1989 No. 139

SOCIAL SECURITY

The Income Support (General) (Amendment) Regulations (Northern Ireland) 1989

Made	*7th April 1989*
Coming into operation—	
regulations 1, 2, 3 and 6 to 8	*10th April 1989*
regulations 4, 5, 9 and 10	*9th October 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1) and (12)(*k*), 22(1A) and 23(1), (2), (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) Regulations (Northern Ireland) 1989 and shall come into operation, in relation to a particular claimant, as follows—

(*a*) regulations 1, 2, 3, 6 and 8 at the beginning of the first benefit week to commence for that claimant on or after 10th April 1989;

(*b*) regulation 7, on 10th April 1989 immediately after regulation 17 of the Income Support (General) (Amendment No. 5) Regulations (Northern Ireland) 1988(**b**) comes into operation;

(*c*) regulations 4, 5, 9 and 10 at the beginning of the first benefit week to commence for that claimant on or after 9th October 1989.

(2) In paragraph (1) the expressions ''benefit week'' and ''claimant'' have 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**).

(**a**) S.I. 1986/1888 (N.I. 18); Article 22(1A) was inserted by paragraph 16 of Schedule 4 to 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. 1988 No. 431

(**c**) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1988 Nos. 146, 193, 205, 274, 318 and 431. *See also* S.R. 1989 No. 18

Amendment of regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (definition of non-dependant)—

(*a*) in paragraph (2)(*d*) for the words from ''liable to make payments'' to the end there shall be substituted ''liable to make payments to the claimant or the claimant's partner or to whom or to whose partner the claimant or the claimant's partner is liable to make payments, in respect of his occupation of the dwelling'';

(*b*) in paragraph (3) ''in board and lodging accommodation or'' shall be omitted;

(*c*) at the end of paragraph (4) there shall be added ''but not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord''.

Amendment of regulation 16 of the principal regulations

3. In regulation 16(3)(*c*) and (5)(*b*) of the principal regulations (circumstances in which a person is to be treated as being or not being a member of the household) for ''sub-paragraph (*a*) or (*b*) of the definition of residential accommodation'' there shall be substituted ''sub-paragraph (*a*) or (*b*) (excluding heads (i) to (iii) of those sub-paragraphs) of the definition of ''residential accommodation'' ''.

Amendment of regulation 71 of the principal regulations

4. In regulation 71(1)(*a*)(iii) of the principal regulations (applicable amounts in urgent cases) for ''paragraph 15(2)'' there shall be substituted ''paragraph 15(2), (2A)''.

Amendment of Schedule 2 of the principal regulations

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

(*a*) for paragraph 9 there shall be substituted the following paragraphs—

''*Pensioner Premium for persons under 75*

9. The condition is that the claimant—

(*a*) is a single claimant or lone parent aged not less than 60 but less than 75; or

(*b*) has a partner and is, or his partner is, aged not less than 60 but less than 75.

Pensioner Premium for persons 75 and over

9A. The condition is that the claimant—

(*a*) is a single claimant or lone parent aged not less than 75 but less than 80; or

(*b*) has a partner and is, or his partner is, aged not less than 75 but less than 80.'';

(*b*) in paragraph 12(1)(*c*)(i) for ''solely on account of the maximum age for its payment being reached'' there shall be substituted ''either on account of the maximum age for this payment being reached or the payment of a retirement pension under the principal Act'';

(*c*) in paragraph 15(**a**)—

(i) for sub-paragraph (2) there shall be substituted the following sub-paragraphs—

"(2) Pensioner Premium for persons aged under 75—	
(*a*) where the claimant satisfies the condition in paragraph 9(*a*);	(2) (*a*) £11·20;
(*b*) where the claimant satisfies the condition in paragraph 9(*b*).	(*b*) £17·05.
(2A) Pensioner Premium for persons aged 75 and over—	
(*a*) where the claimant satisfies the condition in paragraph 9A(*a*);	(2A) (*a*) £13·70;
(*b*) where the claimant satisfies the condition in paragraph 9A(*b*).	(*b*) £20·55.";

(ii) in sub-paragraph (3) for "£13·70" and "£19·50" there shall be substituted "£16·20" and "£23·00" respectively.

