STATUTORY RULES OF NORTHERN IRELAND

2001 No. 134

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2001

Made . . . . . 26th March 2001

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 123(1)(e), 131(1), 132(3) and (4)(a) and (b), 134(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and now vested in it(**b**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**c**) in so far as regulation 2 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(**d**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2001 and shall come into operation—

(*a*) for the purposes of this regulation and, subject to paragraph (2), regulation 5, on 1st April 2001;

(*b*) for the purposes of regulation 2—

(i) in a case where rent is or rates are payable at intervals of a whole number of weeks, on 2nd April 2001;

(ii) in any other case, on 1st April 2001;

(*c*) for all other purposes, subject to paragraph (3), on 9th April 2001.

(2) Regulation 5 shall come into operation immediately before the coming into operation of regulation 1 of the Social Security (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000(**e**).

(**a**) 1992 c. 7; section 123(1)(*e*) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and section 134(1)(a) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(**b**) *See* Article 8(*b*) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)

(**c**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); consent function transferred from the Department of the Environment for Northern Ireland to the Department of Finance and Personnel; *see* Article 6(*b*) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

(**d**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (1992 c. 8)

(**e**) S.R. 2000 No. 367

(3) Regulation 3 shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph "benefit week"(**a**) and "claimant" shall have the same meaning as in regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(**b**).

(4) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Housing Benefit (General) Regulations

2.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**d**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation), in the definition of "attendance allowance"—

(*a*) in paragraph (*a*), for "section 35 of the principal Act" there shall be substituted "Part III of the Contributions and Benefits Act";

(*b*) in paragraph (*b*), for "61" there shall be substituted "104 or 105";

(*c*) in paragraph (*c*), for "section 150(3)(*b*) of", there shall be substituted "paragraph 4(2)(*b*) of Schedule 8 to".

(3) In regulation 21A(2A)(**e**) (treatment of childcare charges) for "paragraph (2)" there shall be substituted "paragraphs (2ZA) and (2ZC)".

(4) In Schedule 5 (capital to be disregarded) after paragraph 59(**f**) there shall be added the following paragraph—

"60. Any training grant payable under the New Deal 50 Plus Employment Credit Scheme pursuant to arrangements made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**g**) but only for a period of 52 weeks from the date of payment.".

Amendment of the Income Support Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987 shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 42(3)(*b*)(**h**) (notional income), for "9 or 10" there shall be substituted "8 or 9" and for "1987" there shall be substituted "1988".

(3) For regulation 71(2)(**i**) (applicable amounts in urgent cases) there shall be substituted the following paragraph—

(**a**) The definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318
(**b**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1992 No. 236, S.R. 1999 Nos. 381 and 501 and S.R. 2000 No. 71
(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1994 No. 274, S.R. 1996 No. 476, S.R. 1999 No. 298 and S.R. 2001 No. 4
(**e**) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274; paragraph (2A) was inserted by regulation 3(3) of S.R. 1996 No. 476 and amended by regulation 4(3) of S.R. 1999 No. 298
(**f**) Paragraph 59 was added by regulation 2(*b*) of S.R. 2001 No. 4
(**g**) 1950 c. 29(N.I.); section 1(1) was substituted by Article 3 of the Employment and Training (Amendment) Order (Northern Ireland) 1988 (S.I. 1988/1087 (N.I. 10))
(**h**) Paragraph (3) was amended by regulation 2(*a*) of S.R. 1992 No. 236 and regulation 2(*a*) of S.R. 1999 No. 501
(**i**) Paragraph (2) was amended by regulation 5(8)(*b*) of S.R. 2000 No. 71

"(2) In a case to which paragraph 1 of Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(**a**) applies, the period for which a claimant's weekly applicable amount is to be calculated in accordance with paragraph (1) shall be any period, or the aggregate of any periods, not exceeding 42 days during any one period of leave to which that paragraph of that Part of the Schedule to those Regulations applies.".

(4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) at the end of paragraph 68(**b**) there shall be added "or any payment of an employment credit made to that person as a participant in the New Deal 50 Plus Employment Credit Scheme pursuant to arrangements made under section 1(1A) of the Employment and Training Act (Northern Ireland) 1950(**c**)".

Amendment of the Social Fund (Maternity and Funeral Expenses) (General) Regulations

4. For regulation 8(3)(*b*) of the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(**d**)(effect of capital) there shall be substituted the following sub-paragraph—

"(*b*) in the case of a claim for a Sure Start Maternity Grant or a funeral payment which is made within 12 months of the death of the spouse of the claimant, any lump sum payable to that claimant as a widow or as a widower by virtue of section 36 of the Social Security Contributions and Benefits Act (Northern Ireland) 1992(**e**) (bereavement payments) shall be disregarded;".

Amendment of the Social Security (Enhanced Disability Premium Amendment) Regulations

5. In regulation 1 of the Social Security (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000(**f**) (citation, commencement and interpretation)—

(*a*) in paragraph (1)(*c*), after "purposes" there shall be inserted "but subject to paragraphs (2) and (3)";

(*b*) after paragraph (1) there shall be inserted the following paragraphs—

"(2) Regulation 2 shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, "benefit week" and "claimant" shall have the same

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(**a**) S.R. 2000 No. 71
(**b**) Paragraph 68 was inserted by regulation 2(10) of S.R. 1999 No. 381
(**c**) Section 1(1A) was substituted by Article 3 of the Employment and Training (Amendment) Order (Northern Ireland) 1988
(**d**) S.R. 1987 No. 150; paragraph (3) was inserted by regulation 3(3) of S.R. 1989 No. 71 and sub-paragraph (*b*) was amended by regulation 4 of S.R. 2000 No. 49
(**e**) Section 36 was substituted by Article 51 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**f**) S.R. 2000 No. 367

meanings as in regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987.

(3) Regulation 4 shall, in relation to any particular claimant for a jobseeker's allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, "benefit week" shall have the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**a**).";

(*c*) existing paragraph "(2)" shall be renumbered "(4)".

Sealed with the Official Seal of the Department for Social Development on 26th March 2001.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 2 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 27th March 2001.

(L.S.)

Brian Delaney

Senior Officer of the Department of Finance and Personnel

(**a**) S.R. 1996 No. 198

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Income Support (General) Regulations (Northern Ireland) 1987 and the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987.

In particular, they—

update the legislative references in the definition of "attendance allowance" applying in housing benefit (regulation 2(2));

amend the references in the rules relating to the treatment of childcare charges in housing benefit (regulation 2(3));

allow a training grant paid under the New Deal 50 Plus Employment Credit Scheme to be disregarded as capital in housing benefit (regulation 2(4));

amend the references relating to the notional income rule in income support (regulation 3(2));

correct an error relating to the period in respect of which certain groups may have access to urgent case payments in income support (regulation 3(3));

allow employment credits to be disregarded, if paid to a lone parent whilst she is entitled to income support during a run-on period (regulation 3(4));

allow a bereavement payment to be disregarded for the purpose of ascertaining entitlement to Sure Start Maternity Grants and funeral payments (regulation 4);

change the commencement date of the Social Security (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000 in relation to Income Support and Jobseeker's Allowance to take into account benefit weeks (regulation 5).

In so far as these Regulations are required, for the purposes of regulation 2, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, ("the 1992 Act"), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.

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