1991 No. 338

SOCIAL SECURITY

The Income Support (General) (Amendment No. 3) Regulations (Northern Ireland) 1991

Made	*30th July 1991*
Coming into operation—	
regulations 1, 2, 8 to 10, 12 and 13(e)	*5th August 1991*
regulations 13(a) to (c), 14 and 15	*1st October 1991*
regulations 4, 6, 7, 11, 13(d), 16 to 19, and 20 to 22 only insofar as they relate to regulations 4 and 11(b)	*7th October 1991*
regulations 3 and 5, and 20 to 22 only insofar as they relate to regulation 3	*7th April 1992*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(3)(*a*) and (*d*)(i) and (12)(*c*) and (*d*)(i) and 23(1), (8) and (9)(*b*) 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. 3) Regulations (Northern Ireland) 1991 and shall come into operation, in relation to a particular claimant, as follows—

(*a*) regulations 1, 2, 8 to 10, 12 and 13(*e*) at the beginning of the first benefit week to commence for that claimant on or after 5th August 1991;

(*b*) regulations 13(*a*) to (*c*), 14 and 15 at the beginning of the first benefit week to commence for that claimant on or after 1st October 1991;

(*c*) regulations 4, 6, 7, 11, 13(*d*), 16 to 19, and 20 to 22 only insofar as they relate to regulations 4 and 11(*b*), at the beginning of the first benefit week to commence for that claimant on or after 7th October 1991;

(**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(3)(*d*)(i) was amended by and Article 21(12)(*d*) was substituted by Article 15(1) and (2) respectively 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).

(*d*) regulations 3 and 5, and 20 to 22 only insofar as they relate to regulation 3, at the beginning of the first benefit week to commence for that claimant on or after 7th 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(**a**).

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) after the definition of ''invalid carriage or other vehicle'' there shall be inserted the following definition—

'' ''last day of the course'' has the meaning prescribed in regulation 61 for the purposes of the definition of ''period of study'';''.

Amendment of regulation 5 of the principal regulations

3. In regulation 5(1) of the principal regulations (persons treated as engaged in remunerative work) for ''24 hours'' there shall be substituted ''16 hours''.

Amendment of regulation 6 of the principal regulations

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

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

''(*a*) he is mentally or physically disabled, and by reason of that disability—

(i) his earnings are reduced to 75 per cent. or less of what a person without that disability and working the same number of hours would reasonably be expected to earn in that employment or in comparable employment in the area, or

(ii) his number of hours of work are 75 per cent. or less of what a person without that disability would reasonably be expected to undertake in that employment or in comparable employment in the area;'';

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

''or

(*g*) he is in employment and lives in, or is temporarily absent from, a home for persons in need, a nursing home or residential accommodation and his, or his partner's, applicable amount falls to be calculated in accordance with Part I of Schedule 4 (applicable amounts of persons in homes for persons in need and nursing homes) or, as the case may be, paragraphs 9, 10 to 10D, 13, 14 or 16 of Schedule 7 (applicable amounts in special cases).''.

(**a**) S.R. 1987 No. 459; the relevant amending rules are S.R. 1988 Nos. 146, 274, 318 and 431, S.R. 1989 Nos. 139, 249, 365 and 395, S.R. 1990 Nos. 131, 213, 297, 346 and 395 and S.R. 1991 Nos. 46 and 77

Amendment of regulation 7 of the principal regulations

5. In regulation 7(1)(*c*) of the principal regulations (meaning of employment) for ''24 hours'' there shall be substituted ''16 hours''.

Amendment of regulation 13 of the principal regulations

6. In regulation 13 of the principal regulations (circumstances in which persons in relevant education are to be entitled to income support)—

(*a*) in paragraph (2) for ''a young person'' there shall be substituted ''a person aged 16 or over but under 19 (hereinafter referred to as an eligible person)'';

(*b*) in paragraph (3)(*a*)—

(i) for ''a young person's parents'' there shall be substituted ''an eligible person's parents'',

(ii) in heads (i) and (ii) for ''young'' there shall be substituted ''eligible'' wherever it occurs in each of those heads.

Amendment of regulation 28 of the principal regulations

7. For regulation 28(2) of the principal regulations (calculation of income) there shall be substituted the following paragraph—

''(2) For the purposes of paragraph (1)''income'' includes capital treated as income under regulation 41 (capital treated as income) and income which a claimant is treated as possessing under regulation 42 (notional income).''.

