) after paragraph (6)(**20**) there shall be added the following paragraph—

(**16**) Schedule 3 was modified to include paragraphs 60 and 61 by regulation 15(2)(a) of S.R. 1998 No. 421
(**17**) Schedule 2 was modified to include paragraphs 62 and 63 by regulation 15(2)(b) of S.R. 1998 No. 421
(**18**) Schedule 4 was modified to include paragraphs 53 and 54 by regulation 16(2)(a) of S.R. 1998 No. 421
(**19**) Schedule 3 was modified to include paragraphs 54 and 55 by regulation 16(2)(b) of S.R. 1998 No. 421
(**20**) Paragraph (6) was added by regulation 3(b) of S.R. 1993 No. 381

"(7) A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—

(a) a sports award has been made, or is to be made, to him, and

(b) no other payment is made or is expected to be made to him.".

(3) In regulation 30(2)(**21**) (earnings of self-employed earners) at the end there shall be added "nor shall it include any sports award.".

(4) At the end of Schedule 4(**22**) (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

"**72.**—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent or rates of the claimant or where the claimant is a member of a family, any other member of his family.

(3) For the purposes of sub-paragraph (2)—

"food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

"ordinary clothing and footwear" means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities;

"rent or rates" means eligible rent or rates less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions).".

(5) At the end of Schedule 5(**23**) (sums to be disregarded in the calculation of capital) there shall be added the following paragraph—

"**57.**—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent or rates of the claimant or, where the claimant is a member of a family, any other member of his family.

(3) For the purposes of sub-paragraph (2)—

"food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

"ordinary clothing and footwear" means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities;

"rent or rates" means eligible rent or rates less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions).".

(**21**) Regulation 30(2) was substituted by regulation 4 of S.R. 1994 No. 335
(**22**) Schedule 4 was modified to include paragraphs 70 and 71 by regulation 15(2)(c) of S.R. 1998 No. 421
(**23**) Schedule 5 was modified to include paragraphs 55 and 56 by regulation 16(2)(c) of S.R. 1998 No. 421