1987 No. 149

SOCIAL SECURITY

The Supplementary Benefit (Conditions of Entitlement) (Amendment) Regulations (Northern Ireland) 1987

Made	*30th March 1987*
Coming into operation . .	*6th April 1987*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 7 and 9(2) and (3) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Conditions of Entitlement) (Amendment) Regulations (Northern Ireland) 1987 and shall come into operation on 6th April 1987.

(2) In these regulations "the principal regulations" means the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(**b**).

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations (interpretation)—

(*a*) after the definition of "person affected by a trade dispute" there shall be inserted the following definition—

" "relevant enactment" has the meaning assigned to it in regulation 2 of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**c**);";

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

" "voluntary organisation" means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members thereof.".

Amendment of regulation 4 of the principal regulations

3. In regulation 4 of the principal regulations (meaning of employment for

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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: Article 7 of the 1977 Order was substituted by Article 31(1) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))

(**b**) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1982 No. 240 and S.R. 1984 No. 266

(**c**) S.R. 1981 No. 369; the relevant amending regulations are S.R. 1986 No. 262

the purposes of Article 7 of the Order) for paragraph (*c*) there shall be substituted the following paragraph—

"(*c*) for which he would normally be engaged—

(i) for not less than 30 hours a week, or

(ii) if he is mentally or physically disabled, for such lesser number of hours as, having regard to his disability, he is usually capable of working, or

(iii) in either case, if he is normally engaged for less than the number of hours prescribed in sub-paragraphs (i) and (ii), such employment provided that he is available to be employed for such further number of hours which would in aggregate with the number of hours for which he is normally engaged be not less than the number of hours so prescribed for his case.".

Amendment of regulation 6 of the principal regulations

4. In regulation 6 of the principal regulations (persons not subject to condition of registration and availability for employment)—

(*a*) in paragraph (*jj*)(ii) after "(*a*) to (*d*)" there shall be inserted "or (*f*)"; and

(*b*) in paragraph (*s*)(ii) for all the words after "(*c*)" there shall be substituted ", (*d*) or (*f*) (person receiving relevant education who is a parent, or is severely handicapped, or has no, or is estranged from his, parents or guardian, or is living away from his parents or guardian who are unable financially to support him);".

Amendment of regulation 7 of the principal regulations

5. In regulation 7(1) of the principal regulations (circumstances in which persons are to be treated as available for employment) for "Subject to regulation" there shall be substituted "Subject to regulations 4 and".

Amendment of regulation 8 of the principal regulations

6. In regulation 8(1)(*a*) of the principal regulations (circumstances in which persons are not to be treated as available for employment) for "and regulation 6(*a*), (*i*) or (*j*) does not apply to him" there shall be substituted "to whom paragraph (*a*), (*i*), (*j*) or (*jj*) of regulation 6 has no application".

Amendment of regulation 10 of the principal regulations

7. In regulation 10 of the principal regulations (circumstances in which persons are to be treated as receiving relevant education)—

(*a*) in paragraph (1)—

(i) in sub-paragraph (*a*) after head (iii) there shall be added the following head—

"(iv) receiving education which is recognised by the Department under Article 4(1A) of the Child Benefit (Northern Ireland) Order 1975(**a**); or",

(**a**) S.I. 1975/1504 (N.I. 16); Article 4(1A) was inserted by Article 71(1)(*b*) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(ii) after sub-paragraph (*a*) there shall be inserted the following sub-paragraph—

"(*aa*) in the case of a person to whom sub-paragraph (*a*) ceases to apply on or after the date on which he has been entered for any external examination in connection with the education he was receiving, attending or treated as receiving under that sub-paragraph, and on the date on which that sub-paragraph so ceased he continued to be so entered, for the period from that date until the date of the examination or, where he has been entered for more than one such examination, the last of those examinations; or",

(iii) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) in the case of a person who has ceased to be a person to whom sub-paragraph (*a*) or (*aa*) applies, for the period beginning with the starting date and ending with the terminal date.";

(*b*) in paragraph (2)—

(i) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(*a*) "starting date" means the date on which he ceases to be a person to whom paragraph (1)(*a*), or (1)(*aa*) if later, applies;",

(ii) at the end of sub-paragraph (*b*) there shall be added "or if later, after the date on which he attained compulsory school age;",

(iii) after sub-paragraph (*b*) there shall be added the following sub-paragraph—

"(*c*) "compulsory school age" means the upper limit of compulsory school age as determined in accordance with Article 46 of the Education and Libraries (Northern Ireland) Order 1986(**a**).".

Amendment of regulation 11 of the principal regulations

8. In regulation 11 of the principal regulations (circumstances in which persons treated as receiving relevant education are to be entitled to supplementary benefit) after paragraph (*e*) there shall be added the following—

"(*f*) he is living away from his parents or any person acting in the place of his parents and his parents are or, as the case may be, that person is, unable financially to support him and they are or, as the case may be, that person is—

(i) chronically sick or mentally or physically disabled within the meaning of regulation 2 of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981, or

(ii) in prison, or

(a) S.I. 1986/594 (N.I. 3)

(iii) prohibited from entering or re-entering Northern Ireland;

and, in this regulation, any reference to a "person" acting in the place of a claimant's parent or parents includes, for the purposes of paragraphs (*c*) and (*d*), a reference to the Department or a voluntary organisation where the claimant is in their care under a relevant enactment or any person with whom he is boarded out by them whether or not any payment is made, in this respect, by the Department or that voluntary organisation and, for the purposes of paragraph (*f*), any such person with whom he has been so boarded out.".

Sealed with the Official Seal of the Department of Health and Social Services on 30th March 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981 (''the principal regulations'') in the following respects:

— they insert a definition of ''relevant enactment'' by reference to the definition given to that term in the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981 and a definition of ''voluntary organisation'' (regulation 2);

— they clarify that a person is only to be accepted as available for employment if he is available to be employed for at least 30 hours a week or, if he is disabled, the number of hours he could be expected to work, and that he is available for employment if working for less than those number of hours and is available for further employment to make up the balance (regulations 3 and 5);

— they exempt from the provision treating a person as not being available for employment and so ineligible for supplementary benefit, those aged 19 to 20 attending a course of education up to A level standard or equivalent whose circumstances are the same as a person under 19 in relevant education and who would be entitled to supplementary benefit in their own right, and those in relevant education who are living away from their parents or anyone acting in their place where that person is financially unable to support them and is chronically sick, disabled, in prison or cannot enter or re-enter Northern Ireland (regulations 4 and 6);

— they treat a person who is entered for an external examination on the date he ceases full-time education as being in relevant education up to the date of his examination or last examination and they treat a person as being in relevant education for the period up to the terminal date after he attains compulsory school age (regulation 7);

— they make provision for a person in full-time education up to A level standard or equivalent to receive supplementary benefit where he is living away from his parents or any person acting in their place and they are unable financially to provide for him and are chronically sick, disabled, in prison or cannot enter or re-enter Northern Ireland and they include among persons acting in the place of a young person's parents, the Department or a voluntary organisation where that young person is in their care, or a person with whom he is boarded out by them (regulation 8).

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.