1989 No. 395

SOCIAL SECURITY

The Income Support (General) (Amendment No. 4) Regulations (Northern Ireland) 1989

Made	*6th October 1989*
Coming into operation	*9th October 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(*a*) and 23(1), (8) and (9) 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. 4) Regulations (Northern Ireland) 1989 and shall come into operation, in relation to a particular claimant, as follows—

(*a*) regulations 1, 2 to 8, 10, 11 and 12(*b*), on 9th October 1989;

(*b*) regulations 9 and 12(*a*), immediately after regulations 9 and 10 of the Income Support (General) (Amendment) Regulations (Northern Ireland) 1989(**b**) come into operation.

(2) In paragraph (1) the expression "claimant" has the same meaning as in the principal regulations and in these regulations "the principal regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**c**).

Amendment of regulation 3 of the principal regulations

2. In regulation 3(2)(*c*) of the principal regulations (definition of non-dependant) at the end there shall be added "and either is a co-owner of that dwelling with the claimant or his partner (whether or not there are other co-owners) or is liable with the claimant or his partner to make payments in respect of his occupation of the dwelling".

Insertion of regulation 3A in the principal regulations

3. After regulation 3 of the principal regulations (definition of non-dependant) there shall be inserted the following regulation—

(**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. 1989 No. 139

(**c**) S.R. 1987 No. 459; the relevant amending rules are S.R. 1988 Nos. 146, 193, 318 and 431 and S.R. 1989 Nos. 18, 139 and 249

"*Permitted period*

3A.—(1) For the purposes of regulation 17(6), paragraph 7(10) of Schedule 3(**a**), paragraph 7(6) of Schedule 3A, paragraph 6(3) of Schedule 3B and paragraphs 4 and 6 of Schedule 8 (applicable amounts, housing costs, protected sums and sums to be disregarded in the calculation of earnings), where a claimant has ceased to be entitled to income support—

(*a*) because he or his partner becomes engaged in remunerative work the permitted period, subject to paragraph (2), shall be 12 weeks; or

(*b*) for any other reason, the permitted period shall be 8 weeks.

(2) Subject to paragraph (3), where the claimant or his partner has ceased to be engaged in the remunerative work referred to in paragraph (1)(*a*) the permitted period shall be 8 weeks if—

(*a*) the claimant's weekly applicable amount is reduced under regulation 22 (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification) because of the cessation of that work;

(*b*) the claimant or his partner has ceased to be engaged in that work within 6 weeks of beginning it; or

(*c*) at any time during the period of 26 weeks immediately preceding the beginning of that work, the person who has ceased to be engaged in it—

(i) was engaged in remunerative work,

(ii) was in relevant education, or

(iii) was a student.

(3) Paragraph (2)(*b*) or (*c*) shall not apply if, by virtue of section 20A(2) of the principal Act(**b**) (exemptions from disqualification for unemployment benefit), the person who has ceased to be engaged in remunerative work is exempted from disqualification for receiving unemployment benefit.".

Amendment of regulation 17 of the principal regulations

4. In regulation 17 of the principal regulations (applicable amounts)—

(*a*) in paragraph (6) for "8 weeks" there shall be substituted "the permitted period determined in accordance with regulation 3A (permitted period)";

(*b*) after paragraph (6) there shall be inserted the following paragraph—

"(6A) For the purposes of paragraph (6), where a claimant has ceased to be entitled to income support because he or his partner is participating in arrangements for training or rehabilitation provided under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland)

(**a**) Paragraph 7(10) is added by regulation 7 of these regulations

(**b**) 1975 c. 15; section 20A was inserted by Article 14(4) of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

1945(**a**) or arranged under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**b**) or attending a course at an employment rehabilitation unit established under those sections, he shall be treated as if he had been entitled to income support for the period during which he or his partner is participating in such arrangements or attending such a course.''.

Amendment of regulation 19 of the principal regulations

5. In regulation 19 of the principal regulations (persons in homes for persons in need and nursing homes)—

(*a*) in paragraph (1A) after ''paragraph (1)(*b*)'' there shall be inserted ''and Schedule 4 (applicable amounts of persons in homes for persons in need and nursing homes)'';

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

''(4) Notwithstanding paragraphs (1) to (3), where—

(*a*) a person has been, registered under Article 35 of, and Schedule 5 to, the 1972 Order(**c**) in respect of premises which have been carried on as a home for persons in need or, as the case may be, registered under Part I of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(**d**) in respect of premises which have been carried on as a nursing home, and that person has ceased to carry on such a home; and

(*b*) an application for registration under that Order or, as the case may be, that Act has been made by another person and that application has not been determined or abandoned,

the applicable amount of a person resident in those premises shall be determined under Schedule 4 as if the most recent registration under Article 35 of, and Schedule 5 to, the 1972 Order or, as the case may be, Part I of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971, in respect of those premises continued until the day on which the application is determined or abandoned.''.

