STATUTORY RULES OF NORTHERN IRELAND

1996 No. 476

HOUSING; RATES; SOCIAL SECURITY

The Income-Related Benefits and Jobseeker's Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations (Northern Ireland) 1996

Made - - - - 8th October 1996

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, 127(1)(*a*)(i) and (5), 128(1)(*c*)(i) and (8), 131(1) and 132(3) of the Social Security Contributions and Benefits Act (Northern Ireland) 1992(**1**) and Article 6(5) 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 2(2) to (6) and (7)(*c*), 3 and 10(1) and (2) are concerned and after agreement by the Social Security Advisory Committee that proposals to make 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 (Personal Allowances for Children and Young Persons) (Amendment) Regulations (Northern Ireland) 1996 and both this regulation and regulation 10 shall come into operation on 1st April 1997.

(2) In so far as these Regulations amend provisions relating to income support and jobseeker's allowance, they shall come into operation on 7th April 1997.

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

(a) in any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, they shall come into operation on 1st April 1997;

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

(**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 as 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)

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

(5) 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 Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**7**);

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**8**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**9**).

(6) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Income support, jobseeker's allowance and housing benefit: personal allowances in respect of children and young persons

2.—(1) Each of the provisions specified in paragraph (7) (which specify the personal allowances applied in respect of children and young persons when calculating applicable amounts) shall be amended in accordance with paragraphs (2) to (6).

(2) After "2." there shall be inserted "—(1)".

(3) After "shall" there shall be inserted ", for the relevant period specified in column (1),".

(4) For column (1) of the table there shall be substituted the following—

"Person in respect of the period—

(a) beginning on, and including, that person's date of birth and ending on the day preceding the first Monday in September following that person's eleventh birthday;

(b) beginning on, and including, the first Monday in September following that person's eleventh birthday and ending on the day preceding the first Monday in September following that person's sixteenth birthday;

(c) beginning on, and including, the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday.".

(5) In column (2) of the table the entry (*d*) shall be omitted.

(6) After the table there shall be added the following sub-paragraph—

"(2) In column (1) of the table in paragraph (1) "the first Monday in September" means the Monday which first occurs in the month of September in any year.".

(**5**) S.R. 1987 No. 459; relevant amending rules are S.R. 1988 No. 318, S.R. 1990 No. 131, S.R. 1991 No. 338 and S.R. 1996 No. 73
(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 Nos. 136 and 334, S.R. 1994 No. 274, S.R. 1995 No. 89 and S.R. 1996 No. 84
(**7**) S.R. 1987 No. 463; relevant amending rules are S.R. 1988 No. 131, S.R. 1990 No. 138, S.R. 1994 No. 274, S.R. 1995 Nos. 86 and 223 and S.R. 1996 Nos. 73 and 289
(**8**) S.R. 1992 No. 78; relevant amending rules are S.R. 1994 No. 274, S.R. 1995 No. 86 and S.R. 1996 Nos. 73 and 289
(**9**) S.R. 1996 No. 198
(**10**) 1954 c. 33 (N.I.)

(7) The provisions specified for the purposes of paragraph (1) are—

(a) paragraph 2 of Schedule 2 to the Income Support Regulations(**11**);

(b) paragraph 2 of Schedule 1 to the Jobseeker's Allowance Regulations;

(c) paragraph 2 of Schedule 2 to the Housing Benefit Regulations(**12**).

Housing benefit: treatment of child care charges

3.—(1) Regulation 21A of the Housing Benefit Regulations(**13**) (treatment of child care charges) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2)(**14**) in the definition of "relevant child care charges" for "who is under the age of 11 years" there shall be substituted "in respect of the period beginning on, and including, that child's date of birth and ending on the day preceding the first Monday in September following that child's eleventh birthday".

(3) After paragraph (2) there shall be inserted the following paragraph—

"(2A) In paragraph (2) "the first Monday in September" means the Monday which first occurs in the month of September in any year.".

Family credit: treatment of child care charges

4.—(1) Regulation 13A of the Family Credit Regulations(**15**) (treatment of child care charges) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2)(**16**) in the definition of "relevant child care charges" for "who is under the age of 11 years" there shall be substituted "in respect of the period beginning on, and including, that child's date of birth and ending on the day preceding the first Tuesday in September following that child's eleventh birthday".

