STATUTORY RULES OF NORTHERN IRELAND

1996 No. 449

SOCIAL SECURITY

The Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

Made - - - -	*24th September 1996*
Coming into operation	*15th October 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 131 and 132(4)(b) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(*a*) and (*b*) and 69(6)(*b*) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and section 11 of the Asylum and Immigration Act 1996(**3**) and of all other powers enabling it in that behalf, by this statutory rule which contains only regulations made by virtue of, or consequential upon, section 11 of the Asylum and Immigration Act 1996, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 15th October 1996.

(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) The Income Support (General) Regulations (Northern Ireland) 1987(**5**) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 21(1) (special cases) after "Subject to" there shall be inserted "regulation 21A (treatment of refugees) and".

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) 1996 c. 49
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1987 No. 459; relevant amending provisions are S.R. 1988 Nos. 205 and 431, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 120, 195 and 233, S.R. 1994 Nos. 77 and 327, S.R. 1995 No. 86 and S.R. 1996 Nos. 73 and 93

(3) After regulation 21 there shall be inserted the following regulation—

"**Treatment of refugees**

21A.—(1) Where a person has submitted a claim for asylum and is notified that he has been recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951(**6**), as extended by Article I(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967(**7**), he shall cease to be a person from abroad for the purposes of regulation 21 (special cases) and Schedule 7 (applicable amounts in special cases) from and including the date he is so recorded.

(2) Except in the case of a refugee to whom paragraph (3) refers, a refugee to whom paragraph (1) applies, who claims income support within 28 days of receiving the notification referred to in that paragraph, shall have his claim for income support, for whichever of the periods referred to in paragraph (4) applies in his case, determined as if he had been an asylum seeker for the purposes of regulation 70 (urgent cases) in respect of any such period.

(3) A refugee to whom paragraph (1) applies, who was notified that he had been recorded as a refugee in the period from and including 24th July 1996 to 15th October 1996 and who claims income support within 28 days of the later date, shall have his claim for income support for whichever of the periods referred to in paragraph (4) applies in his case determined as if he had been an asylum seeker for the purposes of regulation 70 in respect of any such period.

(4) The periods to which this paragraph refers are—

(a) in the case of a claimant who made a claim for asylum upon arrival in the United Kingdom, the period from and including the date on which his claim for asylum was first refused by the Secretary of State, or 5th February 1996 if that is later, to the date he is recorded by the Secretary of State as a refugee;

(b) in the case of a claimant whose claim for asylum is made other than on arrival in the United Kingdom, the period from and including the date of that claim, or 5th February 1996 if that is later, to the date he is recorded by the Secretary of State as a refugee.

(5) Any income support, which has otherwise been paid to the claimant or to any partner of his in respect of any part of the period of an award to which paragraph (2) or (3) applies, shall be offset against any award due to the claimant by virtue of that paragraph, except to the extent that the benefit paid to that partner was due in respect of a period during which he was not a partner of the claimant.".

(4) In regulation 72 (assessment of income and capital in urgent cases)—

(a) in sub-paragraph (1)(*a*) for "or 42" there shall be substituted ", 42, 52 or 57";

(b) in paragraph (2) for "and 32" there shall be substituted ", 32 and 45 to 47".

(5) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 5 after "housing benefit" there shall be added "including any amount of housing benefit to which a person is entitled by virtue of regulation 7B of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**) (entitlement of a refugee to housing benefit)";

(b) in paragraph 52(**9**) after "council tax benefit" there shall be added "including any amount of council tax benefit to which a person is entitled by virtue of regulation 4D of the

(**6**) Cmnd. 9171
(**7**) Cmnd. 3906
(**8**) S.R. 1987 No. 461; regulation 7B was inserted by S.R. 1996 No. 448
(**9**) Paragraph 52 was added by S.R. 1993 No. 120