1988 No. 193

SOCIAL SECURITY

The Income Support (General) (Amendment No. 2) Regulations (Northern Ireland) 1988

Made	*27th May 1988*
Coming into operation . .	*30th May 1988*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 23(1) and (9)(*b*) 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. 2) Regulations (Northern Ireland) 1988 and shall come into operation on 30th May 1988.

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

Amendment of regulation 17 of the principal regulations

2. In regulation 17 of the principal regulations (applicable amounts) at the end there shall be added the following—

"(*f*) any amounts determined in accordance with paragraphs (2) to (7).

(2) Where—

(*a*) a claimant has throughout the period beginning on and including 11th April 1988 and ending immediately before the coming into operation of paragraphs 25 to 28 of Schedule 10 (capital to be disregarded) failed to satisfy the capital condition in Article 23(6) of the Order (no entitlement to benefit if capital exceeds prescribed amount);

(*b*) as a consequence he is not entitled to any transitional addition, special transitional addition or personal expenses addition under Part III of the Transitional Regulations; and

(*c*) had those paragraphs been in operation on 11th April 1988 he would have satisfied that condition and been entitled to any such addition,

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(**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. 1987 No. 459; the relevant amending regulations are S.R. 1988 No. 146

the amount applicable under this paragraph shall, subject to paragraph (3), be equal to the amount of any transitional addition, special transitional addition and personal expenses addition to which he would be entitled under Part III of the Transitional Regulations had he been entitled to any such addition in the week commencing 11th April 1988.

(3) For the purposes of paragraph (2), in determining a claimant's total benefit income in his second benefit week for the purpose of calculating the amount of any transitional addition to which he would have been entitled, no account shall be taken of any payment referred to in regulation 9(1)(*j*) of the Transitional Regulations (total benefit income) which is made in respect of that week to compensate for the loss of entitlement to income support.

(4) Subject to paragraph (6), where—

(*a*) the claimant or any member of his family was temporarily absent from his home in the claimant's first or second benefit week (or both), because he was—

(i) a patient,

(ii) outside Northern Ireland for the purpose of receiving treatment for any disease or bodily or mental disablement or for the purpose of accompanying a child or young person who was outside Northern Ireland for the purpose of receiving such treatment,

(iii) in a home for persons in need or nursing home or in accommodation provided under either of the provisions referred to in sub-paragraph (*a*) or (*b*) of the definition of "residential accommodation" in regulation 21(3) (special cases),

(iv) in the care of the Department under a relevant enactment, or

(v) staying with a person who was contributing to his maintenance; and

(*b*) as a result—

(i) in the claimant's first benefit week his requirements for the purpose of calculating his entitlement to supplementary benefit were increased or reduced or he was not entitled to that benefit, or

(ii) in the claimant's second benefit week his applicable amount was increased or reduced or he was not entitled to income support; and

(*c*) the period during which his requirements were, or his applicable amount was, increased or reduced or he was not entitled to supplementary benefit or income support or any one or more of those circumstances existed, did not exceed 8 weeks,

the amount applicable under this paragraph shall be equal to the amount determined under paragraph (5).

(5) The amount for the purposes of paragraph (4) shall be an amount equal to the difference between—