STATUTORY RULES OF NORTHERN IRELAND

1996 No. 288

CHILD SUPPORT; FAMILY LAW; SOCIAL SECURITY

The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

Made - - - -	*17th July 1996*
Coming into operation	*7th April 1997*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 40(1)(*b*) and 47 of, and paragraphs 1(3) and (5), 2(1), 4(3), 5(1) and (2), 6(2) and 9 of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**1**), sections 122(1)(*a*), 131(1), 132(3) and (4)(*a*) and (*b*), 140(1) and 141(1) of, and paragraph 4 of Schedule 9 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), sections 1(1), 5(1)(*i*) and (*j*), 25(1)(*b*) and 71(1)(*a*) of the Social Security Administration (Northern Ireland) Act 1992(**3**) and Articles 6(5) and 14(2) and (4)(*a*) and (*b*) of the Jobseekers (Northern Ireland) Order 1995(**4**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel(**5**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th April 1997.

(2) Regulation 5 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 April 1997 which applies in his case and for the purpose of this paragraph, "benefit week" and "claimant" have the same meaning as in regulation 2(1) of the Income Support Regulations.

(3) Regulation 9 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 April 1997 which applies in his case

(**1**) S.I.1991/2628 (N.I. 23)
(**2**) 1992 c. 7
(**3**) 1992 c. 8
(**4**) S.I. 1995/2705 (N.I. 15)
(**5**) *See* section 141(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

and for the purpose of this paragraph, "benefit week" has the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations.

(4) In these Regulations—

"the Child Benefit Regulations" means the Child Benefit (General) Regulations (Northern Ireland) 1979(**6**);

"the Child Benefit Rates Regulations" means the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(**7**);

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

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

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

Amendment of the Child Benefit Rates Regulations

2.—(1) The Child Benefit Rates Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (weekly rates of child benefit)—

(a) in paragraph (1)—

(i) "paragraph (2) of this regulation and" shall be omitted, and

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

"(a) subject to paragraphs (2ZA) to (4)—

(i) in a case where in any week a child (not being a child to whom head (ii) applies) is the only child or, if not the only child, the elder or eldest child in respect of whom child benefit is payable to a person, £10·80, and

(ii) in a case where in any week that child is the only child or, if not the only child, the elder or eldest child of a lone parent in respect of whom child benefit is payable to a person, £17·10; and";

(b) for paragraph (2) there shall be substituted the following paragraph—

"(2) For the purpose of paragraph (1)(*a*)(ii), "lone parent" means a person who is living with a child and, in any week, that person—

(a) either has—

(i) no spouse, or

(ii) is not residing with his spouse; and

(b) is not living with any other person as his spouse.";

(c) in paragraph (2ZA)(**11**) after "paragraph (1)(*a*)" in both places where it occurs there shall be inserted "(i)";

(**6**) S.R. 1979 No. 5; relevant amending regulations are S.R. 1984 No. 78
(**7**) S.R. 1976 No. 223; relevant amending provisions are S.R. 1977 No. 248, S.R. 1980 No. 37, S.R. 1991 No. 82, S.R. 1993 No. 169 and S.R. 1996 No. 73
(**8**) S.R. 1987 No. 459; relevant amending provisions are S.R. 1988 Nos. 146, 318 and 431, S.R. 1989 No. 139, S.R. 1990 Nos. 131 and 346, S.R. 1992 No. 147, S.R. 1993 No. 149, S.R. 1995 No. 367 and S.R. 1996 No. 73
(**9**) S.R. 1996 No. 198
(**10**) 1954 c. 33 (N.I.)
(**11**) Paragraphs (2ZA) and (2ZB) were inserted by regulation 2(*b*) of S.R. 1991 No. 82

(d) in paragraph (2ZB) after "paragraph (1)(*a*)" there shall be inserted "(i) or (ii)";

(e) for paragraph (2A)(**12**) there shall be substituted the following paragraphs—

"(2A) Subject to paragraph (2AB), a person who is residing with a parent of the child shall be entitled to the weekly rate of child benefit payable under paragraph (1)(*a*)(i) in respect of that child ("A").

