1991 No. 488

SOCIAL SECURITY; STATUTORY MATERNITY PAY

The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1991

Made . . . . . 31st October 1991

Coming into operation . . 1st November 1991

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 104(5)(*a*), 115(1) and 154A(1) of, and paragraph 2 of Schedule 13 to, the Social Security (Northern Ireland) Act 1975(**a**) and Articles 52(1)(*a*) to (*e*) and (*q*) and 55 of, and paragraph 6(*a*) of Schedule 4 to, the Social Security (Northern Ireland) Order 1986(**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 Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 1st November 1991.

(2) 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 the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976

2.—(1) Schedule 2 to the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(**d**) shall be amended in accordance with paragraphs (2) and (3).

(2) In Part I (rules), in paragraph 4—

(*a*) in sub-paragraph (*b*) the words "where this is later than the actual confinement" shall be omitted; and

---

(**a**) 1975 c. 15; section 104(5) was added by paragraph 9(*d*) of Schedule 5 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and paragraph (*a*) was amended by paragraph 11(3) of Schedule 3 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)). Section 154A was inserted by Article 17 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), substituted by paragraph 56 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 and extended by paragraph 32 of that Schedule, paragraphs (*a*) and (*b*) of subsection (1) were substituted by paragraph 8 of Schedule 8 to the Social Security (Northern Ireland) Order 1989 and subsection (1) was amended by Article 8(1) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)). Sections 104(5)(*a*) and 115(1) and paragraph 2 of Schedule 13 were extended by Article 53(3) and (6) of the Social Security (Northern Ireland) Order 1986

(**b**) S.I. 1986/1888 (N.I. 18)

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

(**d**) S.R. 1976 No. 175; relevant amending regulations are S.R. 1987 No. 117

(*b*) in sub-paragraph (*e*) for "registered midwife either her registered number or address" there shall be substituted "registered midwife the personal identification number given to her by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting ("UKCC") on her registration in Part 10 of the register maintained under section 10 of the Nurses, Midwives and Health Visitors Act 1979(**a**) and the expiry date of that registration".

(3) For Part II (form of maternity certificate) there shall be substituted the Part set out in Schedule 1 to these regulations.

Amendment of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987

3. In regulation 32 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**b**) (penalties) after "25," there shall be inserted "25A,".

Amendment of the Social Security (Adjudication) Regulations (Northern Ireland) 1987

4.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1987(**c**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 69 (review in income support cases) after paragraph (4) there shall be added the following paragraphs—

"(5) Where a claimant in receipt of income support, other than a claimant to whom Part II of Schedule 4 to the Income Support (General) Regulations (Northern Ireland) 1987(**d**) applies, lives in a nursing home or home for persons in need and is absent from the home for a period of less than one week, that absence shall not be treated as a relevant change of circumstances for the purposes of section 104(1)(*b*) and (*bb*) of the 1975 Act(**e**).

(6) In paragraph (5) "nursing home" and "home for persons in need" have the same meanings as they have in regulation 19 of the Income Support (General) Regulations (Northern Ireland) 1987(**f**).".

(3) After regulation 69 there shall be inserted the following regulation—

"*Repayment of student loan not a change of circumstances for income support*

69A. The repayment of a loan to which regulation 66A of the Income Support (General) Regulations (Northern Ireland) 1987(**g**) (treatment of student loans) applies shall not be treated as a relevant change of circumstances for the purposes of section 104(1)(*b*) and (*bb*) of the 1975 Act.".

(**a**) 1979 c. 36
(**b**) S.R. 1987 No. 30; regulation 25A was inserted by S.R. 1990 No. 112
(**c**) S.R. 1987 No. 82; relevant amending regulations are S.R. 1987 No. 466
(**d**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 No. 146 and S.R. 1991 No. 338
(**e**) Subsection (1) was substituted by paragraph 9(*a*) of Schedule 5 to the Social Security (Northern Ireland) Order 1986 and subsection (1)(*bb*) was inserted by paragraph 11(1) of Schedule 3 to the Social Security (Northern Ireland) Order 1989
(**f**) Relevant amending regulations are S.R. 1988 No. 318
(**g**) Regulation 66A was inserted by S.R. 1990 No. 297 and amended by S.R. 1991 Nos. 46 and 338

(4) After regulation 70 (review in family credit cases) there shall be inserted the following regulation—

"*Repayment of student loan not a change of circumstances for family credit*

70A. The repayment of a loan to which regulation 42A of the Family Credit (General) Regulations (Northern Ireland) 1987(**a**) (treatment of student loans) applies shall not be treated as a relevant change of circumstances for the purposes of section 104(1)(*b*) and (*bb*) of the 1975 Act.".

Amendment of the Statutory Maternity Pay (Medical Evidence) Regulations (Northern Ireland) 1987

5.—(1) The Schedule to the Statutory Maternity Pay (Medical Evidence) Regulations (Northern Ireland) 1987(**b**) shall be amended in accordance with paragraphs (2) and (3).

