
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 81

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments
No. 2) Regulations (Northern Ireland) 1998**

Made - - - - 6th March 1998

Coming into operation in accordance with regulation 1

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 64(1), 68(4)(c), 70(4), 71(6), 122(1), 123(1), 127(1), 128(1), 129(1) (a), (2) and (4), 131(1), 132(2), (3) and (4), 133(2)(a) and (i), 142A, 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾, sections 5(1)(l) and (q), 30(8), 73(2) and 165(1) and (3) of the Social Security Administration (Northern Ireland) Act 1992⁽²⁾, Articles 4(1), 5(a) and (b) and (7) and 19 of the Child Support (Northern Ireland) Order 1995⁽³⁾, Articles 6(5), 14(1), (2) and (4), 15(3), 36(2) and 37(3) of, and paragraphs 3 and 11 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995⁽⁴⁾ and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland⁽⁵⁾ in so far as regulations 3(1), (2)(c), (3) and (4)(c), 4(1), (2)(c) and (3), 5(1) and (2)(a), 6, 7 and 11(3) and (4) (a) are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽⁶⁾, hereby makes the following Regulations:

Part I

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1998 and this regulation and regulation 10 shall come into operation on 1st April 1998.

(1) 1992 c. 7; section 142A was inserted by Article 10(1)(b) of the Asylum and Immigration Act 1996 (c. 40)

(2) 1992 c. 8

(3) S.I. 1995/2702 (N.I. 13)

(4) S.I. 1995/2705 (N.I. 15)

(5) 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))

(6) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(2) Except in the case of regulation 10, in so far as these Regulations amend provisions relating to income support or jobseeker's allowance, they shall come into operation on 6th April 1998 and in relation to a claimant for either income support or jobseeker's allowance, they shall have effect from the first day of the first benefit week to commence for that claimant on or after that date and, in a case to which regulation 5(2)(b) applies, immediately after Article 18(8) of, and Schedule 7 to, the Social Security Benefits Up-rating Order (Northern Ireland) 1998(7) come into operation.

(3) In paragraph (2) "benefit week" and "claimant" with respect to income support shall have the same meaning as in regulation 2(1) of the Income Support Regulations(8) and with respect to jobseeker's allowance "benefit week" shall have the same meaning as in regulation 1(2) of the Jobseeker's Regulations(9).

(4) In so far as these Regulations amend provisions relating to disability working allowance or family credit, they shall come into operation on 7th April 1998 and, in relation to any particular claimant for either of those benefits, they shall have effect where a claimant has an award of disability working allowance or family credit which is current on 7th April 1998, on the day following the expiration of that award.

(5) In so far as these Regulations amend provisions relating to housing benefit—

(a) in any case to which paragraph (6) applies, they shall come into operation on 1st April 1998, and

(b) in any other case, they shall come into operation on 6th April 1998.

(6) This paragraph applies in any case where—

(a) rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, or

(b) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.

(7) In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(10);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(11);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(12);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(13);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(14).

(7) [S.R. 1998 No. 59](#)

(8) The definition of "benefit week" was amended by regulation 2(a) of [S.R. 1988 No. 318](#)

(9) The definition of "benefit week" was amended by regulation 2(2) of [S.R. 1996 No. 358](#) and regulation 2(2)(a) of [S.R. 1996 No. 503](#)

(10) [S.R. 1992 No. 78](#); relevant amending Regulations are [S.R. 1996 No. 11](#) and [S.R. 1998 No. 2](#)

(11) [S.R. 1987 No. 463](#); relevant amending Regulations are [S.R. 1996 No. 11](#) and [S.R. 1998 No. 2](#)

(12) [S.R. 1987 No. 461](#); relevant amending Regulations are [S.R. 1990 No. 305](#), [S.R. 1992 No. 85](#), [S.R. 1994 Nos. 80 and 266](#), [S.R. 1995 No. 89](#), [S.R. 1996 Nos. 93, 111, 405 and 488](#) and [S.R. 1998 No. 2](#)

(13) [S.R. 1987 No. 459](#); relevant amending Regulations are [S.R. 1988 Nos. 205, 318 and 431](#), [S.R. 1990 Nos. 33, 131 and 297](#), [S.R. 1991 Nos. 46 and 204](#), [S.R. 1992 Nos. 6 and 201](#), [S.R. 1993 Nos. 195, 233 and 373](#), [S.R. 1994 Nos. 77 and 266](#), [S.R. 1995 No. 86](#), [S.R. 1996 Nos. 375, 405 and 449](#), [S.R. 1997 Nos. 22, 412 and 541](#) and [S.R. 1998 No. 2](#)

(14) [S.R. 1996 No. 198](#); relevant amending Regulations are [S.R. 1996 Nos. 356, 358 and 503](#), [S.R. 1997 Nos. 22, 484 and 541](#) and [S.R. 1998 No. 2](#)

(8) The Interpretation Act (Northern Ireland) 1954⁽¹⁵⁾ shall apply to these Regulations as it applies to a Measure of the Assembly.

