1991 No. 474

SOCIAL SECURITY

The Income Support (General) (Amendment No. 5) Regulations (Northern Ireland) 1991

Made . . . . . 23rd October 1991

Coming into operation . . 11th November 1991

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 23(1) of the Social Security (Northern Ireland) Order 1986(**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. 5) Regulations (Northern Ireland) 1991 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 11th November 1991.

(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(**b**).

Amendment of regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (definition of non-dependant)—

(*a*) in paragraph (1) for "to whom paragraph (2) applies" there shall be substituted "to whom paragraph (2), (2A) or (2B) applies";

(*b*) for paragraph (2) there shall be substituted the following paragraphs—

"(2) This paragraph applies to—

(*a*) any member of the claimant's family;

(*b*) a child or young person who is living with the claimant but who is not a member of his household by virtue of regulation 16 (circumstances in which a person is to be treated as being or not being a member of the household);

(*c*) a person who lives with the claimant in order to care for him or for the claimant's partner and who is engaged for that purpose by a charitable or voluntary body (other than a Health and Social

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(**a**) S.I. 1986/1888 (N.I. 18); 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.R. 1987 No. 459; the relevant amending regulations are S.R. 1989 No. 139 and S.R. 1990 Nos. 131, 346 and 387

Services Board) which makes a charge to the claimant or the claimant's partner for the care provided by that person;

(*d*) the partner of a person to whom sub-paragraph (*c*) applies.

(2A) This paragraph applies to a person, other than a close relative of the claimant or the claimant's partner—

(*a*) who is liable to make payments on a commercial basis to the claimant or the claimant's partner in respect of his occupation of the claimant's dwelling;

(*b*) to whom the claimant or the claimant's partner is liable to make payments on a commercial basis in respect of his occupation of that person's dwelling;

(*c*) who is a member of the household of a person to whom sub-paragraph (*a*) or (*b*) applies.

(2B) Subject to paragraph (2C), this paragraph applies to—

(*a*) a person who jointly occupies the claimant's dwelling and who is either—

(i) a co-owner of that dwelling with the claimant or the claimant's partner (whether or not there are other co-owners), or

(ii) jointly liable with the claimant or the claimant's partner to make payments to a landlord in respect of his occupation of that dwelling;

(*b*) a partner of a person to whom sub-paragraph (*a*) applies.

(2C) Where a person is a close relative of the claimant or the claimant's partner, paragraph (2B) shall apply to him only if the claimant's, or the claimant's partner's, co-ownership of, or joint liability to make payments to a landlord in respect of his occupation of the dwelling arose either before 11th April 1988, or, if later, on or before the date upon which the claimant or the claimant's partner first occupied the dwelling in question.''.

Amendment of Schedule 3 to the principal regulations

3. In Schedule 3 to the principal regulations (housing costs), in paragraph 11 (non-dependant deductions)—

(*a*) in sub-paragraph (7)(*d*) ''or'' shall be omitted;

(*b*) after sub-paragraph (7)(*e*) there shall be added the following head—

''or

(*f*) to whom, but for paragraph (2C) of regulation 3 (definition of non-dependant), paragraph (2B) of that regulation would apply.''.

Saving provision in relation to severe disability premium

4.—(1) The provisions of this regulation are subject to regulation 5.

(2) Where paragraph (3), (4), (5) or (6) applies to a claimant, sub-paragraph (2)(*a*)(ii), or, as the case may be, sub-paragraph (2)(*b*)(iii) of

paragraph 13 of Schedule 2 to the principal regulations shall have effect in relation to him as if the relevant amendment had not been made.

(3) This paragraph applies to a claimant who satisfied both the qualifying conditions in the week immediately preceding 21st October 1991.

(4) This paragraph applies to a claimant—

(*a*) who satisfied both the qualifying conditions in at least one of the 8 weeks immediately preceding 21st October 1991, but did not satisfy either or both of those conditions in the week immediately preceding that date; and

(*b*) who in a week commencing not more than 8 weeks after the date on which he last satisfied both the qualifying conditions, would again have satisfied both those conditions if the relevant amendment had not been made.

(5) This paragraph applies to a claimant—

(*a*) who ceased to be entitled to income support because he became engaged in remunerative work for a period not exceeding the permitted period determined in accordance with regulation 6 and that period had commenced but had not ended before 21st October 1991;

(*b*) who satisfied both the qualifying conditions in the week ending on the day before the first day that period commenced; and

(*c*) who in the week which commences on the day immediately following the day on which that period ends, would again have satisfied both the qualifying conditions if the relevant amendment had not been made.

(6) This paragraph applies to a claimant—

(*a*) who satisfied both the qualifying conditions immediately before he participated in provision or arrangements for training under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**a**) or section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**b**) or attended a course at an employment rehabilitation unit established under any of those sections and he had begun the training or joined the course before 21st October 1991 and was still continuing with the training or course at that date; and

(*b*) who in the week which commences on the day immediately following the last day he attended the training or course, would again have satisfied both the qualifying conditions if the relevant amendment had not been made.

(7) The "qualifying conditions" mean the 2 qualifying conditions set out in paragraph (8)(*a*) and (*b*).

(8) For the purposes of paragraph (7)—

(*a*) the first qualifying condition is that the claimant—

(**a**) 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))

(**b**) 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))