STATUTORY RULES OF NORTHERN IRELAND

1998 No. 81

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1998

Made - - - - 6th March 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 64(1), 68(4)(c), 70(4), 71(6), 122(1), 123(1), 127(1), 128(1), 129(1)(a), (2) and (4), 131(1), 132(2), (3) and (4), 133(2)(a) and (i), 142A, 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(l) and (q), 30(8), 73(2) and 165(1) and (3) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Articles 4(1), 5(a) and (b) and (7) and 19 of the Child Support (Northern Ireland) Order 1995(**3**), Articles 6(5), 14(1), (2) and (4), 15(3), 36(2) and 37(3) of, and paragraphs 3 and 11 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**4**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**5**) in so far as regulations 3(1), (2)(*c*), (3) and (4)(*c*), 4(1), (2)(*c*) and (3), 5(1) and (2)(*a*), 6, 7 and 11(3) and (4)(*a*) are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**6**), hereby makes the following Regulations:

Part I

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1998 and this regulation and regulation 10 shall come into operation on 1st April 1998.

(**1**) 1992 c. 7; section 142A was inserted by Article 10(1)(b) of the Asylum and Immigration Act 1996 (c. 40)
(**2**) 1992 c. 8
(**3**) S.I. 1995/2702 (N.I. 13)
(**4**) S.I. 1995/2705 (N.I. 15)
(**5**) *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))
(**6**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(2) Except in the case of regulation 10, in so far as these Regulations amend provisions relating to income support or jobseeker's allowance, they shall come into operation on 6th April 1998 and in relation to a claimant for either income support or jobseeker's allowance, they shall have effect from the first day of the first benefit week to commence for that claimant on or after that date and, in a case to which regulation 5(2)(*b*) applies, immediately after Article 18(8) of, and Schedule 7 to, the Social Security Benefits Up-rating Order (Northern Ireland) 1998(**7**) come into operation.

(3) In paragraph (2) "benefit week" and "claimant" with respect to income support shall have the same meaning as in regulation 2(1) of the Income Support Regulations(**8**) and with respect to jobseeker's allowance "benefit week" shall have the same meaning as in regulation 1(2) of the Jobseeker's Regulations(**9**).

(4) In so far as these Regulations amend provisions relating to disability working allowance or family credit, they shall come into operation on 7th April 1998 and, in relation to any particular claimant for either of those benefits, they shall have effect where a claimant has an award of disability working allowance or family credit which is current on 7th April 1998, on the day following the expiration of that award.

(5) In so far as these Regulations amend provisions relating to housing benefit—

(a) in any case to which paragraph (6) applies, they shall come into operation on 1st April 1998, and

(b) in any other case, they shall come into operation on 6th April 1998.

(6) This paragraph applies in any case where—

(a) rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, or

(b) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.

(7) In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**10**);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**11**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**12**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**13**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**14**).

(**7**) S.R. 1998 No. 59
(**8**) The definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318
(**9**) 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
(**10**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1996 No. 11 and S.R. 1998 No. 2
(**11**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1996 No. 11 and S.R. 1998 No. 2
(**12**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 305, S.R. 1992 No. 85, S.R. 1994 Nos. 80 and 266, S.R. 1995 No. 89, S.R. 1996 Nos. 93, 111, 405 and 488 and S.R. 1998 No. 2
(**13**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 Nos. 205, 318 and 431, S.R. 1990 Nos. 33, 131 and 297, S.R. 1991 Nos. 46 and 204, S.R. 1992 Nos. 6 and 201, S.R. 1993 Nos. 195, 233 and 373, S.R. 1994 Nos. 77 and 266, S.R. 1995 No. 86, S.R. 1996 Nos. 375, 405 and 449, S.R. 1997 Nos. 22, 412 and 541 and S.R. 1998 No. 2
(**14**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356, 358 and 503, S.R. 1997 Nos. 22, 484 and 541 and S.R. 1998 No. 2

(8) The Interpretation Act (Northern Ireland) 1954(**15**) shall apply to these Regulations as it applies to a Measure of the Assembly.

