STATUTORY RULES OF NORTHERN IRELAND

1996 No. 202

SOCIAL SECURITY

The Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations (Northern Ireland) 1996

Made - - - -	*16th May 1996*
Coming into operation	*1st July 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 72A(5) and (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and section 132(4)(*b*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 1st July 1996.

(2) In these Regulations—

"the Act" means the Social Security Administration (Northern Ireland) Act 1992;

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**3**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**4**).

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

(**1**) 1992 c. 8; section 72A was inserted by Article 18 of the Child Support (Northern Ireland) Order 1995 (S.I.1995/2702 (N.I. 13))
(**2**) 1992 c. 7
(**3**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 No. 146, S.R. 1989 No. 139, S.R. 1990 Nos. 131 and 387 and S.R. 1993 Nos. 149, 167 and 373
(**4**) S.R. 1996 No. 198
(**5**) 1954 c. 33 (N.I.)

Interpretation for the purposes of section 72A of the Act

2. In section 72A of the Act (payment of benefit where maintenance payments collected by Department)—

(a) "child maintenance" means any payment towards the maintenance of a child or young person, including payments made—

(i) under a court order;

(ii) under a maintenance assessment made under the Child Support (Northern Ireland) Order 1991(**6**);

(iii) under an agreement for maintenance, or

(iv) voluntarily,

and for this purpose a "young person" is a person referred to in regulation 3 (persons of a prescribed description);

(b) "spousal maintenance" means any payment made by a person towards the maintenance of that person's spouse, including payments made—

(i) under a court order;

(ii) under an agreement for maintenance, or

(iii) voluntarily;

(c) "relevant income" means—

(i) any income which is taken into account under Part V of the Income Support Regulations for the purposes of calculating the amount of income support to which the claimant is entitled, or

(ii) any income which is taken into account under Part VIII of the Jobseeker's Allowance Regulations for the purposes of calculating the amount of jobseeker's allowance to which the claimant is entitled.

Persons of a prescribed description

3. For the purposes of the definition of "family" in section 72A(5) of the Act, a person of a prescribed description is any person who—

(a) is referred to as a "young person" in the Income Support Regulations by virtue of regulation 14 of those Regulations(**7**); or

(b) is referred to as a "young person" in the Jobseeker's Allowance Regulations by virtue of regulation 76 of those Regulations.

Circumstances in which a person is to be treated as responsible for another

4. A person shall be treated as responsible for another for the purposes of section 72A of the Act if he is treated as responsible for that other person under either regulation 15 of the Income Support Regulations(**8**) or regulation 77 of the Jobseeker's Allowance Regulations.

(**6**) S.I. 1991/2628 (N.I. 23)
(**7**) Regulation 14 was amended by S.R. 1990 No. 131
(**8**) Regulation 15 was amended by S.R. 1993 No. 373