(2AB) Paragraph (2A) shall not apply where the person is also entitled to child benefit in respect of another child ("B") for whom he is treated as responsible under section 139(1)(*a*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and he is not residing with a parent of B, in which case he shall be entitled, in respect of A, to the weekly rate of child benefit payable under paragraph (1)(*a*)(ii).";and

(f) in paragraph (4)—

(i) in sub-paragraph (*a*) for "paragraph (2) shall not apply" there shall be substituted "the weekly rate of child benefit specified in paragraph (1)(*a*)(i) shall be payable in respect of that child",

(ii) in sub-paragraph (*b*) for "paragraph (2) of this regulation shall not apply to that child" there shall be substituted "the weekly rate of child benefit specified in paragraph (1)(*a*)(i) shall be payable in respect of that child", and

(iii) for sub-paragraph (*c*) there shall be substituted the following sub-paragraph—

"(c) in any week a person has been paid the weekly rate of child benefit for the time being specified in paragraph (1)(*a*)(ii) and that week is one throughout which that person subsequently becomes entitled to such an allowance or increase as is referred to in sub-paragraph (*a*), the amount corresponding to the difference between the weekly rates of child benefit for the time being specified in paragraph (1)(*a*)(i) and (ii) shall be treated as if it had been paid on account of any such allowance or increase payable in respect of that week.".

(3) Regulation 4 (transitional provision for the purposes of regulation 2(2)) shall be omitted.

Amendment of the Child Benefit Regulations

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

(2) In regulation 11 (persons exempt from tax)—

(a) in paragraph (1) after "his spouse" in each place where it occurs there shall be inserted "or partner"; and

(b) after paragraph (1) there shall be inserted the following paragraph—

"(1A) For the purpose of paragraph (1), "partner" means any person who is living with another person as his spouse.".

(3) After regulation 11 there shall be inserted the following regulation—

"**Child living with another person as his spouse**

11A.—(1) Except in the circumstances specified in paragraph (2), benefit shall not be payable to any person in respect of a child for any week in which that child is living with another person as his spouse (referred to in this regulation as "the partner") and that child—

(a) is under the age of 18 and not receiving full-time education; or

(**12**) Paragraph (2A) was inserted by regulation 2(*c*) of S.R. 1980 No. 37

(b) is under the age of 19 and receiving full-time education.

(2) The specified circumstances are that—

(a) the person to whom benefit is payable is not the partner of that child; and

(b) the partner of that child is receiving full-time education.".

(4) Paragraph (2) shall not apply in the case of any person who is entitled to child benefit on 6th April 1997 and to whom regulation 11(1) of the Child Benefit Regulations applies on the date these Regulations come into operation, for so long as his entitlement to child benefit continues.

(5) Paragraph (3) shall not apply in the case of any person who is entitled to child benefit on 6th April 1997 for so long as that entitlement continues.

Amendment of the Social Security (Overlapping Benefits) Regulations

4. In regulation 8 of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**13**) (child benefit)—

(a) for paragraphs (2) and (3) there shall be substituted the following paragraphs—

"(2) Where child benefit is payable to a beneficiary at the rate for the time being specified in regulation 2(1)(*a*)(ii) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976 (in this regulation referred to as the "Child Benefit Rates Regulations") (weekly rate for only, elder or eldest child of a lone parent) and for the same period, in respect of the same child, any benefit or increase of benefit under the Contributions and Benefits Act is or would be payable to a beneficiary, the weekly rate of that benefit or increase thereof shall be reduced by—

(a) in a case where that benefit is guardian's allowance payable to any person under section 77 of that Act, an amount equal to the amount, less £0·75, by which the rate specified in regulation 2(1)(*a*)(i) of the Child Benefit Rates Regulations (weekly rate for only, elder or eldest child) exceeds the rate specified in regulation 2(1)(*b*) of those Regulations (weekly rate for other children); and

(b) in any other case, an amount equal to the amount, less £0·75, by which the rate specified in regulation 2(1)(*a*)(ii) of the Child Benefit Rates Regulations exceeds the rate specified in regulation 2(1)(*b*) of those Regulations.

