1994 No. 266

SOCIAL SECURITY

The Income-Related Benefits (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 1994

Made	*11th July 1994*
Coming into operation . .	*1st August 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(*a*) and (*d*), 131(1) and 133(2)(*i*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**b**) so far as it relates to matters with regard to which such consent is required, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(**c**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Income-Related Benefits (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 1994 and shall come into operation on 1st August 1994.

(2) The Interpretation Act (Northern Ireland) 1954(**d**) 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) In regulation 21(3) of the Income Support (General) Regulations (Northern Ireland) 1987(**e**) (special cases) after the definition of "person from abroad" there shall be inserted the following definition—

> " "person from abroad" also means a claimant who is not habitually resident in the United Kingdom, the Republic of Ireland, the Channel Islands or the Isle of Man, but for this purpose no claimant shall be treated as not habitually resident in the United Kingdom who is—

(**a**) 1992 c. 7
(**b**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))
(**c**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**d**) 1954 c. 33 (N.I.)
(**e**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1993 No. 120

(*a*) a worker for the purposes of Council Regulation (EEC) No. 1612/68 or (EEC) No. 1251/70 or a person with a right to reside in the United Kingdom pursuant to Council Directive No. 68/360/EEC or No. 73/148/EEC;

(*b*) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951(**a**), as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967(**b**), or

(*c*) a person who has been granted exceptional leave(**c**) to remain in the United Kingdom by the Secretary of State.''.

(2) The provisions of this regulation shall only apply in the case of a claimant who was entitled to income support on 31st July 1994 where a claim for income support is made or treated as made by or in respect of him after that date, and where those provisions do apply they shall apply from the first day of the period in respect of which that claim is made.

Amendment of the Housing Benefit (General) Regulations

3.—(1) In regulation 7A of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**d**) (persons from abroad)—

(*a*) in paragraph (4) at the end there shall be added the following sub-paragraphs—

''(*d*) is a national of a European Economic Area State and is required by the Secretary of State to leave the United Kingdom, or

(*e*) is not habitually resident in the United Kingdom, the Republic of Ireland, the Channel Islands or the Isle of Man, but for this purpose no person shall be treated as not habitually resident in the United Kingdom who is—

(i) a worker for the purposes of Council Regulation (EEC) No. 1612/68 or (EEC) No. 1251/70 or a person with a right to reside in the United Kingdom pursuant to Council Directive No. 68/360/EEC or No. 73/148/EEC;

(ii) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

(iii) a person who has been granted exceptional leave to remain in the United Kingdom by the Secretary of State;

(iv) a person to whom paragraph (4A) applies;

(**a**) Cmnd. 9171
(**b**) Cmnd. 3906
(**c**) *See* Home Office evidence to the House of Commons Home Affairs Committee, Sub-Committee on Race Relations and Immigration (SCORRI) 1984-5 Session; 17th December 1994; paragraphs 44 to 47
(**d**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1994 No. 80