STATUTORY RULES OF NORTHERN IRELAND

2007 No. 263

SOCIAL SECURITY; HOUSING; RATES

The Social Security and Housing Benefit (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*30th April 2007*
Coming into operation -	*23rd May 2007*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(a) and (c) to (e) and 165(1) and (4)(a) of the Social Security Administration (Northern Ireland) Act 1992(**a**) and now vested in it(**b**).

Citation and commencement

1. These Regulations may be cited as the Social Security and Housing Benefit (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 23rd May 2007.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**c**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 13 (advance claims and awards) after paragraph (6)(**d**) add—

"(7) Paragraphs (1) and (2) do not apply to—

(a) a claim for income support made by a person from abroad as defined in regulation 21AA of the Income Support (General) Regulations (Northern Ireland) 1987(**e**); or

(b) a claim for a jobseeker's allowance made by a person from abroad as defined in regulation 85A of the Jobseeker's Allowance Regulations(**f**).".

(3) In regulation 13D(**g**) (advance claim for and award of state pension credit) after paragraph (3) add—

"(4) This regulation does not apply to a claim made by a person not in Northern Ireland as defined in regulation 2 of the State Pension Credit Regulations(**h**).".

(**a**) 1992 c.8; section 5(1)(e) was substituted, except in so far as it relates to housing benefit, by paragraph 60(1)(a) of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**b**) *See* Article 8(b) of S.R. 1999 No. 481

(**c**) S.R 1987 No. 465; relevant amending Regulations are S.R. 1994 No. 345 and S.R 2003 No. 191

(**d**) Paragraph (6) was added by regulation 2(3)(b) of S.R. 1994 No. 345

(**e**) S.R. 1987 No. 459; regulation 21AA was inserted by regulation 2(3) of S.R. 2006 No.178 and amended by regulation 2 of S.R. 2006 No. 379 and regulation 2 of S.R. 2006 No. 523

(**f**) S.R. 1996 No. 198; regulation 85A was inserted by regulation 4(3) of S.R. 2006 No.178 and amended by regulation 4 of S.R. 2006 No. 379 and regulation 3 of S.R. 2006 No. 523

(**g**) Regulation 13D was inserted by regulation 6(2) of S.R. 2003 No. 191

(**h**) S.R. 2003 No. 28; regulation 2 was substituted by regulation 5 of S.R. 2006 No. 178 and amended by regulation 5 of S.R. 2006 No. 379 and regulation 4 of S.R. 2006 No. 523

Amendment of the Housing Benefit Regulations

3. In regulation 81(10) of the Housing Benefit Regulations (Northern Ireland) 2006(**a**) (time and manner in which claims are to be made) at the beginning insert "Except in the case of a claim made by a person from abroad,".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

4. In regulation 62(11) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**b**) (time and manner in which claims are to be made) at the beginning insert "Except in the case of a claim made by a person from abroad,".

Sealed with the Official Seal of the Department for Social Development on 30th April 2007

(L.S.)

John O'Neill
A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987, the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 to exclude persons from abroad or persons treated as not in Northern Ireland from making advance claims for income support, jobseeker's allowance, state pension credit and housing benefit.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

(**a**) S.R. 2006 No. 405
(**b**) S.R. 2006 No. 406

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