1993 No. 311

SOCIAL SECURITY

The Income Support (General) (Amendment No. 4) Regulations (Northern Ireland) 1993

Made . . . . . 9th July 1993

Coming into operation in accordance with regulation 1(1)

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) and 132(4)(*b*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) 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 Income Support (General) (Amendment No. 4) Regulations (Northern Ireland) 1993 and shall come into operation as follows—

(*a*) regulations 1 to 5 on 2nd August 1993;

(*b*) regulation 6, in relation to any particular claimant, at the beginning of the first benefit week to commence for that claimant on or after 2nd August 1993.

(2) The expressions used in these regulations shall have the same meaning as they have in the principal regulations and in these regulations "the principal regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**b**).

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

Amendment of regulation 70 of the principal regulations and savings for existing beneficiaries

2.—(1) Regulation 70 of the principal regulations (urgent cases) shall be further amended in accordance with paragraphs (2) and (3).

(2) In paragraph (3)—

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

"(*b*) is an asylum seeker for the purposes of paragraph 3A;";

(**a**) 1992 c. 7

(**b**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 Nos. 318 and 431, S.R. 1989 Nos. 365 and 395 and S.R. 1990 Nos. 131 and 346

(**c**) 1954 c. 33 (N.I.)

(*b*) sub-paragraph (*d*) shall be omitted.

(3) After paragraph (3), there shall be inserted the following paragraphs—

"(3A) For the purposes of this paragraph, a person—

(*a*) becomes an asylum seeker when he has submitted a claim for asylum to the Secretary of State that it would be contrary to the United Kingdom's obligations under the Convention for him to be removed from, or required to leave, the United Kingdom and that claim is recorded by the Secretary of State as having been made; and

(*b*) ceases to be an asylum seeker when his claim is recorded by the Secretary of State as having been finally determined or abandoned.

(3B) In paragraph (3A), "the Convention" means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the protocol to that Convention.".

(4) In the case of a claimant who was entitled to income support by virtue of regulation 70 of the principal regulations for the benefit week which includes 2nd August 1993, then in respect of each day after that date on which the claimant's entitlement to income support continues, regulation 70 shall continue to apply in his case as if the preceding provisions of this regulation had not been made.

Amendment of paragraphs 7 and 8 of Schedule 3 to the principal regulations

3.—(1) Schedule 3 to the principal regulations (housing costs) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph 7 (interest on loans to acquire an interest in the dwelling occupied as the home)—

(*a*) in sub-paragraph (3) for "sub-paragraphs (3A) to (6)" there shall be substituted "sub-paragraphs (3A) to (6B) and paragraphs 7A and 7B";

(*b*) after sub-paragraph (6A) there shall be inserted the following sub-paragraphs—

"(6B) Where for the time being a loan exceeds, or in a case where more than one loan is to be taken into account, the aggregate amount of those loans exceeds the appropriate amount specified below for the purposes of this sub-paragraph, then the amount of the loan, or, as the case may be, the aggregate amount of those loans, shall for the purposes of this paragraph be the appropriate amount and only the interest attributable to that amount shall qualify as eligible interest.

(6C) Subject to sub-paragraphs (6D) to (6F) the appropriate amount specified for the purposes of sub-paragraph (6B) is—

(*a*) before 11th April 1994 £150,000;

(*b*) after 10th April 1994 £125,000.

(6D) Where a person is treated under paragraph 4(6) (circumstances in which a person is or is not to be treated as occupying

a dwelling as his home) as occupying 2 dwellings as his home, and has loans of a kind specified in sub-paragraphs (3) and (3A) or met under sub-paragraph (7) in respect of both those dwellings, then the restrictions imposed by sub-paragraph (6B) shall be applied separately to the loans for each dwelling, and the eligible interest for the purposes of this paragraph shall be the aggregate of the eligible interest for the loans on both dwellings.

(6E) In a case where paragraph 6 (apportionment of housing costs) applies, the appropriate amount for the purposes of sub-paragraph (6B) shall be the lower of—

(*a*) a sum determined by applying the formula—

P × Q, where—

P = the relevant fraction for the purposes of paragraph 6, and

Q = the amount or, as the case may be, the aggregate amount for the time being of any loan or loans of a kind specified in sub-paragraphs (3) and (3A) or met under sub-paragraph (7), or

(*b*) the sum for the time being specified in sub-paragraph (6C).

(6F) In a case where sub-paragraph (5) applies, the appropriate amount for the purposes of sub-paragraph (6B) shall be the lower of—

(*a*) a sum representing for the time being the part of the loan applied for the purposes specified in sub-paragraphs (3) and (3A), or

(*b*) the sum for the time being specified in sub-paragraph (6C).''.

(3) After paragraph 7 there shall be inserted the following paragraphs—

''*Apportionment of qualifying loans*

7A.—(1) For the purposes of determining whether the appropriate amount for the time being specified for the purposes of paragraph 7(6B) has been exceeded, any loan taken out for a purpose specified in paragraph 8(1) shall, subject to paragraph 7B, be aggregated with any loan taken out for a purpose specified in paragraph 7(3) or (3A) or met under paragraph 7(7).

(2) Where in any case the amount for the time being specified for the purposes of paragraph 7(6B) is exceeded and there are 2 or more loans to be taken into account under either paragraph 7 or paragraph 8 or under the 2 paragraphs, 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.

(3) For the purposes of sub-paragraph (2), the qualifying portion of a loan shall be determined by applying the formula—

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