Part II

CHILD MAINTENANCE BONUS

Amendment of the Social Security (Child Maintenance Bonus) Regulations

2.—(1) The Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996⁽¹⁶⁾ shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) for the definition of “child maintenance”⁽¹⁷⁾ there shall be substituted the following definition—

““child maintenance” means maintenance in any of the following forms—

- (a) child support maintenance paid or payable;
- (b) maintenance paid or payable by an absent parent to a person with care of a qualifying child, under an agreement (whether enforceable or not) between them, or by virtue of an order of a court, or
- (c) maintenance deducted from any benefit payable to an absent parent who is liable to maintain a qualifying child,

which, as the case may be, is paid, payable, or deducted on or after the 1st April 1998, but does not include any maintenance paid or payable in respect of a former partner.”.

(3) In regulation 3(1) (entitlement to a bonus) for sub-paragraph (f) there shall be substituted the following sub-paragraph—

- “(f) the work condition is satisfied within the period of—
- (i) in a case where an applicant with care cares for one child only and that child dies, 12 months immediately following the date of death;
 - (ii) in a case where the absent parent has—
 - (aa) died;
 - (bb) ceased to be habitually resident in the United Kingdom, or
 - (cc) has been found not to be the parent of the qualifying child or children,12 weeks immediately following the first date on which any of those events occurs;
 - (iii) in any other case, 14 days immediately following the day on which the bonus period applying to the applicant comes to an end.”.

(4) In regulation 4(1)(c) (bonus period) for head (i)⁽¹⁸⁾ there shall be substituted the following head—

“(i) paid or payable to the applicant, or”.

(5) In regulation 10(1) (claiming a bonus)—

- (a) in sub-paragraph (b)⁽¹⁹⁾ the words “(c) or” shall be omitted, and

⁽¹⁵⁾ 1954 c. 33 (N.I.)

⁽¹⁶⁾ S.R. 1996 No. 622; relevant amending Regulations are S.R. 1997 No. 130

⁽¹⁷⁾ The definition of “child maintenance” was amended by regulation 8(2)(a) of S.R. 1997 No. 130

⁽¹⁸⁾ Head (i) was substituted by regulation 8(4)(a) of S.R. 1997 No. 130

⁽¹⁹⁾ Sub-paragraph (b) was amended by regulation 8(8)(a) of S.R. 1997 No. 130

- (b) sub-paragraph (c)(20) shall be omitted.

Part III

AMENDMENTS WITH RESPECT TO INCOME-RELATED BENEFITS AND JOBSEEKER'S ALLOWANCE

Common Amendments: Disregard of contribution

3.—(1) In each of the regulations specified in paragraph (2) (students) in the definition of “contribution” after “in respect of the income” there shall be inserted “of a student or”.

(2) The regulations specified in this paragraph are—

- (a) regulation 41 of the Disability Working Allowance Regulations;
- (b) regulation 37 of the Family Credit Regulations;
- (c) regulation 46 of the Housing Benefit Regulations(21);
- (d) regulation 61 of the Income Support Regulations(22), and
- (e) regulation 130 of the Jobseeker's Allowance Regulations.

(3) In each of the regulations specified in paragraph (4) the following regulation shall be inserted and numbered in accordance with that paragraph—

“Further disregard of student's income

Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant, the amount taken into account shall be disregarded in assessing that student's income.”.

(4) The Regulations and regulation numbers specified in this paragraph are—

- (a) regulation 48A of the Disability Working Allowance Regulations;
- (b) regulation 43A of the Family Credit Regulations;
- (c) regulation 58A of the Housing Benefit Regulations;
- (d) regulation 67A of the Income Support Regulations, and
- (e) regulation 137A of the Jobseeker's Allowance Regulations.

