1987 No. 464

SOCIAL SECURITY

The Family Credit (Transitional) Regulations (Northern Ireland) 1987

Made . . . . . *21st December 1987*

Coming into operation . . *1st January 1988*

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The Department of Health and Social Services, in exercise of the powers conferred on it by Article 84(1) of the Social Security (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, by this statutory rule which contains only provisions consequential on Articles 21 to 23 of that Order and regulations made under those Articles in their application to family credit and is made before the end of a period of 12 months from the commencement of those Articles, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Family Credit (Transitional) Regulations (Northern Ireland) 1987 and shall come into operation on 1st January 1988.

(a) S.I. 1986/1888 (N.I. 18)

Interpretation

2. In these regulations—

"adjudication officer" means an officer appointed in accordance with section 97(1) of the Social Security (Northern Ireland) Act 1975(**a**);

"appropriate office" means an office of the Department;

"child" has the same meaning as in Part III of the Order(**b**);

"employed earner" means a person who is gainfully employed in Northern Ireland or the Republic of Ireland either under a contract of service, or in an office (including elective office) with emoluments chargeable to income tax under Schedule E or, as the case may be, chargeable under the legislation of the Republic of Ireland which is analogous to income tax under Schedule E;

"family" has the same meaning as in Part III of the Order(**b**);

"family income supplement" means benefit under the Family Income Supplements Act (Northern Ireland) 1971(**c**);

"married or unmarried couple" has the same meaning as in Part III of the Order(**b**);

"the Order" means the Social Security (Northern Ireland) Order 1986;

"renewal claim" means a claim for family income supplement which is so described in regulation 3(2) of the Family Income Supplements (General) Regulations (Northern Ireland) 1980(**d**);

"self-employed earner" means a person who is gainfully employed in Northern Ireland or the Republic of Ireland otherwise than in employed earner's employment (whether or not he is also employed in such employment);

"young person" means a person aged sixteen or over but under nineteen who is receiving full-time education within Article 4(1)(*b*) of the Child Benefit (Northern Ireland) Order 1975(**e**).

Claims for family credit treated as made on 11th April 1988

3.—(1) A written claim for family credit which is delivered or sent to an appropriate office on or after 1st March 1988 and received on or before 11th April 1988 shall be treated as made on 11th April 1988.

(2) Where family income supplement is payable to a person under an award for a period which includes 5th April 1988 and does not exceed 51 weeks it shall not be a condition of entitlement to family credit for a period beginning 11th April 1988 that the person makes a claim for such benefit and a claim, in such a case, for family credit shall be treated as made on 11th April 1988.

(3) Where a claim for family income supplement is made on or after 1st March 1988 but on or before 5th April 1988, but no award of that benefit is

(**a**) 1975 c. 15; section 97(1) to (2E) was substituted by paragraph 1 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))
(**b**) *See* Article 21(11) for definitions
(**c**) 1971 c. 8 (N.I.)
(**d**) S.R. 1980 No. 375; the relevant amending regulations are S.R. 1984 No. 267
(**e**) S.I. 1975/1504 (N.I. 16); as amended by Article 71 of the Social Security (Northern Ireland) Order 1986

made, that claim shall, if the Department in its discretion so determines, be treated as including a claim for family credit made on 11th April 1988.

(4) Where, after 5th April 1988, a claim is made for family income supplement which is neither a renewal claim nor a claim in respect of a period before 11th April 1988 it shall be treated as a claim for family credit which shall be treated as made on 11th April 1988 if received at an appropriate office on or before that date but otherwise on the date on which it is received at such an office.

(5) In a case to which paragraph (2), (3) or (4) applies, where the claim for family income supplement was made by a married or unmarried couple, the claim for family credit shall be treated as made by the woman except that the claim shall be treated as made by the man if the Department is satisfied, in that case, that it would be reasonable so to treat it.

(6) A claim which is treated as made on 11th April 1988 by virtue of the provisions of this regulation may nevertheless be determined at any earlier date on which the conditions for treating it as made on 11th April 1988 are satisfied; and any such claim shall be determined in accordance with the Order and regulations made under that Order as if those provisions were in force.

Claims for family credit treated as including renewal claims for family income supplement

4. Where a claim for family credit is treated as made on 11th April 1988 by virtue of regulation 3(1) (claim received before 11th April 1988) and a renewal claim could properly have been made on the date when the claim for family credit was received at an appropriate office, such a renewal claim shall be treated as so made.

Claims for family income supplement to be determined first

5. Where, before 11th April 1988, a person makes a claim for family credit and also claims family income supplement in respect of a period before 11th April 1988, the determination of the claim for family credit shall be postponed or, if it has already been determined, shall be of no effect until, and may be reviewed when, the claim for family income supplement has been determined.

Determination of circumstances where family credit replaces, or arises out of a claim for, family income supplement

6.—(1) Subject to paragraphs (2) to (4), in a case to which regulation 3(2) or (3) (family credit treated as claimed on 11th April 1988 where family income supplement awarded or claimed) applies, the provisions of Article 21(5) of the Order (conditions of entitlement to family credit) shall be modified to the extent that entitlement to family credit shall be determined upon the assumption that the circumstances of the family (but not the ages of its members except where a young person attains the age of nineteen on or before 11th April 1988) are the same on 11th April 1988 as they were at the date of the claim for family income supplement.

(2) In a case to which regulation 3(2) or (3) applies, the weekly earnings of the claimant and, if he is a member of a married or unmarried couple, those of the other member shall be calculated by deducting from the weekly earnings