STATUTORY RULES OF NORTHERN IRELAND

1996 No. 405

HOUSING; RATES; SOCIAL SECURITY

The Income-Related Benefits and Social Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

Made - - - - 3rd September 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(1), 127(3), 128(6), 129(2) to (4), 131(1), 132(3) and (4)(*a*) and (*b*), 133(2)(*a*), (*d*), (*i*) and (*l*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 61 and 74(2) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 36(1) and 39(1) of the Jobseekers (Northern Ireland) Order 1995(**3**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**4**) in so far as relates to regulations 4 and 8 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 Social Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and, subject to paragraphs (2) to (4), shall come into operation as follows—

(a) for the purposes of this regulation and regulations 4 to 8 on 7th October 1996;

(b) for the purposes of regulations 2 and 3 on 8th October 1996.

(2) Regulation 4(1), (2)(*a*) and (*b*) and (3) to (7) shall come into operation immediately after the Housing Benefit (General and Supply of Information) (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996(**6**) come into operation.

(3) Regulation 4(2)(*c*) shall come into operation immediately after the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1996(**7**) come into operation.

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**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
(**6**) S.R. 1996 No. 334
(**7**) S.R. 1996 No. 181

(4) Regulations 5 and 7 shall come into operation immediately after the Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996(**8**) come into operation.

(5) Regulations 2 and 3 shall have effect in relation to any particular claimant, where a claimant has an award of disability working allowance or family credit which is current on 7th October 1996, on the day following the expiration of that award.

(6) Regulations 5 and 7 shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 7th October 1996 which applies in his case.

(7) In paragraph (6) "benefit week" and "claimant" shall have the same meaning as in the Income Support Regulations.

(8) In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**9**);

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

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**11**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**12**).

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

Amendment of the Disability Working Allowance Regulations

2.—(1) The Disability Working Allowance Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 16(7)(*b*) (normal weekly earnings of employed earners) for "is less than 9 weeks" there shall be substituted "is less than the assessment period in paragraphs (2) to (5) appropriate in his case".

(3) In regulation 56(2)(**14**) (overlapping awards) after "beginning" there shall be inserted "on or".

Amendment of the Family Credit Regulations

3.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 38(2) (calculation of grant income)—

(a) sub-paragraph (*b*) shall be omitted;

(b) in sub-paragraph (*f*)(**15**) "(other than special equipment)" shall be omitted.

(**8**) S.R. 1996 No. 199
(**9**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1994 No. 327
(**10**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1994 No. 327 and S.R. 1996 No. 291
(**11**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1994 Nos. 80, 266 and 335 and S.R. 1996 Nos. 11, 181 and 291
(**12**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 274, S.R. 1989 Nos. 139 and 395, S.R. 1990 No. 131, S.R. 1991 Nos. 46 and 338, S.R. 1992 No. 298, S.R. 1993 Nos. 120, 149 and 167, S.R. 1994 No. 266, S.R. 1995 No. 301 and S.R. 1996 Nos. 11 and 291
(**13**) 1954 c. 33 (N.I.)
(**14**) Regulation 56 was substituted by regulation 4(8) of S.R. 1994 No. 327
(**15**) Sub-paragraph (*f*) was amended by regulation 2(*c*) of S.R. 1996 No. 291

(3) In regulation 51(2)(**16**) (overlapping awards) after "beginning" there shall be inserted "on or".

Amendment of the Family Credit Regulations

4.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "housing association" there shall be inserted the following definition —

> ""immigration authorities" in regulation 7A(4)(**17**) (persons from abroad) means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the Immigration Act 1971(**18**) and in addition means the Secretary of State;";

(b) in the definition of "person affected"(**19**) for paragraph (*c*) there shall be substituted the following paragraph—

> "(c) the landlord, in the case of a determination made under regulation 93 or 94, except where the payment is made to an agent acting for the landlord when the person affected is the agent, or";

(c) for the definition of "young individual"(**20**) there shall be substituted the following definition—

> ""young individual" means a single claimant who has not attained the age of 25 years, but does not include such a claimant—
>
> (a) whose landlord is a registered housing association;
>
> (b) who has not attained the age of 22 years and has ceased to be the subject of a training school order or a fit person order made on care, protection and control grounds pursuant to section 95(1)(*a*) or (*b*) of the Children and Young Persons Act (Northern Ireland) 1968(**21**) which had previously been made in respect of him either—
>
> (i) after he attained the age of 16 years, or
>
> (ii) before he attained the age of 16 years, but had continued after he attained that age, or
>
> (c) who has not attained the age of 22 years and was formerly provided with accommodation under the provisions of Part VII of the Children and Young Persons Act (Northern Ireland) 1968.".

(3) In regulation 7A (persons from abroad)—

(a) in paragraph (3)(*a*) ", the Channel Islands or the Isle of Man" shall be omitted;

(b) in paragraph (4)(*e*)(**22**) for the words from "the Republic of Ireland" to "the Isle of Man" there shall be substituted "the Channel Islands, the Isle of Man or the Republic of Ireland".

