1992 No. 147

SOCIAL SECURITY

The Income Support (General) (Amendment) Regulations (Northern Ireland) 1992

Made . . . . . *20th March 1992*

Coming into operation . . *6th April 1992*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(*a*), (3)(*a*) and (*d*)(ii), (12)(*c*) and (*d*)(i) and 23(1), (8) and (9)(*a*) and (*b*) of the Social Security (Northern Ireland) Order 1986(**a**) and Article 7(1) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991(**b**) 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) Regulations (Northern Ireland) 1992 and shall come into operation, in relation to a particular claimant, at the beginning of the first benefit week to commence for that claimant on or after 6th April 1992.

(2) In paragraph (1) the expressions "benefit week" and "claimant" have the same meaning as in the principal regulations and in these regulations "the principal regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**c**).

Amendment of regulation 6 of the principal regulations

2. In regulation 6 of the principal regulations (persons not treated as engaged in remunerative work)—

(*a*) at the end of paragraph (*e*) "or" shall be omitted;

(*b*) in paragraph (*f*) for "apply to him. or" there shall be substituted "apply to him;";

(*c*) in paragraph (*g*) for "(applicable amounts in special cases)." there shall be substituted "(applicable amounts in special cases);";

(a) S.I. 1986/1888 (N.I. 18); Article 21(3)(*a*) was amended by Article 6(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)); Article 21(12)(*d*)(i) was substituted by Article 15(2) of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)); 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 regulation-making powers conferred by this Order; the said section 155(3A) was inserted by Article 63(1)

(b) S.I. 1991/1712 (N.I. 17)

(c) S.R. 1987 No. 459; the relevant amending rules are S.R, 1988 Nos. 146, 274 and 318, S.R. 1989 Nos. 139, 249 and 395, S.R. 1990 Nos. 346 and 387, S.R. 1991 Nos. 46 and 338 and S.R. 1992 No. 18

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

"(*h*) he is engaged in any one of the employments mentioned in sub-paragraphs (1)(*a*) to (*f*) of paragraph 7 of Schedule 8 (sums to be disregarded in the calculation of earnings); or

(*i*) he is performing his duties as a councillor, and for this purpose "councillor" has the same meaning as in paragraph 2(6) of Schedule 8 to the Social Security (Northern Ireland) Order 1989.".

Amendment of regulation 13 of the principal regulations

3. In regulation 13(2) of the principal regulations (circumstances in which persons in relevant education are to be entitled to income support) after sub-paragraph (*d*) there shall be inserted the following sub-paragraph—

"(*dd*) has ceased to live in accommodation provided for him by a Health and Social Services Board under Part VII of the Children and Young Persons Act (Northern Ireland) 1968(**a**) (treatment of children in care of the Department) and is of necessity living away from his parents and any person acting in the place of his parents;".

Amendment of regulation 13A of the principal regulations

4. In regulation 13A of the principal regulations (persons under 18 years)—

(*a*) in paragraph (4)—

(i) in sub-paragraph (*c*) for "Schedule 1A." there shall be substituted "Schedule 1A; or",

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

"(*d*) a registered person who has ceased to live in accommodation provided for him by a Health and Social Services Board under Part VII of the Children and Young Persons Act (Northern Ireland) 1968 (treatment of children in care of the Department) and is of necessity living away from his parents and any person acting in the place of his parents.";

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

"(6A) Paragraph (4)(*d*) shall have effect for a period—

(*a*) beginning on the day on which that paragraph first applies to that person; and

(*b*) ending on the day before the day on which that person attains the age of 18 or the day at the end of a period of 8 weeks immediately following the day on which paragraph (4)(*d*) first had effect in relation to him, whichever is the earlier.

(**a**) 1968 c. 34

(6B) The period mentioned in paragraph (6A) may include any week in which regulation 7 of the Child Benefit (General) Regulations (Northern Ireland) 1979(**a**) (circumstances in which a person who has ceased to receive full-time education is to continue to be treated as a child) also applies to that person.'';

(*c*) after paragraph (7) there shall be added the following paragraph—

"(8) In this regulation any reference to a person acting in the place of a registered person's parents has the same meaning as it has in Schedule 1A by virtue of paragraph 10(*a*) of that Schedule.".

Amendment of regulation 42 of the principal regulations

5. In regulation 42(2) of the principal regulations (notional income)—

(*a*) at the end of sub-paragraph (*c*) "or" shall be omitted;

(*b*) at the end of sub-paragraph (*d*) for "(rates of child benefit)," there shall be substituted "(rates of child benefit);";

(*c*) after sub-paragraph (*d*) there shall be inserted the following sub-paragraphs—

"(*e*) family credit; or

(*f*) disability working allowance,".

Amendment of regulation 61 of the principal regulations

6. In regulation 61 of the principal regulations (interpretation) in the definition of "student" for " "student" means a person" there shall be substituted " "student" means a person, other than a person in receipt of a training allowance,".

Amendment of regulation 62 of the principal regulations

7. In regulation 62 of the principal regulations (calculation of grant income)—

(*a*) 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(**b**) (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.";

(*b*) in paragraph (3) for "Part III of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1987" there shall be substituted "Part III of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1991".

(**a**) S.R. 1979 No. 5
(**b**) S.R. 1991 No. 508

Amendment of regulation 63 of the principal regulations

8. In regulation 63(3) of the principal regulations (calculation of covenant income where a contribution is assessed) for the words from "regulation 62(2)(*h*)" to the end there shall be substituted "regulation 62(2)(*h*) (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).".

Amendment of regulation 64 of the principal regulations

9. In regulation 64 of the principal regulations (calculation of covenant income where no grant income or no contribution is assessed) for "regulation 62(2)(*g*) and (*h*)" wherever it occurs there shall be substituted "regulation 62(2)(*g*), (*h*) and (2A)".

Amendment of Schedule 2 to the principal regulations

10. In Schedule 2 to the principal regulations (applicable amounts) in paragraph 10(2)(*b*)(i) (higher pensioner premium) "by whichever of them is aged not less than 60" shall be omitted.

Amendment of Schedule 3 to the principal regulations

11. In Schedule 3 to the principal regulations (housing costs)—

(*a*) in paragraph 10(6) at the end there shall be added "or, as the case may be, no restriction shall be made under this paragraph on review during the 6 months from the date of the review nor during the next 6 months if and so long as the claimant so uses his best endeavours";

(*b*) in paragraph 11(7)(*b*) "and is not a person who lives in board and lodging accommodation" shall be omitted.

Amendment of Schedule 8 to the principal regulations

12. In Schedule 8 to the principal regulations (sums to be disregarded in the calculation of earnings) in paragraph 15 for "In the case of earnings of a person treated as receiving relevant education under regulation 12(*b*) (relevant education) and" there shall be substituted "In the case of earnings of a child or young person who although not receiving full-time education for the purposes of Article 4 of the Child Benefit (Northern Ireland) Order 1975(**a**) (meaning of "child") is nonetheless treated for the purposes of these regulations as receiving relevant education and".

Amendment of Schedule 9 to the principal regulations

13. In Schedule 9 to the principal regulations (sums to be disregarded in the calculation of income other than earnings)—

(*a*) for paragraph 31 there shall be substituted the following paragraph—

"31. Any social fund payment made under Part IV of the Order.";

(**a**) S.I. 1975/1504 (N.I. 16); Article 4 was amended by Article 5(5) of, and Schedule 4 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), Article 71(1) of the Social Security (Northern Ireland) Order 1986 and Article 6(3) of the Social Security (Northern Ireland) Order 1988