STATUTORY RULES OF NORTHERN IRELAND

1998 No. 112

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Amendment) (Lone Parents) Regulations (Northern Ireland) 1998

Made - - - -	*18th March 1998*
Coming into operation	*6th April 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(*a*) and (*d*), 129(2) and (4), 131(1), 132(4)(*b*), 133(2)(*i*) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 6(5), 14(2) and (4)(*b*) and 36(2) 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 relates to regulations 2, 3, 4, 5, 6 and 7 of these Regulations, and without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to the Department of Health and Social Services for Northern Ireland that by reason of the urgency of the matter it is inexpedient to do so(**4**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Amendment) (Lone Parents) Regulations (Northern Ireland) 1998 and, subject to paragraph 2, shall come into operation on 6th April 1998.

(2) To the extent that Regulation 4(*c*) of the Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1998(**5**) comes into operation on 6th April 1998, regulation 5 of these Regulations shall come into operation immediately after that regulation 4(*c*).

(3) In these Regulations—

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

(**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; subsection (6A) was 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)(*a*) of the Social Security Administration (Northern Ireland) Act 1992
(**5**) S.R. 1998 No. 73
(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 Nos. 297, 305 and 345, S.R. 1991 No. 47, S.R. 1992 No. 549, S.R. 1994 No. 65, S.R. 1995 No. 129, S.R. 1996 Nos. 115 and 334 and S.R. 1997 No. 4

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

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

"the Up-rating Order" means the Social Security Benefits Up-rating Order (Northern Ireland) 1998(**9**)

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

Revocation

2. The Social Security (Lone Parents) (Amendment) Regulations (Northern Ireland) 1997(**11**) are hereby revoked.

Housing benefit: students who are treated as liable to make payments in respect of a dwelling

3. In regulation 48A(2) of the Housing Benefit Regulations(**12**) (students who are treated as liable to make payments in respect of a dwelling)—

(a) after sub-paragraph (*a*) there shall be inserted the following sub-paragraph—

"(aa) who is a lone parent;";

(b) in sub-paragraph (*b*)—

(i) after "include" there shall be inserted "the";

(ii) "a family premium under paragraph 3(*a*) of Schedule 2 (applicable amounts)," shall be omitted.

Housing benefit: exclusions from reductions in the amounts of eligible rent relating to students

4. In regulation 51(2)(*c*) of the Housing Benefit Regulations(**13**) (exclusions from reductions in the amounts of eligible rent relating to students)—

(a) in head (i), "a family premium under paragraph 3(*a*) of Schedule 2 or" shall be omitted;

(b) after head (i) there shall be inserted the following head—

"(ia) he is a lone parent; or".

Housing benefit: amendment of provisions relating to family premium

5. In Schedule 2 to the Housing Benefit Regulations (applicable amounts), paragraph 3(**14**) (family premium) shall be renumbered paragraph 3(1) and—

(a) in renumbered sub-paragraph (1)(*a*), for "and no premium is applicable under paragraph 9, 9A, 10 or 11" there shall be substituted "to whom paragraph (2) applies";

(b) after sub-paragraph (1) there shall be inserted the following sub-paragraphs—

(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318 and S.R. 1996 No. 288
(**8**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 288
(**9**) S.R. 1998 No. 59
(**10**) 1954 c. 33 (N.I.)
(**11**) S.R. 1997 No. 354
(**12**) Regulation 48A was inserted by S.R. 1990 No. 297 and amended by S.R. 1992 No. 549, S.R. 1996 No. 334 and S.R. 1997 No. 4
(**13**) Paragraph 2 was amended by regulation 7(*a*) of S.R. 1995 No. 129 and regulation 5 of S.R. 1997 No. 4
(**14**) Paragraph 3 was amended by regulation 6(*a*) of S.R. 1997 No. 4

"(2) The amount in sub-paragraph (1)(*a*) shall be applicable to a lone parent—

(a) who was entitled to housing benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under sub-paragraph (*a*) of this paragraph as in operation on that date; or

(b) who was not entitled to housing benefit on 5th April 1998 because that date fell during a rent and rate-free period as defined in regulation 70(1) (rent and rate-free periods) and his applicable amount on that date would have included the amount applicable under sub-paragraph (*a*) of this paragraph as in operation on that date,

and in respect of whom all of the conditions specified in sub-paragraph (3) have continued to apply.

(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on and including 6th April 1998—

(a) the claimant has not ceased to be entitled, or has not ceased to be treated as entitled, to housing benefit;

(b) the claimant has not ceased to be a lone parent;

(c) where the claimant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continued to be entitled to one or other of those benefits;

(d) where the claimant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to either of those benefits; and

(e) a premium under paragraph 9, 9A, 10 or 11 has not become applicable to the claimant.

(4) For the purposes of sub-paragraph (3)(*a*), a claimant shall be treated as entitled to housing benefit during any rent and rate-free period as defined for the purposes of regulation 70(1).".

Housing benefit: disregard of certain sums in the calculation of a lone parent's earnings

6. In Schedule 3 to the Housing Benefit Regulations for paragraph 4(**15**) (disregard of certain sums in the calculation of a lone parent's earnings) there shall be substituted the following paragraph —

"**4.** In the case where the claimant is a lone parent, £25.".

Housing benefit: conditions for an extended payment

7. In Schedule 5A to the Housing Benefit Regulations(**16**), in paragraph 2(*c*) (conditions for an extended payment of housing benefit)—

(a) after head (i) there shall be inserted the following head—

"(ia) the claimant was a lone parent; or";

(b) in head (ii)—

(i) "pursuant to paragraph 3(*a*) (rate of family premium applicable to a lone parent) or," shall be omitted;

(**15**) Paragraph 4 was substituted by regulation 10 of S.R. 1990 No. 345 and amended by regulation 7 of S.R. 1997 No. 4
(**16**) Schedule 5A was inserted by regulation 6 of S.R. 1996 No. 115 and amended by regulation 22 of S.R. 1996 No. 334 and regulation 9 of S.R. 1997 No. 4