STATUTORY RULES OF NORTHERN IRELAND

1997 No. 354

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Lone Parents) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*30th July 1997*
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(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 regulation 3 of these Regulations, 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 Social Security (Lone Parents) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 6th April 1998.

(2) In these Regulations—

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**5**);

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

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**7**).

(**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)(*b*) of the Social Security Administration (Northern Ireland) Act 1992
(**5**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318 and S.R. 1996 No. 288
(**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
(**7**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 288

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

Amendment of the Income Support Regulations

2.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of "invalid carriage or other vehicle" there shall be inserted the following definition—

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

(3) In Schedule 2 (applicable amounts), in paragraph 3(**9**) (family premium)—

(a) after "3." there shall be inserted "—(1)";

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

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

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

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

(b) on becoming entitled to income support where the claimant was entitled to an income-based jobseeker's allowance on 5th April 1998 and that claimant's applicable amount—

(i) on that date included the amount applicable under paragraph 4(*a*) of Schedule 1 to the Jobseeker's Allowance Regulations as in operation on that date, and

(ii) on the last day of that award, included the amount applicable under paragraph 4(1)(*a*) of Schedule 1 to the Jobseeker's Allowance Regulations(**10**),

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 income support;

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

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

(4) For the purpose of sub-paragraph (3)(*a*), a claimant shall be treated as entitled to income support during the period of an award of an income-based jobseeker's allowance, throughout which his applicable amount included the amount applicable under paragraph 4(1)(*a*) of Schedule 1 to the Jobseeker's Allowance Regulations.".

(**8**) 1954 c. 33 (N.I.)
(**9**) Paragraph 3 was amended by regulation 18 of S.R. 1988 No. 318 and regulation 5(4) of S.R. 1996 No. 288
(**10**) Paragraph 4 is amended by regulation 4(2) of these Regulations

(4) In Schedule 8 for paragraph 5(**11**) (disregard of certain sums in the calculation of a lone parent's earnings) there shall be substituted the following paragraph—

"**5.** In a case where the claimant is a lone parent and paragraph 4 does not apply, £15.".

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 48A(2)(**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.

(3) In regulation 51(2)(*c*)(**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".

(4) In Schedule 2, in paragraph 3(**14**) (family premium)—

(a) after "3." there shall be inserted "—(1)";

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

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

"(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*) 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*) 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;

(**11**) Paragraph 5 was amended by regulation 5(6) of S.R. 1996 No. 288
(**12**) Regulation 48A was inserted by S.R. 1990 No. 297 and amended by S.R. 1990 No. 305, S.R. 1991 No. 47, S.R. 1992 No. 549, S.R. 1994 No. 65, S.R. 1995 No. 129, 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