**1986 No. 236**

**SOCIAL SECURITY**

# The Supplementary Benefit (Requirements and Resources) (Miscellaneous Amendments) Regulations (Northern Ireland) 1986

*Made* . . . . . *22nd July 1986*

*Coming into operation–*

*Regulations 1, 2(1), 2(3) and 3(7)* . . *28th July 1986*
*Regulation 2(2)* . . . . *1st September 1986*
*Regulation 3(1) to 3(6) and 3(8)* . *3rd November 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraphs 1 and 2 of Schedule 1 to the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel(**b**), hereby makes the following regulations:

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Supplementary Benefit (Requirements and Resources) (Miscellaneous Amendments) Regulations (Northern Ireland) 1986 and shall come into operation as follows—

(*a*) regulations 1, 2(1), 2(3) and 3(7) on 28th July 1986;

(*b*) regulation 2(2) on 1st September 1986;

(*c*) regulation 3(1) to 3(6) and 3(8) on 3rd November 1986.

(2) In these regulations—

"Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(**c**);

"Resources Regulations" means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1984(**d**).

*Amendment of the Requirements Regulations*

**2.**—(1) The Requirements Regulations shall be amended in accordance with the following provisions.

(2) In regulation 19A (housing benefit supplement)—

(*a*) in paragraph (1) for "paragraphs (3) and (4)" there shall be substituted "paragraphs (3) to (4)"; and

(*b*) after paragraph (3) there shall be inserted the following paragraph—

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(a) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(b) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6), Article 3. *See* also Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980

(c) S.R. 1983 No. 61; the relevant amending regulations are S.R. 1983 No. 291 and S.R. 1984 No. 79

(d) S.R. 1984 No. 54; the relevant amending regulations are S.R. 1984 Nos. 174 and 278 and S.R. 1985 Nos. 84 and 206

"(3A) Where for the purposes of ascertaining the eligible rent under the Housing Benefits Regulations(**a**) a person's eligible rent is reduced in the circumstances prescribed in paragraph 10 of Schedule 1A to those regulations, there shall for the purposes of paragraph (2)(*a*) be added to the eligible rent otherwise ascertained under those regulations—

(*a*) the amount of that reduction under that paragraph 10; or

(*b*) where the amount of that reduction is greater than the eligible rent, the amount which would be but for that reduction that person's eligible rent as so ascertained.".

(3) In regulation 22(5) (reduction in amounts applicable for certain occupants of the home) for sub-paragraph (*e*) there shall be substituted the following sub-paragraph—

"(*e*) except during the normal summer vacation, for a non-dependant who is a student and does not pay to the claimant or his partner an amount in respect of his accommodation and at least some cooked or prepared meals at a commercial rate, or for a group of non-dependants where the head of that group is such a student;".

*Amendment of the Resources Regulations*

**3.**—(1) The Resources Regulations shall be amended in accordance with the following provisions.

(2) In regulation 2(1) (interpretation)—

(*a*) after the definition of "the Taxes Act" there shall be inserted the following definition—

" "a course of advanced education" means—

(*a*) a full-time course in preparation for a degree, a diploma of higher education, a higher national diploma, a higher national diploma of the Business & Technician Education Council or the Scottish Vocational Education Council or a teaching qualification; or

(*b*) any other full-time course which is a course of a standard above ordinary national diploma, a national diploma of the Business & Technician Education Council or the Scottish Vocational Education Council, a general certificate of education (advanced level), a Scottish certificate of education (higher grade) or a Scottish certificate of sixth year studies;";

(*b*) after the definition of "allowance" there shall be inserted the following definition—

" "a person in relevant education" means a person to whom regulation 10 of the Conditions of Entitlement Regulations applies;";

(*c*) after the definition of "assessment unit" there shall be inserted the following definition—

" "Awards Regulations" means the Students Awards Regulations (Northern Ireland) 1985(**b**);";

(*d*) after the definition of "claimant" there shall be inserted the following definition—

" "Conditions of Entitlement Regulations" means the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(**c**);";

(**a**) S.R. 1985 No. 282; the relevant amending regulations are S.R. 1986 No. 235
(**b**) S.R. 1985 No. 301
(**c**) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1982 Nos. 240 and 295, S.R. 1983 Nos. 76 and 191 and S.R. 1984 Nos. 120, 174 and 266

(*e*) in the definition of "education authority" after "Science and Technology Act 1965" there shall be inserted "a Minister of the Crown, or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Northern Ireland"; and

(*f*) for the definition of "student" there shall be substituted the following definition—

" "student" means a person aged less than 19 who is attending a course of advanced education or, as the case may be, a person aged 19 or over but under pensionable age, not being a person to whom regulation 3(5) of the Aggregation Regulations(**a**) applies, who is attending a course of full-time education; and for the purposes of this definition a person shall be treated as attending a course of advanced education or, as the case may be, full-time education—

(*a*) during the period for which his maintenance grant or award is, or if he were in receipt of such a grant or award would be, payable under Part II of Schedule 7 to the Awards Regulations; and

(*b*) during the Christmas, Easter or any other vacation, other than the normal summer vacation as recognised in relation to him by the institution at which he is attending his course, falling within the period of that course;".

(3) In paragraph (2)(*e*) of regulation 3 (calculation of resources) after "applies)" there shall be inserted "but in the case of a student or a person who was a student immediately preceding the first day of his normal summer vacation and a claim is made in respect of any period constituting that normal summer vacation, any such repayment shall be treated as a capital resource".

(4) In regulation 4 (notional resources) for paragraph (4) there shall be substituted the following paragraph—

"(4) Whether or not a student is in receipt in respect of his course of a grant or award or any part thereof from an education authority he shall be treated as possessing an income resource of an amount equal to—

(*a*) the aggregate of the requirements specified in Schedule 7 to the Awards Regulations as modified by the provisions of regulation 13(3) or 15 of those regulations, as the case may be, appropriate to his case, the place where and course which he is attending; or

(*b*) where no such provision is appropriate, that amount which is specified in, or payable by virtue of, the provisions or enactment referred to in sub-paragraph (*a*) which is appropriate to his case, the place where and course which he is attending,

unless the student is a person to whom regulation 6(*a*), (*i*) or (*j*) of the Conditions of Entitlement Regulations applies.".

(5) Regulation 4(13) and (14) (assumed income of grant-aided student during Christmas and Easter vacation) shall be omitted.

(6) In regulation 9 (calculation of income resources)—

(*a*) in paragraph (1)(*b*) after "regulations" there shall be inserted "4,,";

(*b*) in paragraph (2) after "so far as" there shall be inserted "paragraphs (3), (4) and";

(*c*) after paragraph (2) there shall be added the following paragraphs—

(a) S.R. 1981 No. 373; the relevant amending regulations are S.R. 1984 No. 266