1991 No. 326

SOCIAL SECURITY

The Family Credit (General) (Amendment) Regulations (Northern Ireland) 1991

Made	*25th July 1991*
Coming into operation—	
regulations 1, 4, 6, 7, 8 and 11	*6th August 1991*
regulations 3, 5, 9 and 10	*8th October 1991*
regulation 2	*7th April 1992*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(12)(*c*) and (*d*)(i) and 23(8) and (9)(*a*) and (*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 Family Credit (General) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation as follows—

(*a*) regulations 1, 4, 6, 7, 8 and 11 on 6th August 1991;

(*b*) regulations 3, 5, 9 and 10 on 8th October 1991;

(*c*) regulation 2 on 7th April 1992.

(2) In these regulations "the principal regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**b**).

Amendment of regulations 4 and 5 of the principal regulations

2. In regulations 4(1) and 5(1) of the principal regulations (remunerative work, and engagement in remunerative work and normal engagement) for "24" there shall be substituted "16".

Amendment of regulation 13 of the principal regulations

3. In regulation 13 of the principal regulations (calculation of income on a weekly basis) for paragraph (2) there shall be substituted the following paragraph—

(**a**) S.I. 1986/1888 (N.I. 18); Article 21(12)(*d*) 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.R. 1987 No. 463; relevant amending regulations are S.R. 1988 Nos. 131, 205, 303 and 423, S.R. 1990 Nos. 33, 137, 138, 297, 305 and 347 and S.R. 1991 No. 204

"(2) For the purposes of paragraph (1) "income" includes capital treated as income under regulation 25 (capital treated as income) and income which a claimant is treated as possessing under regulation 26 (notional income).".

Amendment of regulation 24 of the principal regulations

4. In regulation 24(4A) of the principal regulations (calculation of income other than earnings) after "1990" there shall be inserted "or section 1 of the Education (Student Loans) Act 1990(**a**)".

Amendment of regulation 34A of the principal regulations

5. In regulation 34A of the principal regulations (diminishing notional capital rule)—

(*a*) in paragraph (3) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) if the claimant would, but for regulation 43(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**b**) (notional capital), have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week in which the date of the last claim for family credit falls, the amount (if any) which is equal to—

(i) in a case where no housing benefit is payable, the amount to which he would have been entitled, or

(ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled.";

(*b*) in paragraph (4) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) if the claimant would, but for regulation 43(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week in which the first day of the relevant week falls, the amount (if any) which is equal to—

(i) in a case where no housing benefit is payable, the amount to which he would have been entitled, or

(ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled.".

Amendment of regulation 37 of the principal regulations

6. In regulation 37 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;";

(**a**) 1990 c. 6
(**b**) S.R. 1987 No. 461; regulation 43(1) was amended by S.R. 1990 No. 345