STATUTORY RULES OF NORTHERN IRELAND

1997 No. 435

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 1997

Made - - - -	*26th September 1997*
Coming into operation	*22nd October 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(*a*), 131(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(*j*), 59(1) and (2), 165(1) and (3) to (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**3**) 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 (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 1997 and shall come into operation on 22nd October 1997.

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

Amendment of the Income Support (General) Regulations

2.—(1) Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987(**5**) (housing costs) shall be amended in accordance with paragraphs (2) to (6).

(2) After paragraph 1 (housing costs) there shall be inserted the following paragraph—

"**Previous entitlement to income-based jobseeker's allowance**

1A.—(1) Where a claimant or his partner was in receipt of or was treated as being in receipt of income-based jobseeker's allowance not more than 12 weeks before one of them becomes

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) S.I.1995/2705 (N.I. 15)
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1987 No. 459; Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301; relevant amending Regulations are S.R. 1995 No. 434

entitled to income support or, where the claimant or his partner is a person to whom paragraph 14(2) or (8) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

(a) the applicable amount for that allowance included an amount in respect of housing costs under paragraph 14 or 15 of Schedule 2 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**6**) (loans on residential property and for repairs and improvements to the dwelling occupied as the home); and

(b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for income support shall be the applicable amount in respect of those costs current when entitlement to income-based jobseeker's allowance was last determined.

(2) Where, in the period since housing costs were last calculated for income-based jobseeker's allowance, there has been a change of circumstances, other than a reduction in the amount of an outstanding loan, which increases or reduces those costs, the amount to be met under this Schedule shall, for the purposes of the claim for income support, be recalculated to as to take account of that change.".

(3) In paragraph 6(1A)(**7**) (existing housing costs) after "sub-paragraph (1)" there shall be inserted "and subject to sub-paragraph (1B)".

(4) After paragraph 6(1A) there shall be inserted the following sub-paragraph—

"(1B) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income-based jobseeker's allowance and one of them becomes entitled to income support in a case to which paragraph 1A(**8**) applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.".

(5) In paragraph 8(1A)(**9**) (new housing costs) after "sub-paragraph (1)" there shall be inserted "and subject to sub-paragraph (1B)".

(6) After paragraph 8(1A) there shall be inserted the following sub-paragraph—

"(1B) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income-based jobseeker's allowance and one of them becomes entitled to income support in a case to which paragraph 1A(**10**) applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.".

Amendment of the Social Security (Claims and Payments) Regulations

3. In paragraph 9 of Schedule 8B to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**11**) (deductions of mortgage interest from benefit and payment to qualifying lenders — provision of information)—

(a) at the beginning of both sub-paragraphs (2) and (3) there shall be inserted "Subject to sub-paragraph (4),";

(**6**) S.R. 1996 No. 198
(**7**) Sub-paragraph (1A) was inserted by regulation 2(3)(*d*) of S.R. 1995 No. 434
(**8**) Paragraph 1A is inserted by regulation 2(2) of these Regulations
(**9**) Sub-paragraph (1A) was inserted by regulation 2(3)(*f*) of S.R. 1995 No. 434
(**10**) Paragraph 1A is inserted by regulation 2(2) of these Regulations
(**11**) S.R. 1987 No. 465; Schedule 8B was inserted by regulation 5 of, and the Schedule to, S.R. 1992 No. 271 and paragraph (9) was amended by regulation 2 of S.R. 1996 No. 354