Amendment of regulation 61 of the principal regulations

8. In regulation 61 of the principal regulations (interpretation)—

(*a*) after the definition of ''grant income'' there shall be inserted the following definition—

'' ''last day of the course'' means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;'';

(*b*) in the definition of ''period of study''—

(i) in paragraph (*a*) for ''to the end'' there shall be substituted ''and ending with the last day of the course'',

(ii) in paragraph (*b*) after ''any subsequent year of the course,'' there shall be added ''other than the final year of the course,'',

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

''(*c*) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;'';

(*c*) in the definition of ''student'', in paragraph (*a*) for ''the end of the course'' there shall be substituted ''the last day of the course''.

Amendment of regulation 62 of the principal regulations

9. In regulation 62(2)(*g*) of the principal regulations (calculation of grant income) for ''£246'' there shall be substituted ''£257''.

Amendment of regulation 66A of the principal regulations

10. In regulation 66A(2)(*b*) of the principal regulations (treatment of student loans) for "the date on which the course ends" there shall be substituted "the last day of the course".

Amendment of Schedule 1 to the principal regulations

11. In Schedule 1 to the principal regulations (persons not required to be available for employment)—

(*a*) for paragraph 4 there shall be substituted the following paragraphs—

"*Persons caring for another person*

4.—(1) A person (the carer)—

(*a*) who is regularly and substantially engaged in caring for another person if—

(i) the person being cared for is in receipt of attendance allowance under section 35 of the principal Act(**a**), or

(ii) the person being cared for has claimed attendance allowance under that section but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or

(*b*) who is engaged in caring for another person and who is in receipt of an invalid care allowance under section 37 of the principal Act(**b**).

(2) If sub-paragraph (1) ceases to apply to the carer, he shall not be required to be available for employment for a period of 8 weeks from the date upon which that sub-paragraph ceased to apply to him.

4A. A person who, had he previously made a claim for income support, would not have been required to be available for employment by reason of paragraph 4(1) for a period of 8 weeks from the date upon which that paragraph would have ceased to apply to him.";

(*b*) for paragraph 6 there shall be substituted the following paragraphs—

"*Disabled workers*

6. A person to whom regulation 6(*a*) (persons not treated as engaged in remunerative work) applies.

Persons in employment living in homes for persons in need, nursing homes or residential accommodation

6A. A person to whom regulation 6(*g*) applies.";

(*c*) in paragraph 17 "for any period exceeding 2 days" shall be omitted.

(**a**) 1975 c. 15; section 35 was amended by Article 3 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), paragraph 8 of Schedule 1 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), Article 3(1) of the Social Security (Northern Ireland) Order 1988, paragraph 5 of Schedule 8 to the Social Security (Northern Ireland) Order 1989 and Article 3(1) and (2) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15))

(**b**) Section 37(3) was amended by Article 38(1) of, and Schedule 10 to, the Social Security (Northern Ireland) Order 1986

Amendment of Schedule 1A to the principal regulations

12. In Schedule 1A to the principal regulations (circumstances in which a person aged 16 or 17 is eligible for income support) in paragraph 1, after the entry relating to paragraph 4 there shall be inserted—

"paragraph 7	(disabled students)
paragraph 7A	
paragraph 7B".	

Amendment of Schedule 2 to the principal regulations

13. In Schedule 2 to the principal regulations (applicable amounts)—

(*a*) in column (2), in paragraph 1—

(i) in sub-paragraphs (1)(*a*) and (2)(*a*) for "£23·65" there shall be substituted "£23·90",

(ii) in sub-paragraphs (1)(*b*) to (*d*) and (2)(*b*) and (*c*) for "£31·15" there shall be substituted "£31·40";

(*b*) for the Table in paragraph 2 there shall be substituted the Table in the Schedule to these regulations;

(*c*) in paragraph 3 for "£7·95" there shall be substituted "£8·70";

(*d*) in paragraph 14ZA—

(i) in sub-paragraph (1) at the beginning there shall be inserted "Subject to sub-paragraphs (3) and (4),",

(ii) after sub-paragraph (2) there shall be added the following sub-paragraphs—

"(3) Where a carer premium is awarded but the person in respect of whom it has been awarded either ceases to be in receipt of, or ceases to be treated as being in receipt of, invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of 8 weeks from the date on which that person ceased to be in receipt of, or ceased to be treated as being in receipt of, invalid care allowance.

(4) Where a person who has been receiving, or who has been treated as receiving invalid care allowance ceases to be in receipt of, or ceases to be treated as being in receipt of, that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of 8 weeks from the date that person was last in receipt of, or was last treated as being in receipt of, invalid care allowance.";

(*e*) in paragraph 14A for "under paragraphs 12 to 14" there shall be substituted "under paragraphs 12 to 14ZA".

Amendment of Schedule 3A to the principal regulations

14. In Schedule 3A to the principal regulations (protected sum) in paragraph 5—

(*a*) in sub-paragraph (1) for "to (4)" there shall be substituted "to (5)";

(*b*) after sub-paragraph (4) there shall be added the following sub-paragraph—