Common Amendments: Disregard of income other than earnings

4.—(1) For each of the paragraphs of the Schedules to the Regulations specified in paragraph (2) (sums to be disregarded in the calculation of income other than earnings) there shall be substituted the following paragraph—

“Any payment—

- (a) made to the claimant or his partner for a person (“the person concerned”), who is not normally a member of the claimant's household but is temporarily in his care by—
 - (i) an authority;
 - (ii) a voluntary organisation, or

(20) Sub-paragraph (c) was substituted by regulation 8(8)(b) of S.R. 1997 No. 130

(21) The definition of “contribution” was substituted by regulation 4(4)(a) of S.R. 1996 No. 405

(22) The definition of “contribution” was substituted by regulation 5(8)(a) of S.R. 1996 No. 405

- (iii) the person concerned pursuant to Article 36(7) of the Health and Personal Social Services (Northern Ireland) Order 1972(23), or
 - (b) made to the claimant or his partner for a person who is not normally a member of the claimant’s household but is temporarily in his care by a training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968(24) (approval of schools).”.
- (2) The paragraphs of the Schedules to the Regulations specified in this paragraph are—
- (a) paragraph 24 of Schedule 3 to the Disability Working Allowance Regulations(25);
 - (b) paragraph 24 of Schedule 2 to the Family Credit Regulations(26);
 - (c) paragraph 27 of Schedule 4 to the Housing Benefit Regulations(27);
 - (d) paragraph 27 of Schedule 9 to the Income Support Regulations(28), and
 - (e) paragraph 28 of Schedule 6 to the Jobseeker’s Allowance Regulations(29).
- (3) In Schedule 4 to the Housing Benefit Regulations in paragraph 35(30) for “paragraphs 15” there shall be substituted “paragraphs 15(1)”.

Housing Benefit, Income Support, Jobseeker’s Allowance: Amendments with respect to persons in detention

- 5.—(1) For the words referred to in each of the provisions specified in paragraph (2) there shall be substituted “who is detained in hospital”—
- (2) The words referred to and the provisions specified in this paragraph are—
- (a) in the Housing Benefit Regulations—
 - (i) in regulation 5(8A)(31) (circumstances in which a person is to be treated as liable to make payments in respect of a dwelling) for “who is detained”;
 - (ii) in regulation 63(7)(e)(iii)(32) (non-dependant deductions) for “whose detention is”;
 - (b) in the Income Support Regulations—
 - (i) in regulation 21(3)(33) (special cases) in the definition of “prisoner”(34) for “whose detention is”;
 - (ii) in Schedule 7 in column 1 of paragraph 2A(35) (applicable amounts in special cases) for “who is detained”, and
 - (c) in the Jobseeker’s Allowance Regulations in regulation 85(4) (special cases) in the definition of “prisoner” for “whose detention is”.

(23) S.I. 1972/1275 (N.I. 14); Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I. 1) and amended by paragraph 2(4) and (5) of Schedule 1 to S.I. 1992/3204 (N.I. 20)

(24) 1968 c. 34 (N.I.); section 137 was amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 and Article 185(1) of, and paragraph 42 of Schedule 9 to, the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))

(25) Paragraph 24 was amended by regulation 7(5)(c) of S.R. 1998 No. 2

(26) Paragraph 24 was amended by regulation 4(5)(c) of S.R. 1998 No. 2

(27) Paragraph 27 was amended by regulation 3(6)(c) of S.R. 1998 No. 2

(28) Paragraph 27 was amended by regulation 2(8)(c) of S.R. 1998 No. 2

(29) Paragraph 28 was amended by regulation 8(7)(c) of S.R. 1998 No. 2

(30) Paragraph 35 was amended by regulation 3(3) of S.R. 1990 No. 305 and regulation 7(b) of S.R. 1996 No. 93

(31) Paragraph (8A) was inserted by regulation 5 of S.R. 1995 No. 89

(32) Regulation 63(7)(e) was added by regulation 2(d)(iv) of S.R. 1992 No. 85

(33) Relevant amending Regulations are S.R. 1996 No. 375

(34) The definition of “prisoner” was substituted by regulation 2(6)(a) of S.R. 1995 No. 86

(35) Paragraph 2A was inserted by regulation 19(b) of S.R. 1990 No. 131

Housing Benefit: Maximum rent

6. In regulation 11 of the Housing Benefit Regulations(36) (maximum rent) in paragraph (16) in the definition of “property-specific rent” for “paragraph 1(2)” there shall be substituted “paragraph 1” and for “paragraph 3” there shall be substituted “paragraph 3(3)”.

