1989 No. 249

SOCIAL SECURITY

The Family Credit and Income Support (General) (Amendment) Regulations (Northern Ireland) 1989

Made	*30th June 1989*
Coming into operation—	
regulations 1, 3 to 7, 9 to 13 and 14(b)	*10th July 1989*
regulations 2, 8 and 14(a)	*4th September 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(3)(*a*) and (*d*) 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 Family Credit and Income Support (General) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation as follows—

(*a*) regulations 1, 3 to 7, 9 to 13 and 14(*b*) on 10th July 1989;

(*b*) regulations 2, 8 and 14(*a*) on 4th September 1989.

(2) In these regulations—

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

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

Amendment of regulation 38 of the Family Credit Regulations

2. In regulation 38(2)(*f*) of the Family Credit Regulations (calculation of grant income) for "£220" there shall be substituted "£234".

Amendment of Schedules 2 and 3 to the Family Credit Regulations

3. In paragraph 25 of Schedule 2, and paragraph 18 of Schedule 3, to the Family Credit Regulations (income other than earnings and capital to be disregarded) for the words from "under section 164" to the end of each

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(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 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 No. 303

(c) S.R. 1987 No. 459; the relevant amending rules are S.R. 1988 Nos. 146, 274 and 318 and S.R. 1989 Nos. 18 and 139

paragraph there shall be substituted "by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968(**a**) (Health and Social Services Boards' duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care).".

Amendment of regulation 13 of the Income Support Regulations

4. In regulation 13(2) of the Income Support Regulations (circumstances in which persons in relevant education are to be entitled to income support) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph—

"(*d*) of necessity has to live away from his parents or any person acting in the place of his parents because—

(i) he is estranged from his parents or that person,

(ii) he is in physical or moral danger, or

(iii) there is a serious risk to his physical or mental health;".

Amendment of regulation 18 of the Income Support Regulations

5. In regulation 18(1)(*b*) of the Income Support Regulations (polygamous marriages) for "and (1)(*c*)" there shall be substituted "and (1)(*e*)" (**b**).

Amendment of regulation 22 of the Income Support Regulations

6. In regulation 22(1)(*a*) of the Income Support Regulations (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification)—

(*a*) in head (i) for "paragraph 1(1)(*a*)" there shall be substituted "paragraph 1(1)(*a*), (*b*) or (*c*), as the case may be,"(**b**);

(*b*) in head (ii) for "paragraph 1(1)(*b*)" there shall be substituted "paragraph 1(1)(*d*)"(**b**);

(*c*) in head (iii) for "paragraph 1(1)(*c*)" there shall be substituted "paragraph 1(1)(*e*)"(**b**).

Amendment of regulation 41 of the Income Support Regulations

7. In regulation 41(3) of the Income Support Regulations (capital treated as income) for the words from "under section 164" to the end there shall be substituted "by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968 (Health and Social Services Boards' duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care) shall be treated as income.".

Amendment of regulation 62 of the Income Support Regulations

8. In regulation 62(2)(*g*) of the Income Support Regulations (calculation of grant income) for "£220" there shall be substituted "£234".

(**a**) 1968 c. 34 (N.I.); sections 122 and 164 were amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)); by virtue of Article 17(1)(*c*) of that Order the functions under sections 122, 123 and 164 are exercised by Health and Social Services Boards

(**b**) *See* regulation 11 of these regulations

Amendment of regulation 71 of the Income Support Regulations

9. In regulation 71(1) of the Income Support Regulations (applicable amounts in urgent cases)—

(*a*) in sub-paragraph (*a*)(iii) for "paragraph 15(2) or (3) of Schedule 2 (pensioner premiums)" there shall be substituted "Part II or III of Schedule 2 (premiums)";

(*b*) in sub-paragraph (*d*)(ii) for "paragraph 9 or 10 of Schedule 2" there shall be substituted "Part II or III of Schedule 2".

Amendment of Schedule 1A to the Income Support Regulations

10. In Schedule 1A to the Income Support Regulations (circumstances in which a person aged 16 or 17 is eligible for income support) after paragraph 9 there shall be inserted the following paragraph—

"9A. A registered person who of necessity has to live away from his parents or any person acting in the place of his parents because—

(*a*) he is estranged from his parents or that person;

(*b*) he is in physical or moral danger; or

(*c*) there is a serious risk to his physical or mental health.".

Amendment of Schedule 2 to the Income Support Regulations

11. In paragraph 1 of Schedule 2 to the Income Support Regulations (applicable amounts)—

(*a*) for sub-paragraphs (1) and (2) there shall be substituted the following sub-paragraphs—

"(1) Single claimant aged—	
(*a*) except where head (*b*) or (*c*) applies, less than 18;	(1) (*a*) £20·80;
(*b*) less than 18 who is a person to whom Part II of Schedule 1A applies and who—	(*b*) £27·40;
(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**);	
(*c*) less than 18 who is a person to whom Part I of Schedule 1A applies and who, had he been a registered person, would satisfy any of the conditions in Part II of that Schedule and who—	(*c*) £27·40;
(i) is eligible for income support under regulation 13A, or	

(a) Article 21(4A) was inserted by Article 6(2) of the Social Security (Northern Ireland) Order 1988