STATUTORY RULES OF NORTHERN IRELAND

2006 No. 158

SOCIAL SECURITY

The Social Security (Provisions relating to Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*27th March 2006*
Coming into operation -	*10th April 2006*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 82(4), 85(4), 86A, 90(b), 114(1), 121(5) and 171(1) and (3) of, and paragraph 6(1)(b) and (5) of Schedule 7 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and sections 1(1C) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**b**) and now vested in it(**c**).

Citation and commencement

1. These Regulations may be cited as the Social Security (Provisions relating to Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 10th April 2006.

Amendment of the Social Security Benefit (Dependency) Regulations

2.—(1) The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(**d**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 10 (increase of benefit for person having care of child)—

(a) in the heading(**e**), after "child" there shall be added "or qualifying young person";

(b) in paragraph (1)(**f**), after "children" there shall be inserted "or a qualifying young person or persons"; and

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(**a**) 1992 c. 7; Section 82(4) was amended by paragraph 89(c) of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and paragraph 31 of Schedule 1 to the Child Benefit Act 2005 (c. 6). Section 85(4) was amended by paragraph 14(d) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22) and paragraph 91(6) of Schedule 24 to the Civil Partnership Act 2004. Section 86A was inserted by Article 4(4) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)). Section 90 was amended by paragraph 25 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), Schedule 6 to the Tax Credits Act 2002 (c. 21) and Article 2(2)(a)(iv) of S.R. 2002 No. 321. Section 114(1) was amended by paragraph 33(2) of Schedule 1 to the Child Benefit Act 2005. Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002. Paragraph 6(1)(b) of Schedule 7 was amended by paragraph 105(4)(a) of Schedule 24 to the Civil Partnership Act 2004 and paragraph 42(4) of Schedule 1 to the Child Benefit Act 2005

(**b**) 1992 c. 8; section 1(1C) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)). 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)

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

(**d**) S.R. 1977 No. 74; relevant amending regulations are S.R. 1983 Nos. 36 and 193, S.R. 1984 Nos. 373 and 382, S.R. 1987 No. 129, S.R. 1988 No. 138, S.R. 1989 Nos. 103 and 373, S.R. 1994 No. 485, S.R. 1996 No. 289 and S.R. 2002 No. 323

(**e**) The heading to regulation 10 was amended by regulation 2(5) of S.R. 1984 No. 373

(**f**) Paragraph (1) was amended by regulation 8(3) of S.R. 1983 No. 36, regulation 2(5) of S.R. 1984 No. 373, regulation 15(5)(a) of S.R. 1994 No. 485 and regulation 5(7)(a) of S.R. 1996 No. 289

(c) in paragraph (2)—

(i) in sub-paragraph (a)(**a**), after "child" there shall be inserted "or qualifying young person", and

(ii) in sub-paragraph (e)(**b**)—

(aa) in head (i), after "children" there shall be inserted "or a qualifying young person or persons", and

(bb) in head (ii), after "children" there shall be inserted "or qualifying young person or persons".

(3) In regulation 11(1)(**c**) (contribution to maintenance of adult dependant), after "child" (in each place where it occurs) there shall be inserted "or qualifying young person".

(4) In Schedule 2 (increase of carer's allowance for adult dependants), in paragraph 7(b)(**d**)—

(a) after "not being a child" there shall be inserted "or qualifying young person"; and

(b) after "children" (in each place where it occurs) there shall be inserted "or a qualifying young person or persons".

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations

3.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**e**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 16 (provision in relation to entitlement to child benefit for the purposes of a widowed mother's allowance)—

(a) in paragraph (1)—

(i) in sub-paragraph (a)(**f**), for the words from "any person" to "a child falling" there shall be substituted "any person under the age of 20 residing with the widow shall be deemed to be", and

(ii) in sub-paragraph (b), "a child falling" shall be omitted;

(b) in paragraph (2), after "any child" there shall be inserted "or qualifying young person"; and

(c) in paragraph (3), after "the child" there shall be inserted "or qualifying young person".

