STATUTORY RULES OF NORTHERN IRELAND

1995 No. 434

SOCIAL SECURITY

The Social Security (Income Support and Adjudication) (Amendment) Regulations (Northern Ireland) 1995

Made - - - -	*23rd November 1995*
Coming into operation	*12th December 1995*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(a), 131(1), 132(4)(b) and 133(2)(h) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and section 25(1)(a) of the Social Security Administration (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 (Income Support and Adjudication) (Amendment) Regulations (Northern Ireland).1995 and shall come into operation on 12th December 1995.

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

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**4**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 3A(1)(**5**) (permitted period for cessation of entitlement to income support) "paragraph 7(10) of Schedule 3," shall be omitted.

(3) In Schedule 3(**6**) (housing costs)—

(a) in paragraph 1 (housing costs)—

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 No. 146, S.R. 1989 No. 395, S.R. 1990 Nos. 131, 297 and 305, S.R. 1991 No. 338, S.R. 1992 No. 6 and S.R. 1995 Nos. 67 and 301
(**5**) Regulation 3A was inserted by regulation 3 of S.R. 1989 No. 395
(**6**) Schedule 3 was substituted by Schedule I to S.R. 1995 No. 301

(i) in sub-paragraph (2), in the definition of "existing housing costs", "to a third party" shall be omitted, and

(ii) in sub-paragraph (3)(b) "who is a non-dependant but" shall be omitted;

(b) in paragraph 3(11) (circumstances in which a person is to be treated as occupying a dwelling as his home), in head (c)(x) for "from another" there shall be substituted ", or by a person";

(c) in paragraph 4 (housing costs not met)—

(i) in sub-paragraph (8) "new" shall be omitted, and

(ii) in sub-paragraph (11) for "in accordance with this Schedule" there shall be substituted "by way of housing costs";

(d) in paragraph 6 (existing housing costs)—

(i) in sub-paragraph (1) for "in receipt of" in both places where those words occur there shall be substituted "entitled to", and

(ii) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

"(1A) For the purposes of sub-paragraph (1), the eligible capital for the time being owing shall be determined on the date the existing housing costs are first met and thereafter on each anniversary of that date.";

(e) in paragraph 7(7) (transitional protection) after "2nd October 1995" there shall be inserted "provided the claim is made not more than 12 weeks after the last day of entitlement to housing costs relating to a claim made by the person to whom sub-paragraph (6) applies";

(f) in paragraph 8 (new housing costs)—

(i) in sub-paragraph (1)(a) for "in receipt of" there shall be substituted "entitled to", and

(ii) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

"(1A) For the purposes of sub-paragraph (1), the eligible capital for the time being owing shall be determined on the date the new housing costs are first met and thereafter on each anniversary of that date.";

(g) in paragraph 11 (general provisions applying to new and existing housing costs)—

(i) sub-paragraph (1) shall be omitted;

(ii) in sub-paragraph (3) for "Sub-paragraphs (1) and (2) do" there shall be substituted "Sub-paragraph (2) does", and

(iii) after sub-paragraph (9) there shall be inserted the following sub-paragraphs—

"(10) Where in any case the amount for the time being specified for the purposes of sub-paragraph (5) is exceeded and there are 2 or more loans to be taken into account under either or both paragraphs 15 and 16, then the amount of eligible interest in respect of each of those loans to the extent that the loans remain outstanding shall be determined as if each loan had been reduced to a sum equal to the qualifying portion of that loan.

(11) For the purposes of sub-paragraph (10), the qualifying portion of a loan shall be determined by applying the following formula—

$$R \times \frac{S}{T}$$

where—

R = the amount for the time being specified for the purposes of sub-paragraph (4);

S = the amount of the outstanding loan to be taken into account;

T = the aggregate of all outstanding loans to be taken into account under paragraphs 15 and 16.";

(h) in paragraph 12 (the standard rate) sub-paragraph (4) shall be omitted;

(i) in paragraph 14 (linking rule)—

(i) after sub-paragraph (3) there shall be inserted the following sub-paragraph—

"(3A) Where, for the purposes of sub-paragraphs (1) and (3), a person is treated as being in receipt of income support, for a certain period, he shall be treated as being entitled to income support for the same period.";

(ii) in sub-paragraph (5) for "less" there shall be substituted "more";

(iii) after sub-paragraph (5) there shall be inserted the following sub-paragraphs—

"(5A) Subject to sub-paragraph (5B), a person to whom sub-paragraph (4) applies and who is either a person to whom paragraph 4 of Schedule 1(**7**) applies (persons with caring responsibilities not required to be available for employment) or alone parent shall, for the purposes of this Schedule, be treated as entitled to income support throughout any period of not more than 39 weeks following the refusal of a claim for income support made by or on behalf of that person.

(5B) Sub-paragraph (5A) shall not apply in relation to a person mentioned in that sub-paragraph who, during the period referred to in that sub-paragraph—

(a) is engaged in, or is treated as engaged in, remunerative work or whose partner is engaged in, or is treated as engaged in, remunerative work;

(b) is treated as not available for employment by virtue of regulation 10(1)(h)(**8**) (circumstances in which students are not treated as available for employment);

(c) is temporarily absent from Northern Ireland, other than in the circumstances specified in regulation 4(2) and (3)(**9**) (temporary absence from Northern Ireland).";

(iv) in sub-paragraph (6)—

(aa) for "sub-paragraph (5) applies" there shall be substituted "sub-paragraphs (5) and (5A) apply";

(bb) for "sub-paragraph (5)" there shall be substituted "sub-paragraphs (5) and (5A)", and

(cc) for "less" there shall be substituted "more";

(v) sub-paragraph (7) shall be omitted, and

(vi) in sub-paragraph (9) for "in receipt of" in both places where those words occur there shall be substituted "entitled to", and

(j) in paragraph (18) (non-dependant deductions)—

(i) in sub-paragraph (1)(a) for "work for which payment is made or which is done in expectation of payment" there shall be substituted "remunerative work";

(ii) in sub-paragraph (2) before "work" there shall be inserted "remunerative", and

(iii) in sub-paragraph (8) before "work" there shall be inserted "remunerative".

(**7**) Paragraph 4 was substituted by regulation 11(a) of S.R. 1991 No. 338 and amended by regulation 10(3) of S.R. 1992 No. 6

(**8**) Regulation 10(1)(h) was substituted by regulation 4(3) of S.R. 1990 No. 297 and amended by regulation 4(2) of S.R. 1990 No. 305

(**9**) Regulation 4 was amended by regulation 3 of S.R. 1988 No. 146, S.R. 1990 No. 131 and S.R. 1995 No.67