(3) For paragraph (2A)(**17**) there shall be substituted the following paragraph—

"(2A) In paragraph (2)—

(a) the age of a child referred to in that paragraph shall be determined by reference to the age of the child at the date on which the period under section 127(3) of the Contributions and Benefits Act (period of award) begins;

(b) "the first Tuesday in September" means the Tuesday which first occurs in the month of September in any year.".

Family credit: determination of appropriate maximum amount

5.—(1) Regulation 46 of the Family Credit Regulations (determination of appropriate maximum family credit) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)(*b*)(**18**)—

(a) for "against whichever description in either paragraph 2 or 3 of column (1) fits" there shall be substituted "in respect of the period specified in either paragraph 2 or 3 of column (1) as appropriate to";

(**11**) Relevant amending rules are S.R. 1988 No. 318, S.R. 1991 No. 338 and S.R. 1996 No. 73
(**12**) Relevant amending Regulations are S.R. 1996 No. 84
(**13**) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274
(**14**) Paragraph (2) was amended by regulation 6 of S.R. 1995 No. 89
(**15**) Regulation 13A was inserted by regulation 3(4) of S.R. 1994 No. 274
(**16**) Paragraph (2) was amended by regulation 4(4)(*a*) of S.R. 1995 No. 86
(**17**) Paragraph (2A) was inserted by regulation 4(4)(*b*) of S.R. 1995 No. 86
(**18**) Paragraph (1) was amended by regulation 12(*a*) of S.R. 1988 No. 131 and S.R. 1995 No. 223

(b) after "concerned" there shall be inserted "and in those paragraphs, "the first Tuesday in September" means the Tuesday which first occurs in the month of September in any year".

(3) In paragraph (2) for the words from "equals—" to the end of the paragraph there shall be substituted "equals the credit specified in column (2) of Schedule 4 against paragraph 3 in column (1).".

(4) In paragraph (7)(**19**)—

(a) for "age" in the first place where it occurs there shall be substituted "period during which that amount is appropriate in respect";

(b) for "age of the child or young person at" there shall be substituted "relevant period which includes".

Family credit: determination of maximum amount

6. For paragraphs 2 and 3 of column (1) in Schedule 4 to the Family Credit Regulations(**20**) (maximum amounts for children and young persons) there shall be substituted the following paragraphs—

"**2.** Person in respect of the period—

(a) beginning on, and including, that person's date of birth and ending on the day preceding the first Tuesday in September following that person's eleventh birthday;

(b) beginning on, and including, the first Tuesday in September following that person's eleventh birthday and ending on the day preceding the first Tuesday in September following that person's sixteenth birthday.

3. Person in respect of the period beginning on, and including, the first Tuesday in September following that person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday.".

Disability working allowance: treatment of child care charges

7.—(1) Regulation 15A of the Disability Working Allowance Regulations(**21**) (treatment of child care charges) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2)(**22**) in the definition of "relevant child care charges" for "who is under the age of 11 years" there shall be substituted "in respect of the period beginning on, and including, that child's date of birth and ending on the day preceding the first Tuesday in September following that child's eleventh birthday".

(3) For paragraph (2A)(**23**) there shall be substituted the following paragraph—

"(2A) In paragraph (2)—

(a) the age of a child referred to in that paragraph shall be determined by reference to the age of the child at the date on which the period under section 128(6) of the Contributions and Benefits Act (period of award) begins;

(b) "the first Tuesday in September" means the Tuesday which first occurs in the month of September in any year.".

(**19**) Paragraph (7) was inserted by regulation 12(*b*) of S.R. 1988 No. 131 and amended by regulation 4(6) of S.R. 1995 No. 86
(**20**) Relevant amending rule is S.R. 1996 No. 73
(**21**) Regulation 15A was inserted by regulation 4(3) of S.R. 1994 No. 274
(**22**) Paragraph (2) was amended by regulation 5(5)(*a*) of S.R. 1995 No. 86
(**23**) Paragraph (2A) was inserted by regulation 5(5)(*b*) of S.R. 1995 No. 86