STATUTORY RULES OF NORTHERN IRELAND

1998 No. 176

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 1998

Made - - - - 8th May 1998

Coming into operation in accordance 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(4)(*b*) and 171(1) to (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14(4)(*b*), 36(2) and 37(3) of 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 regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation 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 (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 1998 and this regulation and regulation 3 shall come into operation on 1st June 1998.

(2) Regulation 2 shall come into operation on 1st June 1998 but in the case of a claimant for income support whose benefit week does not commence on that date, it shall have effect from the first day of the first benefit week to commence for that claimant after that date.

(3) In paragraph (2), "benefit week" and "claimant" shall have the same meanings as in regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(**5**).

(4) Regulation 4 shall come into operation on 2nd June 1998 but in the case of a claimant for family credit or disability working allowance who has an award of either of these benefits which is current on 2nd June 1998, it shall have effect as from the day following the expiration of that award.

(**1**) 1992 c. 7
(**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. 1987 No. 459; the definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318

(5) Regulation 5 shall come into operation on 1st June 1998 but in the case of a claimant for a jobseeker's allowance whose benefit week does not commence on that date, it shall have effect from the first day of the first benefit week to commence for that claimant after that date.

(6) In paragraph (5), "benefit week" shall have the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**6**).

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

Amendment of the Income Support (General) Regulations

2. In Schedule 9 to the Income Support (General) Regulations (Northern Ireland) 1987(**8**) (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 30(1) after "paragraph 29" there shall be inserted "or 30ZA";

(b) after paragraph 30 there shall be inserted the following paragraph—

"**30ZA.**—(1) Subject to sub-paragraph (2), any payment received under an insurance policy, other than an insurance policy referred to in paragraph 29, taken out to insure against the risk of being unable to maintain repayments under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974(**9**) or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part VI of the Hire-Purchase Act (Northern Ireland) 1966(**10**).

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

(a) maintain the repayments referred to in sub-paragraph (1), and

(b) meet any amount due by way of premiums on that policy.".

Amendment of the Housing Benefit (General) Regulations

3. In Schedule 4 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(**11**) (sums to be disregarded in the calculation of income other than earnings) for paragraph 30 there shall be substituted the following paragraph—

"**30.**—(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—

(a) on a loan which is secured on the dwelling which the claimant occupies as his home, or

(b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part VI of the Hire-Purchase Act (Northern Ireland) 1966.

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

(**6**) S.R. 1996 No. 198; the definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(*a*) of S.R. 1996 No. 503
(**7**) 1954 c. 33 (N.I.)
(**8**) Paragraph 30 was substituted by regulation 4 of, and paragraph 1 of Schedule 3 to, S.R. 1995 No. 301 and paragraph 30(1)(*d*)(i) was substituted by regulation 2(4) of S.R. 1995 No. 434
(**9**) 1974 c. 39
(**10**) 1966 c. 42 (N.I.); Part VI was substituted by paragraph 49 of Schedule 4 to the Consumer Credit Act 1974
(**11**) S.R. 1987 No. 461; to which there are amendments not relevant to these Regulations