1992 No. 403

SOCIAL SECURITY

The Income-Related Benefits (Amendment No. 4) Regulations (Northern Ireland) 1992

Made . . . . . 17th September 1992

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*), (*b*) and (*c*), 131(1), 132(3) and (4) (*a*) and (*b*) and 133(2)(*c*), (*d*)(i) and (*e*) 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-Related Benefits (Amendment No. 4) Regulations (Northern Ireland) 1992 and shall come into operation as follows—

(*a*) regulations 1, 2, 3 and 5(*c*) on 5th October 1992;

(*b*) regulations 4 and 5(*a*), (*b*) and (*d*) in relation to a particular claimant, at the beginning of the first benefit week to commence for that claimant on or after 5th October 1992.

(2) In paragraph (1)(*b*) the expressions "benefit week" and "claimant" have the same meaning as in the Income Support Regulations.

(3) In these regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**b**);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**c**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**d**).

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

(**a**) 1992 c. 7
(**b**) S.R. 1992 No. 78: relevant amending regulations are S.R. 1992 Nos. 201 and 327
(**c**) S.R. 1987 No. 463: relevant amending rules are S.R. 1988 Nos. 205 and 423, S.R. 1990 Nos. 70 and 138 and S.R. 1992 No. 148
(**d**) S.R. 1987 No. 459: relevant amending regulations are S.R. 1989 Nos. 139 and 365, S.R. 1990 No. 131, S.R. 1991 No. 345 and S.R. 1992 Nos. 85 and 147
(**e**) 1954 c. 33 (N.I.)

Amendment of the Disability Working Allowance Regulations

2.—(1) The Disability Working Allowance Regulations shall be amended in accordance with paragraphs (2) to (12).

(2) In regulation 2 (interpretation)—

(*a*) after the definition of ''lone parent'' there shall be inserted the following definition—

'' ''lower rate'' where it relates to rates of tax has the same meaning as in the Income and Corporation Taxes Act 1988(**a**) by virtue of section 832(1) of that Act;'';

(*b*) after the definition of ''student'' there shall be inserted the following definition—

'' ''training allowance'' means an allowance (whether by way of periodical grants or otherwise) payable—

(*a*) out of public funds by a government department or by or on behalf of the Department of Economic Development;

(*b*) to a person for his maintainance or in respect of a member of his family; and

(*c*) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, a government department or approved by such department in relation to him or so provided or approved by or on behalf of the Department of Economic Development,

but it does not include an allowance paid by any government department to, or in respect of, a person by reason of the fact that he is following a course of full-time education, other than under provision or arrangements under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**b**) or section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**c**), or that he is training as a teacher;''.

(3) In regulation 6 (remunerative work)—

(*a*) in paragraph (1) for the words from the beginning to ''in remunerative work'' there shall be substituted ''For the purposes of Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as it applies to disability working allowance and subject to paragraph (3), a person shall be treated as engaged in remunerative work'';

(**a**) 1988 c. 1; the definition of ''lower rate'' was inserted by section 9(9) of the Finance Act 1992 (c. 20)

(**b**) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

(**c**) 1950 c. 29 (N.I.); section 1(1) was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

(*b*) in paragraphs (2) and (3) "and normally engaged" shall be omitted;

(*c*) in paragraph (5)(*b*) and (*c*) after "employer to work" there shall be inserted "or, where he is a self-employed earner he expects to work,";

(*d*) after paragraph (6) there shall be added the following paragraph—

"(7) Where a person is treated as engaged in remunerative work in accordance with paragraphs (1) to (6), he shall also be treated as normally engaged in remunerative work.".

(4) In regulation 22(4)(*a*) (calculation of net earnings of employed earners) for "the basic rate of tax" there shall be substituted "the lower rate or, as the case may be, the lower rate and the basic rate of tax"; and after "less than a year," there shall be inserted "the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and".

(5) In regulation 23 (calculation of bonus or commission)—

(*a*) for "dividing that sum by 52, less—" there shall be substituted "deducting from it—";

(*b*) in paragraph (*c*) for "scheme." there shall be substituted "scheme,";

(*c*) after paragraph (*c*) there shall be added the following—

"and dividing the resulting sum by 52.".

(6) In regulation 25(4)(*a*) (calculation of net profit of self-employed earners) for "subject to paragraphs (7) to (9)" there shall be substituted "subject to paragraphs (7) to (10)".

(7) In regulation 26(1) (deduction of tax and contributions for self-employed earners) for "the basic rate of tax" there shall be substituted "the lower rate or, as the case may be, the lower rate and the basic rate of tax"; and after "less than a year," there shall be inserted "the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and".

(8) In regulation 29 (notional income)—

(*a*) in paragraph (3) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) to a single claimant or a member of the family in respect of a third party (but not in respect of another member of the family) shall be treated as possessed by that single claimant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.";

(*b*) in paragraph (6)(*a*) for "the basic rate of tax" there shall be substituted "the lower rate or, as the case may be, the lower rate and the basic rate of tax"; and after "less than a year," there shall be inserted "the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and".

(9) In regulation 41 (interpretation)—

(*a*) in the definition of a "course of advanced education"—

(i) in paragraph (*a*) for "a higher national diploma of the Business & Technician Education Council" there shall be substituted "a higher national diploma or higher national certificate of either the Business & Technician Education Council";

(ii) in paragraph (*b*) for "a national diploma of the Business & Technician Education Council or a national certificate of the Scottish Vocational Education Council" there shall be substituted "a national diploma or national certificate of either the Business & Technician Education Council or the Scottish Vocational Education Council";

(*b*) in the definition of "student" for the words from the beginning to "course of study" there shall be substituted " "student" means a person, other than a person in receipt of a training allowance, who is aged less than 19 and attending a full-time course of advanced education or, as the case may be, who is aged 19 or over and attending a full-time course of study".

(10) In regulation 42 (calculation of grant income)—

(*a*) in paragraph (1) for "paragraph (2)" there shall be substituted "paragraphs (2) and (2A)";

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

"(2A) Where in pursuance of an award a student is in receipt of a grant in respect of maintenance under regulation 12(1)(*b*) of the Students Awards Regulations (Northern Ireland) 1991(**a**) (payments by boards) there shall be excluded from his grant income a sum equal to the amount specified in paragraph 7(4) of Schedule 7 to those regulations (requirements), being the amount to be disregarded in respect of travel costs in the particular circumstances of his case.".

(11) In regulation 43(3) (calculation of covenant income where a contribution is assessed) for the words from "regulation 42(2)(*f*)" to the end there shall be substituted "regulation 42(2)(*f*) (calculation of grant income) falls short of the amount specified in paragraph 7(4)(i) of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1991 (requirements).".

(12) In regulation 44 (calculation of covenant income where no grant income or no contribution is assessed) in paragraphs (1)(*b*) and (2)(*b*) for "under regulation 42(2)(*e*) and (*f*)" there shall be substituted "under regulation 42(2)(*e*) and (*f*) and (2A)".

Amendment of the Family Credit Regulations

3.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation) after the definition of "the Independent Living Fund" there shall be inserted the following definition—

(**a**) S.R. 1991 No. 508