STATUTORY RULES OF NORTHERN IRELAND

1998 No. 326

SOCIAL SECURITY

The Social Security (Amendment) (New Deal No. 2) Regulations (Northern Ireland) 1998

Made - - - -	*15th September 1998*
Coming into operation	*19th October 1998*

The Department of Health and Social Services for Northern Ireland in exercise of the powers conferred on it by sections 122(1)(*a*) to (*c*), 132(4)(*a*) and (*b*) and 171(1) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14(4)(*a*) and (*b*) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Amendment) (New Deal No. 2) Regulations (Northern Ireland) 1998 and shall come into operation on 19th October 1998.

(2) In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**3**);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**4**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**5**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**6**).

(**1**) 1992 c. 7
(**2**) S.I.1995/2705 (N.I. 15)
(**3**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541 and S.R. 1998 No. 182
(**4**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1988 Nos. 131 and 205, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233, S.R. 1997 Nos. 412 and 541 and S.R. 1998 No. 182
(**5**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541
(**6**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 Nos. 412 and 541 and S.R. 1998 No. 81

(3) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Notional income

2.—(1) In regulation 105 of the Jobseeker's Allowance Regulations(**8**) (notional income)—

(a) in paragraph (10) for the words from "Any payment of income," to "regulation 75(1)(*b*)(ii)" there shall be substituted "Any payment of income, other than a payment of income specified in paragraph (10A)";

(b) after paragraph (10) there shall be inserted the following paragraph—

"(10A) Paragraph (10) shall not apply in respect of a payment of income made—

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;

(b) pursuant to section 19(1)(*a*) of the Coal Industry Act 1994(**9**) (concessionary coal), or

(c) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950(**10**) in respect of a person's participation—

(i) in an employment programme specified in regulation 75(1)(*a*);

(ii) in a training scheme specified in regulation 75(1)(*b*)(ii), or

(iii) in a qualifying course within the meaning specified in regulation 17A(7)(**11**).".

(2) In regulation 42 of the Income Support Regulations (notional income)—

(a) in paragraph (4)(**12**) for the words from "Any payment of income," to "regulation 75(1)(*b*)(ii) of those Regulations" there shall be substituted "Any payment of income, other than a payment of income specified in paragraph (4ZA)";

(b) after paragraph (4) there shall be inserted the following paragraph—

"(4ZA) Paragraph (4) shall not apply in respect of a payment of income made—

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;

(b) pursuant to section 19(1)(*a*) of the Coal Industry Act 1994 (concessionary coal), or

(c) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person's participation—

(i) in an employment programme specified in regulation 75(1)(*a*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996;

(ii) in a training scheme specified in regulation 75(1)(*b*)(ii) of those Regulations, or

(**7**) 1954 c. 33 (N.I.)
(**8**) Relevant amending Regulations are S.R. 1997 Nos. 412 and 541
(**9**) 1994 c. 21
(**10**) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))
(**11**) Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198
(**12**) Paragraph (4) was substituted by regulation 9(*a*) of S.R. 1988 No. 318 and amended by S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541

(iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.".

(3) In both regulation 29 of the Disability Working Allowance Regulations(**13**) and regulation 26 of the Family Credit Regulations(**14**) (which relate to notional income)—

(a) in paragraph (3) for the words from "Any payment of income," to "regulation 75(1)(*b*)(ii) of those Regulations" there shall be substituted "Any payment of income, other than a payment of income specified in paragraph (3A)";

(b) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Paragraph (3) shall not apply in respect of a payment of income made—

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;

(b) pursuant to section 19(1)(*a*) of the Coal Industry Act 1994 (concessionary coal), or

(c) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person's participation—

(i) in an employment programme specified in regulation 75(1)(*a*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996;

(ii) in a training scheme specified in regulation 75(1)(*b*)(ii) of those Regulations, or

(iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.".

Notional capital

3.—(1) In regulation 113 of the Jobseeker's Allowance Regulations (notional capital)—

(a) in paragraph (3)(**15**) for the words from "Any payment of capital," to "regulation 75(1)(*b*)(ii)" there shall be substituted "Any payment of capital, other than a payment of capital specified in paragraph (3A)";

(b) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Paragraph (3) shall not apply in respect of a payment of capital made—

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds, or

(b) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person's participation—

(i) in an employment programme specified in regulation 75(1)(*a*);

(ii) in a training scheme specified in regulation 75(1)(*b*)(ii), or

(iii) in a qualifying course within the meaning specified in regulation 17A(7).".

(2) In each of the regulations referred to in paragraph (3) (each of which relates to notional capital)—

(**13**) Relevant amending Regulations are S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541

(**14**) Relevant amending Regulations are S.R. 1988 Nos. 131 and 205, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541

(**15**) Paragraph (3) was amended by S.R. 1997 No. 541