

1988 No. 274

SOCIAL SECURITY

**The Income Support (General) (Amendment No. 3)
Regulations (Northern Ireland) 1988**

Made 29th July 1988

Coming into operation—
regulations 1 and 3 29th August 1988
regulations 2 and 4 to 10
and the Schedule 12th September 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(3)(a) and (d) and (12)(f) and 23(1), (5), (8) and (9)(a) 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. 3) Regulations (Northern Ireland) 1988 and shall come into operation as follows—

- (a) regulations 1 and 3 on 29th August 1988;
- (b) regulations 2 and 4 to 10 and the Schedule on 12th September 1988.

(2) In these regulations “the principal regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(b).

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation)—

- (a) after the definition of “premises” there shall be inserted the following definition—

“ “registered person” means a person registered with a body mentioned in regulation 9B(1)(a)(i) to (iii) of the Child Benefit (General) Regulations (Northern Ireland) 1979(c) for—

- (a) work; or
- (b) training under the youth training programme;”;

(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. 459; the relevant amending regulations are S.R. 1988 Nos. 146 and 193

(c) S.R. 1979 No. 5; the relevant amending regulations are S.R. 1980 No. 261, S.R. 1982 No. 114, S.R. 1987 No. 130 and S.R. 1988 No. 273

(b) after the definition of “young person” there shall be added the following definition—

“ “youth training programme” means arrangements made under section 1 of the Employment and Training Act (Northern Ireland) 1950(a) (general functions of Department as to employment and training for employment) for purposes which include the training of persons who, at the beginning of their training, are under the age of 18.”

Amendment of regulation 12 of the principal regulations

3. In regulation 12 of the principal regulations (relevant education) “except that, in a case” to the end of that regulation shall be omitted.

Insertion of regulation 13A in the principal regulations

4. After regulation 13 of the principal regulations (circumstances in which persons in relevant education are to be entitled to income support) there shall be inserted the following regulation—

“Persons under 18 years

13A.—(1) A person to whom this regulation applies and for the period specified in relation to him is a person within the prescribed circumstances and period mentioned in Article 21(3)(a) of the Order (conditions of entitlement for persons under 18).

(2) This regulation applies to a person of or over the age of 16—

- (a) to whom any paragraph of Schedule 1A (circumstances in which a person aged 16 or 17 is eligible for income support) applies; and
- (b) for the period for which that paragraph applies or, if the relevant date specified in paragraph (3)(a) or (b) falls within that period, for so much thereof as falls before that date.

(3) In the case of a person—

- (a) to whom any paragraph in Part I of Schedule 1A (persons eligible until 18) applies, the relevant date is the date on which he attains the age of 18; or
- (b) other than one to whom sub-paragraph (a) applies, to whom any paragraph in Part II of that Schedule (persons eligible until the relevant date) applies, the relevant date is the date determined in accordance with paragraph (7).

(4) This regulation also applies to a person of, or over, the age of 16, other than one to whom any paragraph in Schedule 1A applies who is—

- (a) incapable of work and training under the youth training programme by reason of some disease or bodily or mental disablement if, in the opinion of a medical practitioner, that incapacity is likely to end within a period of less than 12 months;
- (b) a student, except during a period of study; or

(a) 1950 c. 29 (N.I.); section 1 is amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

- (c) a registered person who has been discharged from any institution to which the Treatment of Offenders Act (Northern Ireland) 1968(a) applied after the relevant date determined in accordance with paragraph (7) and who is within the circumstances specified in Part II of Schedule 1A.
- (5) Paragraph (4)(a) and (b) shall have effect for a period—
- (a) beginning on that date on which paragraph (4)(a) or (b), as the case may be, applies to that person which first falls on or after the relevant date determined in accordance with paragraph (7); and
- (b) ending on the date on which that person attains the age of 18 or the date on which paragraph (4)(a) or (b), as the case may be, ceases to apply to him, whichever first occurs.
- (6) Paragraph (4)(c) shall have effect for a period—
- (a) beginning on the date on which paragraph (4)(c) applies to that person which first falls on or after the relevant date determined in accordance with paragraph (7); and
- (b) ending either 8 weeks after the date on which that period begins or on the date on which that person attains the age of 18, whichever first occurs.
- (7) For the purposes of paragraphs (3)(b) and (4) to (6)—
- (a) in the case of a person who ceases to be treated as a child by virtue of Article 4(1)(a) of the Child Benefit (Northern Ireland) Order 1975(b) (meaning of child) or regulation 7 of the Child Benefit (General) Regulations (Northern Ireland) 1979 (circumstances in which a person who has ceased to receive full-time education is to continue to be treated as a child)—
- (i) on or after the first Monday in September, but before the first Monday in January of the following year, the relevant date is the last day of the week which falls immediately before the week which includes the first Monday in January in that year,
- (ii) on or after the first Monday in January but before the Monday following Easter Monday in that year, the relevant date is the last day of the week which falls 12 weeks after the week which includes the first Monday in January in that year, or
- (iii) at any other time of the year, the relevant date is the last day of the week which falls 12 weeks after the week which includes the Monday following Easter Monday in that year; or
- (b) in the case of a person who was not treated as a child by virtue of Article 4(1)(a) of that Order immediately before he was 16 and who has not been treated as a child by virtue of regulation 7 of those regulations, the relevant date is the date determined in accordance with sub-paragraph (a)(i), (ii) or (iii) as if he had ceased full-time education on the first date on which education