Amendment of Schedule 2 to the principal regulations

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

(*a*) in paragraph 1(1)—

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

(**c**) S.I. 1972/1265 (N.I. 14)

(**d**) 1971 c. 32 (N.I.); Part I was amended by Schedules 16 and 18 to the Health and Personal Social Services (Northern Ireland) Order 1972, Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)), Schedules 7 and 8 to the Nurses, Midwives and Health Visitors Act 1979 (c. 36), Articles 3 and 4 of the Nursing Homes and Nursing Agencies (Northern Ireland) Order 1985 (S.I. 1985/1775 (N.I. 19)) and Part II of Schedule 5 to the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))

(i) in column (1), in head (*a*), for "head (*b*) or (*c*)" there shall be substituted "head (*b*)";

(ii) for heads (*b*) and (*c*) there shall be substituted the following head—

"(*b*) less than 18 who falls within any of the circumstances specified in Part II of Schedule 1A or who, had he been a registered person, would fall within any of those circumstances, and who— (i) is eligible for income support under regulation 13A, or (ii) is the subject of a direction under Article 21(4A) of the Order(**a**);";	(*b*) £27·40;

(*b*) in paragraph 1(2)—

(i) in column (1), in head (*a*), for "head (*b*) or (*c*)" there shall be substituted "head (*b*)",

(ii) for heads (*b*) and (*c*) there shall be substituted the following head—

"(*b*) less than 18 who falls within any of the circumstances specified in Part II of Schedule 1A or who, had he been a registered person, would fall within any of those circumstances, and who— (i) is eligible for income support under regulation 13A, or (ii) is the subject of a direction under Article 21(4A) of the Order;";	(*b*) £27·40;

(*c*) in column (1), in paragraph 1(3)(*aa*) for the words from "is a person" to "that member" there shall be substituted "falls within any of the circumstances specified in Part II of Schedule 1A or who, had he been a registered person, would fall within any of those circumstances, and that member";

(*d*) in paragraph 6(1) for the words from "either the higher pensioner premium" to the end there shall be substituted "any other premium which may apply under this Schedule.";

(*e*) in paragraphs 7(*b*) and 12(5) after "Employment and Training Act (Northern Ireland) 1950" there shall be added in each of those provisions "or for any period during which he is in receipt of a training allowance";

(*f*) in paragraph 13—

(a) Article 21(4A) was inserted by Article 6(2) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2))

(i) in sub-paragraph (2)(*a*)(iii) "no one is in receipt of" shall be omitted; and after "principal Act" there shall be inserted "is not in payment to anyone",

(ii) in sub-paragraph (2)(*b*) for "there is someone in receipt of an invalid care allowance" there shall be substituted "an invalid care allowance is in payment to someone"; and, for "there is no one in receipt of such an allowance" there shall be substituted "such an allowance is not in payment to anyone".

Amendment of Schedule 3 to the principal regulations

7. In Schedule 3 to the principal regulations (housing costs)—

(*a*) in paragraph 7—

(i) in sub-paragraph (1) for "sub-paragraphs (2) to (9)" there shall be substituted "sub-paragraphs (2) to (11)",

(ii) in sub-paragraph (9) at the beginning there shall be inserted "Subject to sub-paragraphs (10) and (11),",

(iii) after sub-paragraph (9) there shall be added the following sub-paragraphs—

"(10) Where—

(*a*) a claimant has ceased to be in receipt of income support because he or his partner becomes engaged in remunerative work; and

(*b*) immediately before ceasing to be so in receipt an amount under sub-paragraph (1)(*b*)(i) was applicable to him,

sub-paragraph (9)(*a*)(ii) shall apply to him as if for "any period of 8 weeks or less" there were substituted "any period not exceeding the permitted period determined in accordance with regulation 3A (permitted period)".

(11) For the purposes of sub-paragraph (1)(*b*)(i), where—

(*a*) a claimant has ceased to be entitled to income support because he or his partner is participating in arrangements for training or rehabilitation provided under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or arranged under section 1(1) of the Employment and Training Act (Northern Ireland) 1950 or attending a course at an employment rehabilitation unit established under those sections; and

(*b*) immediately before so ceasing an amount under that sub-paragraph was applicable to him,

he shall be treated as if he had been in receipt of income support for the period during which he or his partner was participating in such arrangements or attending such a course.";

(*b*) in paragraph 10—

(i) in sub-paragraph (5) for "under this paragraph" there shall be substituted "under sub-paragraph (3)",