Amendment of Schedule 3 to the principal regulations

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

(*a*) in paragraph 4—

(i) in sub-paragraph (7)(*c*)(ii) after "paragraph 9," there shall be inserted "9A,",

(ii) in sub-paragraph (9)(*b*)(ii) after "(prevention of illness, care and after-care and care of mothers and young children)" there shall be added "where board is available to the claimant";

(*b*) in paragraph 11—

(i) in sub-paragraph (1) after "shall be made in respect of a non-dependant" there shall be inserted "or a person who lives in board and lodging accommodation"; and in head (*a*) of that sub-paragraph after "regulation 3(3) (non-dependants) applies" there shall be inserted "and in respect of a person aged 18 or more who lives in board and lodging accommodation",

(ii) in sub-paragraph (2) after "remunerative work" there shall be inserted "and of a person aged 18 or more in remunerative work who lives in board and lodging accommodation"; and after "the non-dependant's gross weekly income" there shall be inserted "or that of the person in board and lodging accommodation".

(a) *See* S.R. 1989 No. 18; paragraph 15(3) was amended by Schedule 4

Amendment of Schedule 3A to the principal regulations

7. In Schedule 3A to the principal regulations (protected sum)—

(*a*) in paragraph 1(1)—

(i) for the definition of ''eligible housing benefit'' there shall be substituted the following definition—

'' ''eligible housing benefit'' means—

(*a*) for the period of 7 consecutive days beginning on and including 3rd April 1989, the amount of housing benefit to which the claimant or his partner was entitled in that period which relates to the board and lodging accommodation normally occupied as the home by him or, if he has a partner, by him and his partner;

(*b*) for the period of 7 consecutive days beginning on and including 10th April 1989 or, in a case to which paragraph 7(7)(*b*) applies, for the period of 7 consecutive days referred to in that paragraph, the amount of the claimant's or his partner's maximum housing benefit determined in accordance with regulation 61 of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**a**) (maximum housing benefit) which relates to that accommodation;'',

(ii) in the definition of ''protected sum'' at the end there shall be added ''to a claimant who in the first week is living in board and lodging accommodation or who or whose partner is temporarily absent in that week from that accommodation'',

(iii) for the definition of ''protected total'' there shall be substituted the following definition—

'' ''protected total'' means—

(*a*) the total of the claimant's applicable amount under regulation 20 (persons in board and lodging accommodation) in the first week or, in a case to which paragraph 7(7) applies, if the protected person or any partner of his is temporarily absent from his accommodation in that week, the amount which would have fallen to be calculated under that regulation for that week as if there had been no temporary absence; and

(*b*) the amount of any eligible housing benefit for the period of 7 consecutive days beginning on and including 3rd April 1989;'',

(iv) after the definition of ''second week'' there shall be added the following definition—

'' ''third week'' means the benefit week beginning on a day during the period of 7 days commencing on and including 17th April 1989.'';

(a) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1989 No. 125

(*b*) in paragraph 2—

(i) the existing provision shall be numbered sub-paragraph (1),

(ii) for "Subject to the following provisions of this Schedule" there shall be substituted "Subject to sub-paragraph (2) and paragraphs 3 to 7",

(iii) in sub-paragraph (1)(*b*) for "the period beginning 10th April 1989" there shall be substituted "the period of 7 consecutive days beginning on and including 10th April 1989",

(iv) after sub-paragraph (1) there shall be added the following sub-paragraphs—

"(2) Where—

(*a*) in the second week a claimant's income calculated in accordance with Part V or, as the case may be, Part VI exceeds the aggregate of his applicable amount determined in accordance with the relevant provisions and X; and

(*b*) the amount of income support to which he is entitled in the first week is more than the amount of housing benefit to which he would, but for this sub-paragraph, have been entitled in the period of 7 consecutive days beginning on and including 10th April 1989,

the protected sum applicable to the claimant shall, subject to sub-paragraph (3), be an amount equal to X + Y + 10 pence.

(3) Where a claimant or his partner is, or both are, entitled in the first, second and third weeks to a relevant social security benefit or to more than one such benefit and consequent upon the Social Security Benefits Up-rating Order (Northern Ireland) 1989(**a**) the claimant or his partner is, or both are, entitled to an increase in any one or more of those benefits in the third week, the protected sum under sub-paragraph (2) shall be increased by an amount equal to the difference between—

(*a*) the amount of benefit or aggregate amount of those benefits to which the claimant or his partner is, or both are, entitled in the third week; and, if less;

(*b*) the amount of benefit or aggregate amount of those benefits to which the claimant or his partner is, or both are, entitled in the second week.

(4) In this paragraph—

"X" means the sum which, but for sub-paragraph (2), would be the protected sum applicable under sub-paragraph (1);

"Y" means the amount of the excess to which sub-paragraph (2)(*a*) refers;

"relevant social security benefit" means—

(*a*) child benefit;

(*b*) any benefit under the principal Act;

(**a**) S.R. 1989 No. 18