STATUTORY RULES OF NORTHERN IRELAND

1998 No. 325

HOUSING; RATES

The Housing Benefit (Amendment) (New Deal) 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)(*d*), 132(4)(*a*) and (*b*) and 171(1) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**2**) in so far as its consent is required, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**3**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Amendment) (New Deal) Regulations (Northern Ireland) 1998 and shall come into operation on 19th October 1998.

(2) In these Regulations "the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**4**).

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

Amendment of regulation 35 of the principal Regulations

2. In regulation 35 of the principal Regulations (notional income)—

(a) in paragraph (3)(**6**), for the words from the beginning 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)";

(**1**) 1992 c. 7
(**2**) *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))
(**3**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**4**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 No. 424, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 145, 195 and 233, S.R. 1997 Nos. 412 and 541 and S.R. 1998 No. 182
(**5**) 1954 c. 33 (N.I.)
(**6**) Paragraph (3) was amended by regulation 9(*a*) of S.R. 1988 No. 424, regulation 3(3)(*a*) of S.R. 1990 No. 33, regulation 3(3) of S.R. 1991 No. 204, regulation 4(3) of S.R. 1992 No. 201, regulation 6(*a*) of S.R. 1993 No. 145, regulation 4(3)(*a*) of S.R.

(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(**7**) (concessionary coal);

(c) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950(**8**) 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(**9**);

(ii) in a training scheme specified in regulation 75(1)(*b*)(ii)(**10**) of those Regulations, or

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

Amendment of regulation 43 of the principal Regulations

3. In regulation 43 of the principal Regulations (notional capital)—

(a) in paragraph (3)(**12**), for the words from the beginning to "regulation 75(1)(*b*)(ii) of those Regulations" 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;

(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*) 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.".

1993 No. 195, regulation 4(3)(*a*) of S.R. 1993 No. 233, regulation 7(1) and (2)(*c*) of S.R. 1997 No. 412 and regulation 17(1) and (2)(*b*) of S.R. 1997 No. 541

(**7**) 1994 c. 21

(**8**) 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))

(**9**) S.R. 1996 No. 198; regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by regulation 4(2) of S.R. 1998 No. 182

(**10**) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by regulation 8(*b*) of S.R. 1998 No. 198

(**11**) Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198

(**12**) Paragraph (3) was amended by regulation 12(*a*) of S.R. 1988 No. 424, regulation 3(3)(*b*) of S.R. 1990 No. 33, regulation 3(5) of S.R. 1991 No. 204, regulation 4(5) of S.R. 1992 No. 201, regulation 8(*a*) of S.R. 1993 No. 145, regulation 4(3)(*c*) of S.R. 1993 No. 195, regulation 4(3)(*c*) of S.R. 1993 No. 233 and regulation 17(5) and (6)(*b*) of S.R. 1997 No. 541