Part II

Child Maintenance Bonus

Amendment of the Social Security (Child Maintenance Bonus) Regulations

2.—(1) The Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(**16**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) for the definition of "child maintenance"(**17**) there shall be substituted the following definition—

""child maintenance" means maintenance in any of the following forms—

(a) child support maintenance paid or payable;

(b) maintenance paid or payable by an absent parent to a person with care of a qualifying child, under an agreement (whether enforceable or not) between them, or by virtue of an order of a court, or

(c) maintenance deducted from any benefit payable to an absent parent who is liable to maintain a qualifying child,

which, as the case may be, is paid, payable, or deducted on or after the 1st April 1998, but does not include any maintenance paid or payable in respect of a former partner.".

(3) In regulation 3(1) (entitlement to a bonus) for sub-paragraph (*f*) there shall be substituted the following sub-paragraph—

"(f) the work condition is satisfied within the period of—

(i) in a case where an applicant with care cares for one child only and that child dies, 12 months immediately following the date of death;

(ii) in a case where the absent parent has—

(aa) died;

(bb) ceased to be habitually resident in the United Kingdom, or

(cc) has been found not to be the parent of the qualifying child or children,

12 weeks immediately following the first date on which any of those events occurs;

(iii) in any other case, 14 days immediately following the day on which the bonus period applying to the applicant comes to an end.".

(4) In regulation 4(1)(*c*) (bonus period) for head (i)(**18**) there shall be substituted the following head—

"(i) paid or payable to the applicant, or".

(5) In regulation 10(1) (claiming a bonus)—

(a) in sub-paragraph (*b*)(**19**) the words "(*c*) or" shall be omitted, and

(**15**) 1954 c. 33 (N.I.)
(**16**) S.R. 1996 No. 622; relevant amending Regulations are S.R. 1997 No. 130
(**17**) The definition of "child maintenance" was amended by regulation 8(2)(*a*) of S.R. 1997 No. 130
(**18**) Head (i) was substituted by regulation 8(4)(*a*) of S.R. 1997 No. 130
(**19**) Sub-paragraph (*b*) was amended by regulation 8(8)(*a*) of S.R. 1997 No. 130

(b) sub-paragraph (*c*)(**20**) shall be omitted.

Part III

Amendments with respect to Income-Related Benefits and Jobseeker's Allowance

Common Amendments: Disregard of contribution

3.—(1) In each of the regulations specified in paragraph (2) (students) in the definition of "contribution" after "in respect of the income" there shall be inserted "of a student or".

(2) The regulations specified in this paragraph are—

(a) regulation 41 of the Disability Working Allowance Regulations;

(b) regulation 37 of the Family Credit Regulations;

(c) regulation 46 of the Housing Benefit Regulations(**21**);

(d) regulation 61 of the Income Support Regulations(**22**), and

(e) regulation 130 of the Jobseeker's Allowance Regulations.

(3) In each of the regulations specified in paragraph (4) the following regulation shall be inserted and numbered in accordance with that paragraph—

"**Further disregard of student's income**

Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant, the amount taken into account shall be disregarded in assessing that student's income.".

(4) The Regulations and regulation numbers specified in this paragraph are—

(a) regulation 48A of the Disability Working Allowance Regulations;

(b) regulation 43A of the Family Credit Regulations;

(c) regulation 58A of the Housing Benefit Regulations;

(d) regulation 67A of the Income Support Regulations, and

(e) regulation 137A of the Jobseeker's Allowance Regulations.

