1987 No. 463

SOCIAL SECURITY

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

Made . . . . . 21st December 1987

Coming into operation . . 11th April 1988

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation and commencement
2. Interpretation

PART II

PRESENCE IN NORTHERN IRELAND AND REMUNERATIVE WORK

3. Circumstances in which a person is treated as being or as not being in Northern Ireland
4. Remunerative work
5. Engagement in remunerative work and normal engagement

PART III

MEMBERSHIP OF A FAMILY

6. Persons of a prescribed description
7. Circumstances in which a person is to be treated as responsible or not responsible for another
8. Membership of the same household
9. Circumstances in which a person is to be treated as being no longer a member of the same household

PART IV

INCOME AND CAPITAL

CHAPTER I: GENERAL

10. Calculation of income and capital of members of claimant's family and of a polygamous marriage
11. Calculation of income and capital of students
12. Disregard of fractions

CHAPTER II: NORMAL WEEKLY INCOME

13. Calculation of income on a weekly basis
14. Normal weekly earnings of employed earners
15. Normal weekly earnings of self-employed earners
16. Normal weekly income other than earnings
17. Periods to be disregarded
18. Calculation of weekly amount of income

CHAPTER III: EMPLOYED EARNERS

19. Earnings of employed earners
20. Calculation of net earnings of employed earners

CHAPTER IV: SELF-EMPLOYED EARNERS

21. Earnings of self-employed earners
22. Calculation of net profit of self-employed earners
23. Deduction of tax and contributions for self-employed earners

CHAPTER V: OTHER INCOME

24. Calculation of income other than earnings
25. Capital treated as income
26. Notional income
27. Modifications in respect of children and young persons

CHAPTER VI: CAPITAL

28. Capital limit
29. Calculation of capital
30. Disregard of capital of child or young person
31. Income treated as capital
32. Calculation of capital in the United Kingdom
33. Calculation of capital outside the United Kingdom
34. Notional capital
35. Capital jointly held
36. Calculation of tariff income from capital

CHAPTER VII: STUDENTS

37. Interpretation
38. Calculation of grant income
39. Calculation of covenant income where a contribution is assessed
40. Calculation of covenant income where no grant income or no contribution is assessed
41. Relationship with amounts to be disregarded under Schedule 2

42. Other amounts to be disregarded
43. Disregard of contribution
44. Disregard of tax refund
45. Disregard of changes occurring during summer vacation

PART V

CALCULATION OF ENTITLEMENT

46. Determination of appropriate maximum family credit
47. Applicable amount of family credit
48. Entitlement to family credit where income exceeds the applicable amount

PART VI

CHANGES OF CIRCUMSTANCES

49. Death of claimant
50. Prevention of duplication of awards of family credit and income support
51. Overlapping awards of family credit

SCHEDULES

1. Sums to be disregarded in the calculation of earnings
2. Sums to be disregarded in the calculation of income other than earnings
3. Capital to be disregarded
4. Determination of maximum family credit: adult, child and young person credits

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 21(1), (5)(*c*), (6), (10), (11) and (12), 22(3) and (6)(*a*), 23(1) and (5) to (9) and 52(1)(*h*) of the Social Security (Northern Ireland) Order 1986(**a**) and section 104(5) of the Social Security (Northern Ireland) Act 1975(**b**) 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:

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

(**b**) 1975 c. 15; section 104(5) (relevant change of circumstances) is inserted by paragraph 9 of Schedule 5 to the Social Security (Northern Ireland) Order 1986 and is applied to family credit by Article 53 of that Order and section 155(1) to (3A) (extent of powers) is applied by Article 81(1) of the Social Security (Northern Ireland) Order 1986 to regulation-making powers conferred by that Order; section 155(3A) was inserted by Article 63(1) of the Social Security (Northern Ireland) Order 1986

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Family Credit (General) Regulations (Northern Ireland) 1987 and shall come into operation on 11th April 1988.

Interpretation

2.—(1) In these regulations—

"the Act" means the Social Security (Northern Ireland) Act 1975;

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

"assessment period" means such period as is prescribed in regulations 14 to 17 over which income falls to be calculated;

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

"claim" means a claim for family credit;

"claimant" means a person claiming family credit;

"close relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple;

"concessionary payment" means a payment made under arrangements made by the Department with the consent of the Department of Finance and Personnel which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit under the Act, the Order or the Child Benefit (Northern Ireland) Order 1975(**c**) are charged;

"date of claim" means the date on which the claimant makes, or is treated as making, a claim for family credit;

"earnings" has the meaning prescribed in regulation 19 or, as the case may be, 21;

"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;

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

(**a**) 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 definition

(**c**) S.I. 1975/1504 (N.I. 16)

"mobility allowance" means an allowance under section 37A of the Act(**a**);

"mobility supplement" means any supplement under Article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(**b**) including such a supplement by virtue of any other scheme or order or under Article 25A of the Personal Injuries (Civilians) Scheme 1983(**c**);

"net earnings" means such earnings as are calculated in accordance with regulation 20;

"net profit" means such profit as is calculated in accordance with regulation 22;

"occupational pension" means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

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

"partner" means, where a claimant—

(*a*) is a member of a married or unmarried couple, the other member of that couple;

(*b*) is married polygamously to two or more members of the same household, any such member;

"payment" includes a part of a payment;

"policy of life insurance" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

"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);

"student" has the meaning prescribed in regulation 37;

"week of claim" means the week which includes the date of claim;

"year of assessment" has the meaning prescribed in section 526(5) of the Income and Corporation Taxes Act 1970(**d**);

"young person" has the meaning prescribed in regulation 6.

(2) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(**a**) Section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and was amended by Article 4 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and Article 72(1) to (3) of the Social Security (Northern Ireland) Order 1986

(**b**) S.I. 1983/883; Article 26A was inserted by S.I. 1983/1116 and amended by S.I. 1983/1521 and S.I. 1986/592

(**c**) S.I. 1983/686; Article 25A was inserted by S.I. 1983/1164 and amended by S.I. 1983/1540 and S.I. 1986/628

(**d**) 1970 c. 10

(**e**) 1954 c. 33 (N.I.)