STATUTORY RULES OF NORTHERN IRELAND

1997 No. 22

SOCIAL SECURITY

The Income-Related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 1997

Made - - - - 22nd January 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), 129(1), 131(1), 132(2), (3) and (4)(*a*), (*b*) and (*d*) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(*q*) and (5), 30(8), 73(2) and 165(1), (3) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 6(5), 14(1) and (4)(*b*) and (*d*), 15(3) and 36(1) and (2) of the Jobseekers (Northern Ireland) Order 1995(**3**) and of all other powers enabling it in that behalf and with the consent of the Department of the Environment for Northern Ireland(**4**) in so far as relates to regulations 2(1), 10, 11, 12 and 13 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(**5**), 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 (Miscellaneous Amendments) Regulations (Northern Ireland) 1997 and this regulation shall come into operation on 1st April 1997.

(2) In so far as these Regulations amend provisions relating to income support or jobseeker's allowance, they shall come into operation on 7th April 1997 and, in relation to any particular claimant for either of those benefits, they shall have effect from the first day of the first benefit week to commence for that claimant on or after that date.

(**1**) 1992 c. 7
(**2**) 1992 c. 8; section 5(5) was inserted by Article 3 of the Housing Benefit (Payment to Third Parties) (Northern Ireland) Order 1996 (S.I. 1996/2597 (N.I. 20))
(**3**) S.I. 1995/2705 (N.I. 15)
(**4**) *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))
(**5**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992

(3) In paragraph (2) the expression "benefit week" shall have the same meaning as in regulation 2(1) of the Income Support Regulations(**6**) or, where appropriate, in regulation 1(2) of the Jobseeker's Allowance Regulations(**7**).

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

(a) in any case to which paragraph (5) applies, they shall come into operation on 1st April 1997, and

(b) in any other case, they shall come into operation on 7th April 1997.

(5) 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.

(6) In so far as these Regulations amend provisions relating to family credit or disability working allowance, they shall come into operation on 8th April 1997 and, in relation to any particular claimant for either of those benefits, they shall have effect, where a claimant has an award of family credit or disability working allowance which is current on 7th April 1997, on the day following the expiration of that award.

(7) In these Regulations—

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**8**);

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

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**10**);

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**11**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**12**).

(8) The Interpretation Act (Northern Ireland) 1954(**13**) shall apply to these Regulations as it applies to a Measure of the Assembly.

Income-related benefits and jobseeker's allowance: Disregard of certain income other than earnings

2.—(1) In Schedule 4 to the Housing Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 64(**14**) there shall be added the following paragraph—

(**6**) The definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318
(**7**) The definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(*a*)(ii) of S.R. 1996 No. 503
(**8**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 Nos. 318 and 431, S.R. 1989 Nos. 139 and 365, S.R. 1990 Nos. 33, 131, 137 and 297, S.R. 1991 Nos. 46 and 204, S.R. 1992 No. 201, S.R. 1993 Nos. 149, 195 and 233 and S.R. 1996 Nos. 78, 93 and 449
(**9**) S.R. 1987 No. 461; relevant amending rules are S.R. 1988 No. 314, S.R. 1994 No. 335, S.R. 1996 Nos. 73, 334 and 448 and S.R. 1997 No. 4
(**10**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1989 No. 366 and S.R. 1995 No. 86
(**11**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1995 No. 86
(**12**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356, 358 and 503
(**13**) 1954 c. 33 (N.I.)
(**14**) Paragraph 64 was added by regulation 8(*b*) of S.R. 1997 No. 4

"**65.** Any payment made under Article 15A of the Health and Personal Social Services (Northern Ireland) Order 1972(**15**).".

(2) In Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 15B(**16**)—

(i) in sub-paragraph (1)—

(aa) in head (*c*) after "occupational pension of his" there shall be inserted ", or of any income from a personal pension scheme or a retirement annuity contract of his,";

(bb) for "or pensions" there shall be substituted ", pensions or income";

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

"(2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.";

(iii) in sub-paragraph (3) for "occupational pension" there shall be substituted "pension or income referred to in sub-paragraph (1)";

(b) after paragraph 57(**17**) there shall be added the following paragraphs—

"**58.** Any payment made under Article 15A of the Health and Personal Social Services (Northern Ireland) Order 1972.

59.—(1) Any payment specified in sub-paragraph (2) to a claimant who was formerly a student and who has completed the course in respect of which those payments were made.

(2) The payments specified for the purposes of sub-paragraph (1) are—

(a) any grant income and covenant income as defined for the purposes of Chapter VIII of Part V;

(b) any loan made pursuant to arrangements made under Article 3 of the Education (Student Loans) (Northern Ireland) Order 1990(**18**) or section 1 of the Education (Student Loans) Act 1990(**19**).".

(3) In Schedule 6 to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 16A(**20**)—

(i) in sub-paragraph (1)—

(aa) in head (*c*) after "occupational pension of his" there shall be inserted ", or of any income from a personal pension scheme of his,";

(bb) for "or pensions" there shall be substituted ", pensions or income";

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

(**15**) S.I. 1972/1265 (N.I. 14); Article 15A was inserted by Article 3 of the Personal Social Services (Direct Payments) (Northern Ireland) Order 1996 (S.I. 1996/1923 (N.I. 19))
(**16**) Paragraph 15B was inserted by regulation 2 of S.R. 1996 No. 78
(**17**) Paragraph 57 was inserted by regulation 2(5)(*c*) of S.R. 1996 No. 449
(**18**) S.I. 1990/1506 (N.I. 11)
(**19**) 1990 c. 6
(**20**) Paragraph 16A was inserted by regulation 32 of S.R. 1996 No. 358

"(2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.";

(iii) in sub-paragraph (3) for "occupational pension" there shall be substituted "pension or income referred to in sub-paragraph (1)";

(b) after paragraph 55 there shall be added the following paragraphs—

"**56.** Any payment made under Article 15A of the Health and Personal Social Services (Northern Ireland) Order 1972.