Common Amendments: Disregard of income other than earnings

4.—(1) For each of the paragraphs of the Schedules to the Regulations specified in paragraph (2) (sums to be disregarded in the calculation of income other than earnings) there shall be substituted the following paragraph—

"Any payment—

(a) made to the claimant or his partner for a person ("the person concerned"), who is not normally a member of the claimant's household but is temporarily in his care by—

(i) an authority;

(ii) a voluntary organisation, or

(**20**) Sub-paragraph (*c*) was substituted by regulation 8(8)(*b*) of S.R. 1997 No. 130
(**21**) The definition of "contribution" was substituted by regulation 4(4)(*a*) of S.R. 1996 No. 405
(**22**) The definition of "contribution" was substituted by regulation 5(8)(*a*) of S.R. 1996 No. 405

(iii) the person concerned pursuant to Article 36(7) of the Health and Personal Social Services (Northern Ireland) Order 1972(**23**), or

(b) made to the claimant or his partner for a person who is not normally a member of the claimant's household but is temporarily in his care by a training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968(**24**) (approval of schools).".

(2) The paragraphs of the Schedules to the Regulations specified in this paragraph are—

(a) paragraph 24 of Schedule 3 to the Disability Working Allowance Regulations(**25**);

(b) paragraph 24 of Schedule 2 to the Family Credit Regulations(**26**);

(c) paragraph 27 of Schedule 4 to the Housing Benefit Regulations(**27**);

(d) paragraph 27 of Schedule 9 to the Income Support Regulations(**28**), and

(e) paragraph 28 of Schedule 6 to the Jobseeker's Allowance Regulations(**29**).

(3) In Schedule 4 to the Housing Benefit Regulations in paragraph 35(**30**) for "paragraphs 15" there shall be substituted "paragraphs 15(1)".

Housing Benefit, Income Support, Jobseeker's Allowance: Amendments with respect to persons in detention

5.—(1) For the words referred to in each of the provisions specified in paragraph (2) there shall be substituted "who is detained in hospital"—

(2) The words referred to and the provisions specified in this paragraph are—

(a) in the Housing Benefit Regulations—

(i) in regulation 5(8A)(**31**) (circumstances in which a person is to be treated as liable to make payments in respect of a dwelling) for "who is detained";

(ii) in regulation 63(7)(*e*)(iii)(**32**) (non-dependant deductions) for "whose detention is";

(b) in the Income Support Regulations—

(i) in regulation 21(3)(**33**) (special cases) in the definition of "prisoner"(**34**) for "whose detention is";

(ii) in Schedule 7 in column 1 of paragraph 2A(**35**) (applicable amounts in special cases) for "who is detained", and

(c) in the Jobseeker's Allowance Regulations in regulation 85(4) (special cases) in the definition of "prisoner" for "whose detention is".

(**23**) S.I. 1972/1275 (N.I. 14); Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I. 1) and amended by paragraph 2(4) and (5) of Schedule 1 to S.I. 1992/3204 (N.I. 20)
(**24**) 1968 c. 34 (N.I.); section 137 was amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 and Article 185(1) of, and paragraph 42 of Schedule 9 to, the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))
(**25**) Paragraph 24 was amended by regulation 7(5)(*c*) of S.R. 1998 No. 2
(**26**) Paragraph 24 was amended by regulation 4(5)(*c*) of S.R. 1998 No. 2
(**27**) Paragraph 27 was amended by regulation 3(6)(*c*) of S.R. 1998 No. 2
(**28**) Paragraph 27 was amended by regulation 2(8)(*c*) of S.R. 1998 No. 2
(**29**) Paragraph 28 was amended by regulation 8(7)(*c*) of S.R. 1998 No. 2
(**30**) Paragraph 35 was amended by regulation 3(3) of S.R. 1990 No. 305 and regulation 7(*b*) of S.R. 1996 No. 93
(**31**) Paragraph (8A) was inserted by regulation 5 of S.R. 1995 No. 89
(**32**) Regulation 63(7)(*e*) was added by regulation 2(*d*)(iv) of S.R. 1992 No. 85
(**33**) Relevant amending Regulations are S.R. 1996 No. 375
(**34**) The definition of "prisoner" was substituted by regulation 2(6)(*a*) of S.R. 1995 No. 86
(**35**) Paragraph 2A was inserted by regulation 19(*b*) of S.R. 1990 No. 131