(a) 1968 c. 29 (N.I.)

(b) S.I. 1975/1504 (N.I. 16)

ceased to be compulsory for a person of his age in Northern Ireland.”.

Amendment of regulation 18 of the principal regulations

5. In regulation 18 of the principal regulations (polygamous marriages)—
- (a) for “Subject to regulations” there shall be substituted “(1) Subject to paragraph (2) and regulations”;
 - (b) in paragraph (1)(b) for “paragraph 1(3)(b)” there shall be substituted “paragraph 1(3)(c)”; and
 - (c) after paragraph (1) there shall be added the following paragraph—
 - “(2) In the case of a partner who is aged less than 18, the amount which applies in respect of that partner shall be nil unless—
 - (a) that partner is treated as responsible for a child; or
 - (b) that partner is a person who—
 - (i) had he not been a member of a polygamous marriage would have been eligible for income support by virtue of regulation 13A (persons under 18 years), or
 - (ii) is a person in respect of whom there is a direction under Article 21(4A) of the Order(a) (income support to avoid severe hardship).”.

Amendment of regulation 23 of the principal regulations

- 6.—(1) In regulation 23 of the principal regulations (calculation of income and capital)—
- (a) in paragraph (1) for the words from the beginning to “(modifications in respect of children and young persons),” there shall be substituted “Subject to paragraphs (2) and (4) and to regulation 44 (modifications in respect of children and young persons), the income and capital of a claimant’s partner and”;
 - (b) in paragraph (3) at the beginning there shall be inserted “Subject to paragraph (5),”; and
 - (c) after paragraph (3) there shall be inserted the following paragraphs—
 - “(4) Where at least one member of a couple is aged less than 18 and the applicable amount of the couple falls to be determined under paragraph 1(3)(b), (e) or (f) of Schedule 2 (applicable amounts), the income of the claimant’s partner shall not be treated as the income of the claimant to the extent that—
 - (a) in the case of a couple where both members are aged less than 18, the amount specified in paragraph 1(3)(a) of that Schedule exceeds the amount specified in paragraph 1(3)(b) of that Schedule; and
 - (b) in the case of a couple where only one member is aged less than 18, the amount specified in paragraph 1(3)(d) of that Schedule exceeds the amount which applies in that case which is specified in paragraph 1(3)(e) or (f) of that Schedule.

(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))

(5) Where a member of a polygamous marriage is a partner aged less than 18 and the amount which applies in respect of him under regulation 18(2) (polygamous marriages) is nil, the claimant shall not be treated as possessing the income of that partner to the extent that an amount in respect of him would have been included in the applicable amount if he had fallen within the circumstances set out in regulation 18(2)(a) or (b).”.

Amendment of Schedule 1 to the principal regulations

7. In Schedule 1 to the principal regulations (persons not required to be available for employment), after paragraph 21 (persons in custody) there shall be inserted the following paragraph—

“Member of couple looking after children while other member temporarily abroad

22. A person who is a member of a couple and who is treated as responsible for a child who is a member of his household where the other member of that couple is temporarily abroad.”.

Insertion of Schedule 1A in the principal regulations

8. After Schedule 1 to the principal regulations (persons not required to be available for employment) there shall be inserted Schedule 1A as set out in the Schedule to these regulations.

Amendment of Schedule 2 to the principal regulations

9. In Schedule 2 to the principal regulations (applicable amounts) for sub-paragraph (3) of paragraph 1 (personal allowances) there shall be substituted the following sub-paragraph—

“(3) Couple—

- (a) where both members are persons aged less than 18 and—
 - (i) at least one of them is treated as responsible for a child,
 - (ii) had they not been members of a couple, each would be eligible for income support under regulation 13A (persons under 18 years),
 - (iii) they are married and each member is either a registered person or a person to whom Part I of Schedule 1A applies,
 - (iv) there is a direction under Article 21(4A) of the Order (income support to avoid severe hardship) in respect of each member, or

(3) (a) £38·80;