57.—(1) Any payment specified in sub-paragraph (2) to a claimant who was formerly a full-time student and who has completed the course in respect of which those payments were made.

(2) The payments specified for the purposes of sub-paragraph (1) are—

(a) any grant income and covenant income as defined for the purposes of Chapter IX of Part VIII;

(b) any loan made pursuant to arrangements made under Article 3 of the Education (Student Loans) (Northern Ireland) Order 1990 or section 1 of the Education (Student Loans) Act 1990.".

(4) At the end of the Schedules specified in paragraph (5) (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph bearing the specified respective paragraph numbers—

"Any payment made under Article 15A of the Health and Personal Social Services (Northern Ireland) Order 1972.".

(5) The respective paragraph numbers and Schedules for the purposes of paragraph (4) are—

(a) paragraph 55 of Schedule 3 to the Disability Working Allowance Regulations(**21**);

(b) paragraph 57 of Schedule 2 to the Family Credit Regulations(**22**).

(6) In Schedule 2 to the Family Credit Regulations in paragraph 22(2)(*a*)(**23**) for "27(2)" there shall be substituted "27".

Income-related benefits and jobseeker's allowance: capital treated as income

3.—(1) In regulation 41(1) of the Income Support Regulations(**24**) (capital treated as income) after "£8,000" there shall be inserted "or, in a case where regulation 45(*b*)(**25**) applies, £16,000".

(2) In regulation 104(1) of the Jobseeker's Allowance Regulations (capital treated as income) after "£8,000" there shall be inserted "or, in a case where regulation 107(*b*)(**26**) applies, £16,000".

Income support and jobseeker's allowance: definition of housing benefit expenditure

4.—(1) In regulation 2(1) of the Income Support Regulations (interpretation) for the definition of "housing benefit expenditure" there shall be substituted the following definition—

""housing benefit expenditure" means expenditure in respect of which housing benefit is payable as specified in regulations 9(1) and 10(1) of the Housing Benefit (General) Regulations

(**21**) Paragraph 54 was added by regulation 5(8)(*d*) of S.R. 1995 No. 86
(**22**) Paragraph 56 was added by regulation 4(7)(*d*) of S.R. 1995 No. 86
(**23**) Paragraph 22 was amended by regulation 2 of S.R. 1989 No. 366
(**24**) Relevant amending Regulations are S.R. 1990 No. 137
(**25**) Regulation 45 was substituted by regulation 11(1)(*a*) of S.R. 1996 No. 93
(**26**) Regulation 107 was substituted by regulation 9 of S.R. 1996 No. 356

(Northern Ireland) 1987(**27**) (rates and rent) but does not include any such expenditure in respect of which an amount is applicable under regulation 17(1)(*e*) or 18(1)(*f*) (housing costs);".

(2) In regulation 1(2) of the Jobseeker's Allowance Regulations (interpretation) for the definition of "housing benefit expenditure" there shall be substituted the following definition—

""housing benefit expenditure" means expenditure in respect of which housing benefit is payable as specified in regulations 9(1) and 10(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987 (rates and rent) but does not include any such expenditure in respect of which an amount is applicable under regulation 83(*f*) or 84(1)(*g*) (housing costs);".

Income support and jobseeker's allowance: calculation of income and capital of students

5.—(1) In regulation 29 of the Income Support Regulations(**28**) (calculation of earnings derived from employed earner's employment and income other than earnings)—

(a) in paragraph (2) for "paragraphs (3) and (4A) to (4D)" there shall be substituted "paragraphs (2A) to (5)";

(b) after paragraph (2) there shall be inserted the following paragraph—

"(2A) Where grant income as defined in Chapter VIII of this Part has been paid to a person who ceases to be a student before the end of the period in respect of which that income is payable and, as a consequence, the whole or part of that income falls to be repaid by that person, that income shall be taken into account over the period beginning on and including the date on which that income is treated as paid under regulation 31 and ending—

(a) on the date on which repayment is made in full, or

(b) on the last date of the academic term or vacation during which that person ceased to be a student,

whichever shall first occur.".

(2) In regulation 94 of the Jobseeker's Allowance Regulations (calculation of earnings derived from employed earner's employment and income other than earnings)—

(a) in paragraph (2) for "paragraphs (3)" there shall be substituted "paragraphs (2A)";

(b) after paragraph (2) there shall be inserted the following paragraph—

"(2A) Where grant income as defined in Chapter IX of this Part has been paid to a person who ceases to be a full-time student before the end of the period in respect of which that income is payable and, as a consequence, the whole or part of that income falls to be repaid by that person, that income shall be taken into account over the period beginning on and including the date on which that income is treated as paid under regulation 96 and ending—

(a) on the date on which repayment is made in full, or

(b) on the last date of the academic term or vacation during which that person ceased to be a full-time student,

whichever shall first occur.".

(**27**) Regulation 10(1) was amended by regulation 5 of S.R. 1988 No. 424
(**28**) Relevant amending Regulations are S.R. 1988 No. 431, S.R. 1989 No. 365 and S.R. 1990 No. 131