STATUTORY RULES OF NORTHERN IRELAND

# 1997 No. 412

# SOCIAL SECURITY

## The Income-Related Benefits and Jobseeker's Allowance (Amendment No. 2) Regulations (Northern Ireland) 1997

*Made - - - - 10th September 1997*

*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), 123(1)(*e*), 131(1), 132(2), (3) and (4)(*a*) and (*b*), 133(2)(*h*) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 6(5), 14(1), (2) and (4)(*a*) and (*b*), 15(3), 36(2) and 39 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 regulations 4 and 7(1), (2)(*c*), (5) and (6)(*c*) are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations 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 Income-Related Benefits and Jobseeker's Allowance (Amendment No. 2) Regulations (Northern Ireland) 1997 and, subject to paragraphs (2) to (4), shall come into operation on 6th October 1997.

(2) In relation to a claimant for either income support or jobseeker's allowance, these Regulations shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th October 1997.

(3) In paragraph (2) the expression "benefit week" shall have the same meaning as in regulation 2(1) of the Income Support Regulations(**5**) or, where appropriate, in regulation 1(2) of the Jobseeker's Allowance Regulations(**6**).

(**1**) 1992 c. 7; section 123(1)(*e*) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995
(**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)(*b*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**5**) The definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318
(**6**) 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

(4) In so far as these Regulations amend provisions relating to disability working allowance or family credit, they shall come into operation on 7th October 1997 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 October 1997, on the day following the expiration of that award.

(5) In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**7**);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**8**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**9**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**10**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**11**).

(6) The Interpretation Act (Northern Ireland) 1954(**12**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

### Amendment of the Disability Working Allowance Regulations

**2.** After regulations 29(2)(*c*) (notional income) and 37(1)(*b*) and (2)(*d*)(**13**) (notional capital) of the Disability Working Allowance Regulations there shall be inserted "or" and the following sub-paragraph bearing the appropriate letter—

"any sum to which paragraph 44(*a*) of Schedule 4(**14**) (disregard of compensation for personal injuries which is administered by the Court) refers".

### Amendment of the Family Credit Regulations

**3.** After regulations 26(2)(*c*) (notional income) and 34(1)(*b*) and (2)(*d*)(**15**) (notional capital) of the Family Credit Regulations there shall be inserted "or" and the following sub-paragraph bearing the appropriate letter—

"any sum to which paragraph 45(*a*) of Schedule 3(**16**) (disregard of compensation for personal injuries which is administered by the Court) refers".

(**7**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1993 No. 195, S.R. 1994 No. 327 and S.R. 1995 No. 367
(**8**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1991 No. 326, S.R. 1993 No. 195, S.R. 1994 No. 327 and S.R. 1995 No. 367
(**9**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1991 No. 47, S.R. 1993 Nos. 145 and 195 and S.R. 1994 No. 335
(**10**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1991 No. 46, S.R. 1993 Nos. 149, 165, 195 and 235, S.R. 1994 No. 327, S.R. 1995 No. 367 and S.R. 1996 Nos. 199 and 440
(**11**) S.R. 1996 No. 198; to which there are amendments not relevant to these Regulations
(**12**) 1954 c. 33 (N.I.)
(**13**) Regulation 29(2)(*a*) to (*c*) was substituted and regulation 37(2)(*d*) was added by regulation 6(4)(*a*) and (5) of S.R. 1995 No. 367 respectively
(**14**) Paragraph 44 was added by regulation 4(10)(*b*) of S.R. 1994 No. 327 and is amended by regulation 7(5) and (6)(*a*) of these Regulations
(**15**) Regulation 26(2)(*a*) to (*c*) was substituted and regulation 34(2)(*d*) was added by regulation 4(4)(*a*) and (5) of S.R. 1995 No. 367 respectively and regulation 34(1)(*b*) was substituted by regulation 2 of S.R. 1990 No. 347
(**16**) Paragraph 45 was added by regulation 3(12)(*b*) of S.R. 1994 No. 327 and is amended by regulation 7(5) and (6)(*b*) of these Regulations

### Amendment of the Housing Benefit Regulations

**4.**—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(5)(*d*)(**17**) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) for "his liability to make payments in respect of two dwellings is unavoidable" there shall be substituted "he could not reasonably have avoided liability in respect of two dwellings".

(3) After regulations 35(2)(*c*) (notional income) and 43(2)(*d*)(**18**) (notional capital) there shall be inserted "or" and the following sub-paragraph bearing the appropriate letter—

> "any sum to which paragraph 45(*a*) of Schedule 5(**19**) (disregard of compensation for personal injuries which is administered by the Court) refers,".

### Amendment of the Income Support Regulations

**5.**—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 4ZA(**20**) (prescribed categories of person) after paragraph (3) there shall be added the following paragraph—

> "(4) A person who falls within a prescribed category in Schedule 1B(**21**) for the purposes of this regulation for any day in a benefit week, shall fall within that category for the whole of that week.".

(3) In regulation 40(3A)(**22**) (calculation of income other than earnings) for "week" there shall be substituted "benefit week".

(4) After regulations 42(2)(*g*) (notional income) and 51(1)(*b*) and (2)(*d*)(**23**) (notional capital) there shall be inserted "or" and the following sub-paragraph bearing the appropriate letter—

> "any sum to which paragraph 43(*a*) of Schedule 10(**24**) (disregard of compensation for personal injuries which is administered by the Court) refers".

(5) In regulation 61 (interpretation) in the definition of "grant income" in paragraph (*c*) for "paragraph 1, 2 or 7 of Schedule 1" there shall be substituted "paragraph 1, 2, 10, 11 or 12 of Schedule 1B"(**25**).

(6) In Part II of Schedule 4 (persons to whom regulation 19 does not apply) paragraphs 15(**26**) and 16 shall be omitted.

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(**17**) Regulation 5(5)(*d*) was amended by regulation 3(*c*) of S.R. 1993 No. 145
(**18**) Regulation 35(2)(*a*) to (*c*) was substituted and regulation 43(2)(*d*) was added by regulation 3(4)(*a*) and (5) of S.R. 1995 No. 367 respectively
(**19**) Paragraph 45 was added by regulation 13(*b*) of S.R. 1994 No. 335 and is amended by regulation 7(5) and (6)(*c*) of these Regulations
(**20**) Regulation 4ZA was inserted by regulation 4 of S.R. 1996 No. 199
(**21**) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, S.R. 1996 No. 199
(**22**) Paragraph (3A) was inserted by regulation 4(4)(*b*) of S.R. 1990 No. 297 and amended by regulation 8 of S.R. 1991 No. 46
(**23**) Regulations 42(2)(*g*) and 51(2)(*d*) were added by regulation 2(4)(*a*) and 2(5) of S.R. 1995 No. 367 respectively and regulation 51(1)(*b*) was substituted by regulation 3 of S.R. 1990 No. 346
(**24**) Paragraph 43 was added by regulation 2(11)(*b*) of S.R. 1994 No. 327 and amended by regulation 7(5) and (6)(*d*) of these Regulations
(**25**) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, S.R. 1996 No. 199; relevant amending Regulations are S.R. 1996 No. 440
(**26**) Paragraph 15 was amended by paragraph 6(12)(*f*) of Schedule 2 to S.R. 1993 No. 149