1988 No. 131

SOCIAL SECURITY

The Family Credit (General) (Amendment) Regulations (Northern Ireland) 1988

Made	*1st April 1988*
Coming into operation . .	*11th April 1988*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(5A) and (12)(*k*), 22(6)(*a*) and 23(8) and (9) of the Social Security (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, by this statutory rule which is made before the end of a period of 12 months from the commencement of the statutory provisions under which it is made, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Credit (General) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 11th April 1988.

(2) In these regulations "the principal regulations" means the Family Credit (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 "employed earner" there shall be inserted the following definition—

"'the Macfarlane Trust' means the charitable trust, established partly out of funds provided by the Secretary of State for Social Services to the Haemophilia Society, for the relief of poverty or distress amomg those suffering from haemophilia;"; and

(*b*) after the definition of "policy of life insurance" there shall be inserted the following definition—

"'premises' where it appears in Schedules 2 and 3 means a dwelling, including any garage, garden or out-buildings together with any agricultural land adjoining that dwelling and any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately;".

(**a**) S.I. 1986/1888 (N.I. 18); Article 21(5A) was inserted by Article 5(*a*) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2))

(**b**) S.R. 1987 No. 463

Amendment of regulation 9 of the principal regulations

3. In regulation 9 of the principal regulations (circumstances in which a person is to be treated as being no longer a member of the same household)—

(*a*) in paragraph (2)—

(i) for ''in-patient'' where it first occurs there shall be substituted ''patient'' and, in sub-paragraph (*a*), for ''an in-patient'' there shall be substituted ''a patient'',

(ii) for the words ''in a prison, young offenders centre or a training school'' where they first occur there shall be substituted ''detained in legal custody''; and where, in sub-paragraph (*c*), they occur for a second time there shall be substituted ''detained in legal custody whilst''; and

(*b*) after paragraph (2) there shall be inserted the following paragraph—

''(3) In this regulation ''patient'' has the same meaning as in regulation 8(3)(*a*) (membership of the same household).''.

Substitution of regulation 12 of the principal regulations

4. For regulation 12 of the principal regulations (disregard of fractions) there shall be substituted the following regulation—

''*Rounding of fractions*

12. Where any calculation under this Part results in a fraction of a penny that fraction shall, if it would be to the claimant's advantage, be treated as a penny, otherwise it shall be disregarded.''.

Amendment of regulation 19 of the principal regulations

5. In regulation 19(1) of the principal regulations (earnings of employed earners) after sub-paragraph (*h*) there shall be inserted the following sub-paragraph—

''(i) any statutory sick pay under Part I of the Social Security and Housing Benefits Act 1982(**a**) or statutory maternity pay under Part V of the Social Security Act 1986(**b**) where the claimant has been in receipt of either for a continuous period of 13 weeks or more.''.

Amendment of regulation 20 of the principal regulations

6. In regulation 20(4) of the principal regulations (calculation of net earnings of employed earners) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

''(*b*) an amount in respect of primary Class 1 contributions equivalent to an amount calculated by applying to those earnings the appropriate primary percentage applicable at the date of claim;''.

Amendment of regulation 23 of the principal regulations

7. In regulation 23(2) of the principal regulations (deduction of tax and contributions for self-employed earners) for sub-paragraphs (*a*) and (*b*) there shall be substututed the following sub-paragraphs—

(**a**) 1982 c. 24
(**b**) 1986 c. 50

"(*a*) the amount of Class 2 contributions payable under section 7(1) or, as the case may be, (4) of the Act(**a**) at the rate applicable at the date of claim except where a claimant's chargeable income is less than the amount specified in section 7(5) of that Act(**b**) (small earnings exception) for the tax year in which the date of claim falls; but, if the assessment period is less than a year, the amount specified for that tax year shall be calculated on a pro rata basis; and

(*b*) the amount of Class 4 contributions (if any) which would be payable under section 9(2) of that Act(**c**) (Class 4 contributions) at the percentage rate applicable at the date of claim on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year in which the date of claim falls; but, if the assessment period is less than a year, those limits shall be calculated on a pro rata basis.".

Amendment of regulation 26 of the principal regulations

8. In regulation 26 of the principal regulations (notional income)—

(*a*) in paragraph (3) after "payment of income" there shall be inserted ", other than a payment of income made under the Macfarlane Trust,"; and

(*b*) in paragraph (6) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) an amount in respect of primary Class 1 contributions equivalent to an amount calculated by applying to those earnings the appropriate primary percentage applicable at the date of claim; and".

Amendment of regulation 34 of the principal regulations

9. In regulation 34 of the principal regulations (notional capital)—

(*a*) in paragraph (3) after "payment of capital" there shall be inserted ", other than a payment of capital made under the Macfarlane Trust,"; and

(*b*) after paragraph (6) there shall be inserted the following paragraph—

"(7) For the avoidance of doubt a claimant is to be treated as possessing capital under paragraph (1) only if the capital of which he has deprived himself is actual capital.".

Amendment of regulation 35 of the principal regulations

10. In regulation 35(2) of the principal regulations (capital jointly held) after "Any premises" there shall be inserted "or land".

(**a**) 1975 c. 15; section 7(1) was amended by Article 3(1) of the Social Security and Family Allowances (Northern Ireland) Order 1976 (S.I. 1976/427 (N.I. 9)), Article 11(1) of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and Article 3(*a*) of S.R. 1988 No. 122

(**b**) Section 7(5) was amended by Article 3(*b*) of S.R. 1988 No. 122

(**c**) Section 9(2) was amended by Article 5 of S.R. 1982 No. 413 and Article 5 of S.R. 1988 No. 122