(2) In Part I (rules), in paragraph 4—

(*a*) in sub-paragraph (*b*) the words "where this is later than the actual confinement" shall be omitted; and

(*b*) in sub-paragraph (*e*) for "registered midwife either her registered number or address" there shall be substituted "registered midwife the personal identification number given to her by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting ("UKCC") on her registration in Part 10 of the register maintained under section 10 of the Nurses, Midwives and Health Visitors Act 1979 and the expiry date of that registration".

(3) For Part II (form of maternity certificate) there shall be substituted the Part set out in Schedule 2 to these regulations.

Amendment of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987

6.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**c**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation) the definition of "period of cold weather" shall be omitted.

(3) In regulation 6(3) (date of claim) the words "or expenses for heating, which appear to the Department to have been or to be likely to be incurred in cold weather" shall be omitted.

(4) In regulation 13 (advance claims and awards)—

(*a*) in paragraph (3) at the beginning there shall be inserted "Subject to paragraph (4),"; and

---

(**a**) S.R. 1987 No. 463; regulation 42A was inserted by S.R. 1990 No. 297 and amended by S.R. 1991 No. 326

(**b**) S.R. 1987 No. 99

(**c**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 Nos. 67, 141 and 369, S.R. 1989 No. 40 and S.R. 1990 No. 398

(*b*) after paragraph (3) there shall be added the following paragraphs—

"(4) Paragraphs (1) and (2) shall apply to a claim for family credit made—

(*a*) on or after 10th March 1992 and before 7th April 1992;

(*b*) in respect of a period beginning on or after 7th April 1992; and

(*c*) by a person who, or, if he is a member of a married or unmarried couple, he or the other member of the couple, is engaged and normally engaged in remunerative work for not less than 16 but less than 24 hours a week on the date the claim is made.

(5) In paragraph (4)(*c*) "remunerative work" and "engaged and normally engaged in remunerative work" shall be construed in accordance with regulations 4 and 5 respectively of the Family Credit (General) Regulations (Northern Ireland) 1987(**a**).".

(5) In regulation 19(4) (time for claimimg benefit) the words "or expenses for heating, which appear to the Department to have been or to be likely to be incurred in cold weather," shall be omitted.

(6) In Schedule 4 (prescribed times for claiming benefit) in column (2) opposite paragraph 7 after sub-paragraph (*b*) there shall be added the following sub-paragraph—

"(*c*) where a claim for family credit is treated as if made for a period beginning with the relevant day by virtue of regulation 13, the period beginning on 10th March 1992 and ending on 6th April 1992.".

(7) In Schedule 8A (deductions from benefit and direct payment to third parties)—

(*a*) in paragraph 1 (interpretation)—

(i) for the definition of "5 per cent. of the personal allowance for a single claimant aged not less than 25 years" and "10 per cent. of the personal allowance for a single claimant aged not less than 25 years" there shall be substituted the following definition—

" "5 per cent. of the personal allowance for a single claimant aged not less than 25 years" means where the percentage is not a multiple of 5 pence the sum obtained by rounding that 5 per cent. to the next higher such multiple;",

(ii) after the definition of "5 per cent. of the personal allowance for a single claimant aged not less than 25 years" there shall be inserted the following definition—

" "hostel" means an establishment other than a home for persons in need or nursing home within the meaning of regulation

(**a**) Relevant amending regulations are S.R. 1988 No. 303, S.R. 1990 No. 138 and S.R. 1991 No. 326.

19(2) of the Income Support Regulations(**a**) or residential accommodation within the meaning of regulation 21(3) of those regulations(**b**)—

(*a*) in which there is provided for persons generally, or for a class of persons, accommodation, otherwise than in separate and self-contained premises, and either board or facilities of a kind set out in paragraph 4A(1)(*d*) adequate to the needs of those persons; and—

(*b*) which is—

(i) managed by or owned by a housing association registered with the Department of the Environment in accordance with Article 124 of the Housing (Northern Ireland) Order 1981(**c**),

(ii) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or public body, or

(iii) managed by a voluntary organisation or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community;

(*c*) in head (iii) ''voluntary organisation'' means any association carrying on any activities otherwise than for the purpose of gain by the association or by individual members thereof, but shall not include any public body;'',

(iii) in the definition of ''housing costs'' after ''1(*a*),'' there shall be inserted ''(*aa*),'' and after ''Regulations'' there shall be added ''and payments analogous to those specified in this definition'',

(iv) in the definition of ''mortgage payment'' for ''interest on a mortgage'' there shall be substituted ''interest on a loan whether or not secured by way of a mortgage'', and

(v) in the definition of ''personal allowance for a single claimant aged not less than 25 years'' for ''paragraph 1(1)(*c*)'' there shall be substituted ''paragraph 1(1)(*e*)'';

(*b*) in paragraph 2(1) (general) after head (*b*) there shall be inserted the following head—

''(*bb*) hostel payments;'';

(*c*) in paragraph 4(3)(*a*) (miscellaneous accommodation costs) for ''divided by the number of days in the part-week'' there shall be substituted ''divided by 7 and multiplied by the number of days in the part-week'';

(*d*) after paragraph 4 there shall be inserted the following paragraph—

(**a**) Relevant amending regulations are S.R. 1988 No. 318
(**b**) Relevant amending regulations are S.R. 1989 No. 139 and S.R. 1991 No. 345
(**c**) S.I. 1981/156 (N.I. 3)