1988 No. 303

SOCIAL SECURITY

The Family Credit (General) (Amendment No. 3) Regulations (Northern Ireland) 1988

Made	*16th August 1988*
Coming into operation—	
regulations 1 and 7	*5th September 1988*
regulations 2 to 6, 8 and 9	*12th September 1988*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(12)(*d*) and 23(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 (General) (Amendment No. 3) Regulations (Northern Ireland) 1988 and shall come into operation as follows—

(*a*) regulations 1 and 7 on 5th September 1988; and

(*b*) regulations 2 to 6, 8 and 9 on 12th September 1988.

(2) In these regulations ''the principal regulations'' means the Family Credit (General) Regulations (Northern Ireland) 1987(**b**).

Amendment of regulation 5 of the principal regulations

2. In regulation 5(1) of the principal regulations (engagement in remunerative work and normal engagement) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

> ''(*b*) either of the two weeks immediately preceding the week of claim,
>
> and he is employed at the date of claim.''.

Amendment of regulation 17 of the principal regulations

3. In regulation 17(*b*) of the principal regulations (periods to be disregarded) for ''any period'' there shall be substituted ''any week or period of weeks''.

Amendment of regulation 18 of the principal regulations

4. In regulation 18 of the principal regulations (calculation of weekly amount of income)—

(**a**) S.I. 1986/1888 (N.I. 18)
(**b**) S.R. 1987 No. 463; relevant amending regulations are S.R. 1988 Nos. 131, 192 and 205

(*a*) the existing provision shall be numbered as paragraph (1);

(*b*) in paragraph (1) for "14 to 16" there shall be substituted "14 and 16"; and

(*c*) after paragraph (1) there shall be inserted the following paragraph—

"(2) For the purposes of regulation 15 (normal weekly earnings of self-employed earners), the weekly amount of earnings of a claimant shall be determined by dividing his earnings over the assessment period by the number of weeks in that period.".

Amendment of regulations 26 and 34 of the principal regulations

5. In regulations 26(3) and 34(3) of the principal regulations (notional income and capital) for sub-paragraph (*a*) in each of those provisions there shall be substituted the following sub-paragraph—

"(*a*) to a third party in respect of a member of a family (but not a member of the third party's family) shall be treated as possessed by that member of the family to the extent that it is used for his food, ordinary clothing or footwear, household fuel or housing costs; and in this sub-paragraph "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;".

Amendment of regulation 35 of the principal regulations

6. In regulation 35(1) of the principal regulations (capital jointly held) at the end there shall be inserted "and the foregoing provisions of this Chapter shall apply for the purpose of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess".

Amendment of regulation 38 of the principal regulations

7. In regulation 38(2)(*f*) of the principal regulations (calculation of grant income) for "£210" there shall be substituted "£220".

Amendment of Schedule 2 to the principal regulations

8. In Schedule 2 to the principal regulations (income other than earnings to be disregarded)—

(*a*) in paragraph 16—

(i) in sub-paragraph (1) for "or 13" there shall be substituted ", 13 or 26 to 30",

(ii) in sub-paragraph (2) for "or 4" there shall be substituted ", 4 or 26 to 30"; and

(*b*) after paragraph 35 there shall be inserted the following paragraph—

"36. Any payment made under arrangements made by the Department to compensate for the loss (in whole or in part) of entitlement to housing benefit.".