1992 No. 201

HOUSING; RATES; SOCIAL SECURITY

The Income-Related Benefits and Social Security (Recoupment) (Amendment) Regulations (Northern Ireland) 1992

Made	*6th May 1992*
Coming into operation . .	*7th May 1992*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1), 23(8) and (9)(*a*) to (*c*) and 52(1)(*h*) of the Social Security (Northern Ireland) Order 1986(**a**) and Article 24(5) of the Social Security (Northern Ireland) Order 1989(**b**) and of all other powers enabling it in that behalf, and with the consent of the Department of the Environment(**c**) so far as 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 in so far as they are required to be referred to it should not be so referred(**d**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Income-Related Benefits and Social Security (Recoupment) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation on 7th May 1992.

(2) In these regulations—

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

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

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**g**);

(**a**) S.I. 1986/1888 (N.I. 18); Article 21(1) was amended by Article 8(2) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17)); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the enabling provisions under which these regulations are made; section 155(3A) was inserted by Article 63(1)

(**b**) S.I. 1989/1342 (N.I. 13)

(**c**) *See* Article 81(5) of the Social Security (Northern Ireland) Order 1986

(**d**) *See* Article 62(1)(*b*) of the Social Security (Northern Ireland) Order 1986

(**e**) S.R. 1992 No. 78

(**f**) S.R. 1987 No. 463; the relevant amending regulations are S.R. 1988 Nos. 131, 205, 303 and 423, S.R. 1990 No. 33 and S.R. 1991 No. 204

(**g**) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 Nos. 117 and 424, S.R. 1990 Nos. 33, 136 and 345, S.R. 1991 Nos. 204 and 337 and S.R. 1992 No. 141

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

"the Social Security (Recoupment) Regulations" means the Social Security (Recoupment) Regulations (Northern Ireland) 1990(**b**).

Amendment of the Disability Working Allowance Regulations

2.—(1) The Disability Working Allowance Regulations shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation)—

(*a*) after the definition of "employed earner" there shall be inserted the following definition—

" "the Fund" means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;";

(*b*) after the definition of "premises" there shall be inserted the following definition—

" "qualifying person" means a person in respect of whom payment has been made from the Fund;".

(3) In regulation 29(3) (notional income) after "the Macfarlane (Special Payments) (No. 2) Trust" there shall be inserted ", the Fund".

(4) In regulation 34(3) (income treated as capital) after "the Macfarlane (Special Payments) (No. 2) Trust" there shall be inserted ", the Fund".

(5) In regulation 37(3) (notional capital) after "the Macfarlane (Special Payments) (No. 2) Trust" there shall be inserted ", the Fund".

(6) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings) in paragraph 34—

(*a*) in sub-paragraph (1) after "("the Trusts"),"" there shall be inserted "the Fund";

(*b*) in sub-paragraph (2) after "suffering from haemophilia" there shall be inserted "or who was or is a qualifying person";

(*c*) in sub-paragraph (3) after "suffering from haemophilia" there shall be inserted "or who is a qualifying person";

(*d*) in sub-paragraph (4) after "suffered from haemophilia" there shall be inserted "or who was a qualifying person";

(*e*) after sub-paragraph (5) there shall be added the following sub-paragraph—

"(6) For the purposes of sub-paragraphs (2) to (5), any reference to the Trusts shall be construed as including a reference to the Fund.".

(7) In Schedule 4 (capital to be disregarded)—

(*a*) in paragraph 23—

(**a**) S. R. 1987 No. 459; the relevant amending regulations are S.R. 1988 Nos. 146, 205, 318 and 431, S.R. 1989 No. 139, S.R. 1990 No. 33 and S.R. 1991 No. 204

(**b**) S.R. 1990 No. 85; the relevant amending regulations are S.R. 1990 No. 282 and S.R. 1991 No. 204

(i) in sub-paragraph (1) after ''(''the Trusts'')'' there shall be inserted '', the Fund'',

(ii) in sub-paragraph (2) after ''suffering from haemophilia'' there shall be inserted ''or who was or is a qualifying person'',

(iii) in sub-paragraph (3) after ''suffering from haemophilia'' there shall be inserted ''or who is a qualifying person'',

(iv) in sub-paragraph (4) after ''suffered from haemophilia'' there shall be inserted ''or who was a qualifying person'',

(v) after sub-paragraph (5) there shall be added the following sub-paragraph—

''(6) For the purposes of sub-paragraphs (2) to (5), any reference to the Trusts shall be construed as including a reference to the Fund.'';

(*b*) in paragraph 31 for ''or the Macfarlane (Special Payments) (No. 2) Trust'' there shall be substituted '', the Macfarlane (Special Payments) (No. 2) Trust or the Fund''.

Amendment of the Family Credit Regulations

3.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation)—

(*a*) after the definition of ''employed earner'' there shall be inserted the following definition—

'' ''the Fund'' means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;'';

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

'' ''qualifying person'' means a person in respect of whom payment has been made from the Fund;''.

(3) In regulation 26(3) (notional income) after ''the Macfarlane (Special Payments) (No. 2) Trust'' there shall be inserted '', the Fund''.

(4) In regulation 31(3) (income treated as capital) after ''the Macfarlane (Special Payments) (No. 2) Trust'' there shall be inserted '', the Fund''.

(5) In regulation 34(3) (notional capital) after ''the Macfarlane (Special Payments) (No. 2) Trust'' there shall be inserted '', the Fund''.

(6) In Schedule 2 (sums to be disregarded in the calculation of income other than earnings) in paragraph 35—

(*a*) in sub-paragraph (1) after ''(''the Trusts''),'' there shall be inserted ''the Fund'';

(*b*) in sub-paragraph (2) after ''suffering from haemophilia'' there shall be inserted ''or who was or is a qualifying person'';

(*c*) in sub-paragraph (3)—

(i) after "suffering from haemophilia" there shall be inserted "or who was or is a qualifying person",

(ii) in head (*a*) after "suffering from haemophilia" there shall be inserted "or who is a qualifying person";

(*d*) in sub-paragraph (4) after "suffering from haemophilia" there shall be inserted "or who is a qualifying person";

(*e*) in sub-paragraph (5) after "suffered from haemophilia" there shall be inserted "or who was a qualifying person";

(*f*) after sub-paragraph (6) there shall be added the following sub-paragraph—

"(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.".

(7) In Schedule 3 (capital to be disregarded)—

(*a*) in paragraph 23—

(i) in sub-paragraph (1) after "("the Trusts"),"" there shall be inserted "the Fund",

(ii) in sub-paragraph (2) after "suffering from haemophilia" there shall be inserted "or who was or is a qualifying person",

(iii) in sub-paragraph (3)—

(*aa*) after "suffering from haemophilia" there shall be inserted "or who was or is a qualifying person",

(*bb*) in head (*a*) after "suffering from haemophilia" there shall be inserted "or who is a qualifying person",

(iv) in sub-paragraph (4) after "suffering from haemophilia" there shall be inserted "or who is a qualifying person",

(v) in sub-paragraph (5) after "suffered from haemophilia" there shall be inserted "or who was a qualifying person",

(vi) after sub-paragraph (6) there shall be added the following sub-paragraph—

"(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund.";

(*b*) in paragraph 31 for "or the Macfarlane (Special Payments) (No. 2) Trust" there shall be substituted ", the Macfarlane (Special Payments) (No. 2) Trust or the Fund".

Amendment of the Housing Benefit Regulations

4.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(*a*) after the definition of "family" there shall be inserted the following definition—

" "the Fund" means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment