1990 No. 305

HOUSING; RATES; SOCIAL SECURITY

The Income-Related Benefits (Amendment) Regulations (Northern Ireland) 1990

Made	*14th August 1990*
Coming into operation . .	*1st September 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(3)(*d*) and (12)(*d*) and (*h*) and 23(9)(*b*) of the Social Security (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, and with the consent of the Department of the Environment(**b**) so far as relates to matters with regard to which such consent is required, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(**c**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Income-Related Benefits (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 1st September 1990 immediately after the Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations (Northern Ireland) 1990(**d**).

(2) In these regulations—

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

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**f**); and

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

Amendment of the Family Credit Regulations

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

(**a**) S.I. 1986/1888 (N.I. 18); Article 21(3)(*d*) 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 enabling provisions under which these regulations are made; section 155(3A) was inserted by Article 63(1)

(**b**) *See* Article 81(5) of the Social Security (Northern Ireland) Order 1986

(**c**) *See* Article 62(1)(*b*) of the Social Security (Northern Ireland) Order 1986

(**d**) S.R. 1990 No. 297

(**e**) S.R. 1987 No. 463; the relevant amending regulations are S.R. 1990 Nos. 138 and 297

(**f**) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1990 Nos. 136 and 297

(**g**) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1990 Nos. 131 and 297

(2) In Schedule 2 (sums to be disregarded in the calculation of income other than earnings), in paragraph 29 after ''where a contribution is assessed)'' there shall be inserted '', regulation 42A(2) (treatment of student loans)''.

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 48A (full-time students to be treated as not liable to make payments of rent in respect of a dwelling)—

(*a*) in paragraph (2) after sub-paragraph (*f*) there shall be added the following sub-paragraph—

''(*g*) in respect of whom—

(i) a supplementary requirement has been determined under paragraph 15 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1987(**a**), paragraph 15 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1988(**b**) or paragraph 12 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1990(**c**), or

(ii) a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986(**d**),

on account of his disability by reason of deafness.'';

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

''(4) A full-time student to whom paragraph (2)(*g*) applies shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement or any increase by reason of deafness in any payment mentioned in that sub-paragraph which is granted or paid to him, as the case may be, or 1st September 1990, whichever is later.''.

(3) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings), in paragraph 35 for the words from ''contribution is assessed)'' to ''no contribution is assessed)'' there shall be substituted ''contribution is assessed), regulation 55(1)(*e*) (covenant income where no grant income or no contribution is assessed), regulation 57A(2) (treatment of student loans)''.

Amendment of the Income Support Regulations

4.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 10(1)(*h*)(i) (circumstances in which claimants are not to be treated as available for employment) for ''7, 7A'' there shall be substituted ''7 to 7B''.

(3) In Schedule 1 (persons not required to be available for employment) after paragraph 7A there shall be inserted the following paragraph—

(**a**) S.R. 1987 No. 420; revoked by S.R. 1988 No. 445
(**b**) S.R. 1988 No. 445; revoked by S.R. 1990 No. 23
(**c**) S.R. 1990 No. 23
(**d**) S.I. 1986/594 (N.I. 3)