1990 No. 387

SOCIAL SECURITY

The Family Credit and Income Support (General) (Amendment) Regulations (Northern Ireland) 1990

Made . . . . . *29th October 1990*

Coming into operation . . *30th November 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(12)(*k*) 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 Family Credit and Income Support (General) (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 30th November 1990.

(2) In these regulations—

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**b**); and

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**c**).

Amendment of the Family Credit Regulations

2.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) after the definition of "student" there shall be inserted the following definition—

" "week" means a period of 7 days beginning with midnight between Saturday and Sunday;".

(3) In regulation 8(2) (membership of the same household)—

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

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

"or

(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. 463; the relevant amending regulations are S.R. 1988 Nos. 131, 303 and 423 and S.R. 1990 No. 138

(c) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1988 Nos. 146, 274, 318 and 431 and S.R. 1989 Nos. 139, 326 and 395

(*f*) is in a training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968(**a**).''.

(4) In regulation 21(1) (earnings of self-employed earners)—

(*a*) after ''pursuant to'' there shall be inserted ''provision or'';

(*b*) after ''Department of Economic Development under'' there shall be inserted ''sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**b**) or''.

(5) In Schedule 2 (sums to be disregarded in the calculation of income other than earnings)—

(*a*) in paragraph 9 for ''Article 50 or 51'' there shall be substituted ''Article 50, 51 or 55(1)'';

(*b*) for paragraph 11 there shall be substituted the following paragraph—

''11. In the case of a claimant participating in provision or arrangements for training under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**c**), or attending a course at an employment rehabilitation unit established under any of those sections—

(*a*) any travelling expenses reimbursed to the claimant;

(*b*) any lodging allowance under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3(3) of the Employment and Training Act (Northern Ireland) 1950;

(*c*) any training premium under the Employment and Training Act (Northern Ireland) 1950,

but this paragraph, except in so far as it relates to a payment under sub-paragraph (*a*), (*b*) or (*c*), does not apply to any part of any allowance under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3(3) of the Employment and Training Act (Northern Ireland) 1950.'';

(*c*) in paragraph 12 for ''arrangements made under'' there shall be substituted ''provision or arrangements under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or''.

(6) In Schedule 3 (capital to be disregarded) for paragraph 32 there shall be substituted the following paragraph—

''32. Any payment not exceeding £200 made under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 1 of the Employment and Training Act (Northern Ireland) 1950 as a training bonus to a person participating in provision or arrangements for training under either of those Acts but only for a period of 52 weeks from the date of receipt of that payment.''.

(**a**) 1968 c. 34 (N.I.)

(**b**) 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))

(**c**) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

Amendment of the Income Support Regulations

3.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation)—

(*a*) in the definition of ''training allowance'' for ''arrangements made under'' there shall be substituted ''provision or arrangements under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or'';

(*b*) in the definition of ''youth training programme'' for ''arrangements made under'' there shall be substituted ''provision or arrangements under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or''.

(3) In regulation 16 (circumstances in which a person is to be treated as being or not being a member of the household)—

(*a*) in paragraph (5)—

(i) in sub-paragraph (*e*) ''or'' shall be omitted,

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

''or

(*g*) is in a training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968.'';

(*b*) in paragraph (6) for ''paragraph (5)(*c*) or (*f*)'' there shall be substituted ''paragraph (5)(*c*), (*f*) or (*g*)''.

(4) In regulation 37(1) (earnings of self-employed earners)—

(*a*) after ''pursuant to'' there shall be inserted ''provision or'';

(*b*) after ''Department of Economic Development under'' there shall be inserted ''sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or''.

(5) In Schedule 2 (applicable amounts)—

(*a*) in paragraph 7(1)(*b*)—

(i) for ''approved'' there shall be substituted ''arranged'',

(ii) after ''Department of Economic Development under'' there shall be inserted ''sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or'';

(*b*) in paragraph 12(5) for ''provided under'' there shall be substituted ''provided or arranged under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or''.

(6) In Schedule 3 (housing costs) in paragraph 11(7)(*b*) ''established under section 1(1) of the Employment and Training Act (Northern Ireland) 1950'' shall be omitted.

(7) In Schedule 7 (applicable amounts in special cases)—

(*a*) in column (1), in paragraph 9(*a*), for head (v) there shall be substituted the following head—