(3) Subject to paragraph (6), where child benefit is payable to a beneficiary at the rate for the time being specified in regulation 2(1)(*a*)(i) of the Child Benefit Rates Regulations and for the same period, in respect of the same child, any benefit or increase of benefit under the Contributions and Benefits Act is or would be payable to a beneficiary, the weekly rate of that benefit or increase thereof shall be reduced by an amount equal to the amount, less £0·75, by which the rate specified in regulation 2(1)(*a*)(i) of the Child Benefit Rates Regulations exceeds the rate specified in regulation 2(1)(*b*) of those Regulations."; and

(b) paragraphs (4), (5) and (7) shall be omitted.

Amendment of the Income Support Regulations

5.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 42(2) (notional income)—

(a) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph—

(**13**) S.R. 1979 No. 242; relevant amending regulations are S.R. 1991 No. 88, S.R. 1992 No. 116 and S.R. 1993 No. 169

"(d) child benefit to which paragraph (2D) refers;"; and

(b) after paragraph (2C)(**14**) there shall be inserted the following paragraph—

"(2D) This paragraph refers to child benefit payable in accordance with regulation 2(1)(*a*)(ii) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976 (weekly rate for only, elder or eldest child of a lone parent) but only to the extent that it exceeds the amount specified in regulation 2(1)(*a*)(i) of those Regulations.".

(3) In regulation 57 (period over which payments other than periodical payments are to be taken into account) in paragraphs (1)(*b*)(ii) and (2)(*b*) "and lone parent" shall be omitted.

(4) In Schedule 2 (applicable amounts)—

(a) in Part II (family premium) in paragraph 3 for "shall be £10·55" there shall be substituted—

"shall be—

(a) where the claimant is a lone parent and no premium is applicable under paragraph 9, 9A, 10 or 11, £15·75;

(b) in any other case, £10·55";

(b) in Part III (premiums)—

(i) in paragraph 4 for "8 to 14ZA" there shall be substituted "9 to 14ZA", and

(ii) paragraph 8 (lone parent premium) shall be omitted;

(c) in Part IV (amounts of premiums) in paragraph 15 sub-paragraph (1) shall be omitted.

(5) In Schedule 7 (applicable amounts in special cases)—

(a) in column (2) of paragraph 1(*b*) (patients) "8 or" shall be omitted; and

(b) in column (2) of paragraph 10C(**15**) (lone parents who are in residential accommodation temporarily) in sub-paragraph (*b*), "or (*d*) in so far as that amount relates to the lone parent premium under paragraph 8 of Schedule 2" shall be omitted.

(6) In paragraph 5 of Schedule 8 (sums to be disregarded in the calculation of earnings) for "lone parent premium under" there shall be substituted "family premium under paragraph 3(*a*) of".

Amendment of the Social Security (Claims and Payments) Regulations

6.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**16**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(2) (interpretation) the words from "and so shall" to the end of the paragraph shall be omitted.

(3) In regulation 9(3) (interchange with claims for other benefits) "(except an increase in child benefit)" shall be omitted.

(4) In Part II of Schedule 1 (interchange of claims for child benefit with claims for other benefits) "Increase in child benefit under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976" shall be omitted.

(5) In paragraph 2 of Schedule 8 (election to have child benefit paid weekly) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

(**14**) Paragraphs (2A) to (2C) were inserted by regulation 2(4)(*b*) of S.R. 1995 No. 367
(**15**) Paragraph 10C was inserted by regulation 19(*c*) of S.R. 1988 No. 431 and amended by regulation 19(*e*) of S.R. 1990 No. 131, paragraph 1(6)(*b*)(ii) of Schedule 1 to S.R. 1993 No. 149 and Article 18(1) of S.R. 1996 No. 73
(**16**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1989 No. 40 and S.R. 1992 Nos. 7 and 83