(4) In regulation 46 (students interpretation)—

(a) for the definitions of "contribution", "course of study" and "standard maintenance grant" there shall be respectively substituted the following definitions—

(**16**) Regulation 51 was substituted by regulation 3(10) of S.R. 1994 No. 327
(**17**) Regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80 and amended by regulation 3(1) of S.R. 1994 No. 266 and regulation 5 of S.R. 1996 No. 11
(**18**) 1971 c. 77
(**19**) Definition amended by regulation 2(*b*) of S.R. 1994 No. 335
(**20**) Definition inserted by regulation 2 of S.R. 1996 No. 181
(**21**) 1968 c. 34 (N.I.)
(**22**) Paragraph (4)(*e*) was added by regulation 3(1)(*a*) of S.R. 1994 No. 266

""contribution" means any contribution in respect of the income of any other person which the Department or an education authority takes into account in ascertaining the amount of the student's grant, or any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Further and Higher Education (Scotland) Act 1992(**23**), the Secretary of State or the education authority takes into account being sums which the Secretary of State or the education authority consider that the holder of the allowance or bursary, the holder's parents and the holder's spouse can reasonably be expected to contribute towards the holder's expenses;";

""course of study" means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it and for the purposes of this definition a person who has started a course of study shall be treated as attending or undertaking it, as the case may be, until the last day of the course or such earlier date as he abandons it or is dismissed from it;";

""standard maintenance grant" means—

(a) except where paragraph (*b*) or (*c*) applies, in the case of a student attending a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(*a*) of Schedule 7 to the Students Awards (No. 2) Regulations (Northern Ireland) 1996(**24**) ("the 1996 Regulations") for such a student;

(b) except where paragraph (*c*) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3(2) thereof;

(c) in the case of a student receiving an allowance or bursary under the Further and Higher Education (Scotland) Act 1992, the amount of money specified as "standard maintenance allowance" for the relevant year appropriate for the student set out in the Guide to Undergraduate allowances issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary as set out by the local education authority;

(d) in any other case, the amount specified in paragraph 2(2) of Schedule 7 to the 1996 Regulations other than in sub-paragraph (*a*) or (*b*) thereof;";

(b) in the definition of—

(i) "covenant income" the words "including any sum deducted from the gross amount for tax" shall be omitted;

(ii) "education authority" for "an education authority as defined in section 135(1) of the Education (Scotland) Act 1980" there shall be substituted "a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973"(**25**);

(iii) "periods of experience" for "Students Awards Regulations (Northern Ireland) 1987"(**26**) there shall be substituted "Students Awards (No. 2) Regulations (Northern Ireland) 1996";

(iv) "sandwich course" for "Students Awards Regulations (Northern Ireland) 1987" there shall be substituted "Students Awards (No. 2) Regulations (Northern Ireland) 1996".

(5) In regulation 53(2) (calculation of grant income)—

(**23**) 1992 c. 37
(**24**) S.R. 1996 No. 298
(**25**) 1973 c. 65
(**26**) S.R. 1987 No. 420

(a) sub-paragraph (*b*) shall be omitted;

(b) in sub-paragraph (*g*)(**27**) "(other than special equipment)" shall be omitted.

(6) In regulation 54(1) (calculation of covenant income where a contribution is assessed) "and the amount deducted by way of tax in respect of that income" shall be omitted.

(7) Regulation 55(1)(*d*) (calculation of covenant income where no grant income or no contribution is assessed) shall be omitted.

Amendment of the Income Support Regulations

5.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 2 (interpretation) after the definition of "housing benefit expenditure" there shall be inserted the following definition—

> ""immigration authorities" in regulation 21(3) (special cases) means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the Immigration Act 1971 and in addition means the Secretary of State;".

(3) In regulation 4(2)(*c*)(iv) (temporary absence from Northern Ireland) after "9," there shall be inserted "9A,".

(4) In regulation 5 (persons treated as engaged in remunerative work) after paragraph (1)(**28**) there shall be inserted the following paragraph—

> "(1A) In the case of any partner of the claimant paragraph (1) shall have effect as though for "16 hours" there were substituted "24 hours".".

(5) In regulation 16(3) (circumstances in which a person is to be treated as being or not being a member of the household) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(b) one, both or all of them are—

(i) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or

(ii) on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953;"(**29**).

(6) In regulation 21(3) (special cases)—

(a) in the first definition of "person from abroad" in paragraph (*a*)(**30**) "the Channel Islands or the Isle of Man," shall be omitted;

(b) in the second definition of "person from abroad"(**31**) for the words from "the Republic of Ireland" to "the Isle of Man" there shall be substituted "the Channel Islands, the Isle of Man or the Republic of Ireland".

(7) In regulation 60D(**32**) (date on which child support maintenance is to be treated as paid)—

(a) at the beginning there shall be inserted "—(1) Subject to paragraph (2),";

(b) in sub-paragraph (*a*) at the beginning there shall be inserted "subject to sub-paragraph (*aa*),";

(c) after sub-paragraph (*a*) there shall be inserted the following sub-paragraph—

(**27**) Relevant amending Regulations are S.R. 1996 No. 291
(**28**) Paragraph (1) was amended by regulation 3 of S.R. 1991 No. 338
(**29**) 1953 c. 18 (N.I.)
(**30**) Relevant amending Regulations are S.R. 1990 No. 131, S.R. 1991 No. 46, S.R. 1993 No. 120 and S.R. 1996 No. 11
(**31**) Definition inserted by regulation 2(1) of S.R. 1994 No. 266
(**32**) Regulation 60D was inserted by regulation 4 of S.R. 1993 No. 167