(3) In regulation 16ZA(**g**) (provision in relation to entitlement to child benefit for the purposes of a widowed parent's allowance)—

(a) in paragraph (1), after—

(i) "a child" (in each place where it occurs),

(ii) "that child", and

(iii) "the child" (in each place where it occurs),

there shall be inserted "or qualifying young person"; and

(b) in paragraph (2), after "any child" there shall be inserted "or qualifying young person".

(**a**) Sub-paragraph (a) was amended by regulation 3(b) of S.R. 1984 No. 382

(**b**) Sub-paragraph (e) was substituted by regulation 6 of S.R. 1989 No. 103

(**c**) Regulation 11(1) was amended by regulation 2(8) of S.R. 1983 No. 193, regulation 2(11) of S.R. 1984 No. 373, regulation 4 of S.R. 1989 No. 373, regulation 15(6)(a) of S.R. 1994 No. 485 and regulation 5(8)(a) of S.R. 1996 No. 289

(**d**) Paragraph 7(b) was amended by regulation 4(3) of S.R. 1987 No. 129, regulation 5(b) of S.R. 1988 No. 138 and paragraph 1(c) of the Schedule to S.R. 2002 No. 323; *see also* Article 38(2) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(**e**) S.R. 1979 No. 243; relevant amending regulations are S.R. 1987 No. 404, S.R. 1997 No. 483, S.R. 2001 No. 148 and S.R. 2005 No. 536

(**f**) Sub-paragraph (a) was substituted by regulation 2(6) of S.R. 1987 No. 404; *see also* regulation 3 as substituted by paragraph 16(1) of Schedule 6 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)

(**g**) Regulation 16ZA was inserted by regulation 2(2) of S.R. 2001 No. 148 and amended by paragraph 10(4) of Schedule 3 to S.R. 2005 No. 536

(4) In regulation 16A(**a**) (disapplication of section 1(1A) of the Administration Act for the purposes of widowed mother's allowance or widowed parent's allowance), after "child" there shall be inserted "or qualifying young person".

Amendment of the Social Security (Incapacity Benefit – Increases for Dependants) Regulations

4.—(1) The Social Security (Incapacity Benefit – Increases for Dependants) Regulations (Northern Ireland) 1994(**b**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 9(**c**) (increase of incapacity benefit for adult dependants and persons having the care of children)—

(a) in the heading, after "children" there shall be added "or qualifying young persons"; and

(b) in paragraph (1), after "a child" (in each place where it occurs), there shall be inserted "or qualifying young person".

(3) In regulation 10(3) and (4) (earnings rules for increases for adult dependants), after "child" (in each place where it occurs) there shall be inserted "or qualifying young person".

(4) In regulation 12(1)(**d**) (contribution to maintenance of adult dependant), after "child" (in each place where it occurs) there shall be inserted "or qualifying young person".

Sealed with the Official Seal of the Department for Social Development on 27th March 2006.

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—

regulations 10 and 11 of, and paragraph 7(b) of Schedule 2 to, the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977,

regulations 16, 16ZA and 16A of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979, and

regulations 9, 10 and 12 of the Social Security (Incapacity Benefit – Increases for Dependants) Regulations (Northern Ireland) 1994,

to reflect the fact that persons in respect of whom child benefit is payable after their 16th birthday are no longer referred to as children, but as qualifying young persons, by virtue of the Child Benefit Act 2005.

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**) Regulation 16A was inserted by regulation 4(3) of S.R. 1997 No. 483 and amended by regulation 2(3) of S.R. 2001 No. 148
(**b**) S.R. 1994 No. 485; relevant amending regulations are S.R. 2003 No. 213 and S.R. 2005 No. 536
(**c**) Regulation 9(1) was amended by regulation 2(7)(c)(i) of S.R. 2003 No. 213 and paragraph 21(3) of Schedule 3 to S.R. 2005 No. 536
(**d**) Regulation 12 was amended by paragraph 21(4) of Schedule 3 to S.R. 2005 No. 536

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