Housing Benefit: Excluded tenancies

7. In Schedule 1B to the Housing Benefit Regulations(37) (excluded tenancies) in paragraph 2(3) (c) for “for the purposes of paragraph 2” there shall be substituted “under paragraph 2(2)”.

Income Support and Jobseeker’s Allowance: Treatment of grant awards for former students

8. In regulation 29(2A) of the Income Support Regulations(38) and regulation 94(2A) of the Jobseeker’s Allowance Regulations(39) (calculations of earnings derived from employed earner’s employment and income other than earnings) after sub-paragraph (a) the following sub-paragraph shall be inserted—

“(aa) where the grant is paid in instalments, on the day before the next instalment would have been paid had the claimant remained a student, or”.

Income Support and Jobseeker’s Allowance: Calculation of notional income and income other than earnings

9.—(1) The Income Support Regulations shall be amended in accordance with sub-paragraphs (a) to (c)—

- (a) in regulation 40(1)(40) (calculation of income other than earnings) for “paragraphs (2) to (3A)”(41) there shall be substituted “paragraphs (2) to (3B)”(42);
- (b) in regulation 42(7) (notional income) for “paragraphs (1) to (4)” there shall be substituted “paragraphs (1) to (4A)”(43), and
- (c) in Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
 - (i) in paragraph 7(44)—
 - (a) in sub-paragraph (a) for “paragraph 6, 9 or 9A”(45) there shall be substituted “paragraph 6 or 9”, and
 - (b) in sub-paragraph (b) at the end there shall be added “or jobseeker’s allowance”;
 - (ii) after paragraph 61(46) there shall be added the following paragraph—

“62. Any payment made with respect to a person on account of the provision of accommodation, aftercare or other personal social services to which Articles 15 and 36 of the 1972 Order refer which falls to be treated as notional income under regulation 42(4A) (payments made in respect of a person in a residential care or nursing home).”.

(36) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111

(37) Schedule 1B was inserted by regulation 15 of S.R. 1996 No. 111

(38) Paragraph (2A) was inserted by regulation 5(1)(b) of S.R. 1997 No. 22

(39) Paragraph (2A) was inserted by regulation 5(2)(b) of S.R. 1997 No. 22

(40) Relevant amending Regulations are S.R. 1988 No. 431 and S.R. 1990 No. 297

(41) Paragraph (3A) was inserted by regulation 4(4)(b) of S.R. 1990 No. 297; relevant amending Regulations are S.R. 1991 No. 46 and S.R. 1997 No. 412

(42) Paragraph (3B) was inserted by regulation 7(1) of S.R. 1997 No. 22

(43) Paragraph (4A) was inserted by regulation 4(4)(b) of S.R. 1994 No. 77

(44) Relevant amending Regulations are S.R. 1992 No. 6

(45) Paragraph 9A was omitted by S.R. 1993 No. 373

(46) Paragraph 61 was added by regulation 17(9) and (10)(a) of S.R. 1997 No. 541

(2) The Jobseeker's Allowance Regulations shall be amended in accordance with sub-paragraphs (a) and (b)—

- (a) in regulation 103(1) (calculation of income other than earnings) for “paragraphs (2) to (5)” there shall be substituted “paragraphs (2) to (5A)”**(47)**, and
- (b) in Schedule 6 to the Jobseeker's Allowance Regulations**(48)** (sums to be disregarded in the calculation of income other than earnings) at the end there shall be added the following paragraph—

“**60.** Any payment which falls to be treated as notional income under regulation 105(11) (payments made in respect of a person in a residential care or nursing home).”.

Jobseeker's Allowance: Periods of interruption of employment

10.—(1) Regulation 47A of the Jobseeker's Allowance Regulations**(49)** (job seeking periods: periods of interruption of employment) shall be renumbered as regulation 47A(1) and in sub-paragraph (za) of that paragraph “and is still current on 1st December 1997” shall be omitted.

(2) After the renumbered paragraph (1) the following paragraph shall be added—

“(2) In paragraph (1) “period of interruption of employment” in relation to a period prior to 7th October 1996 has the same meaning as it had in the Benefits Act by virtue of section 25A of that Act**(50)** (determination of days for which unemployment benefit is payable) as in operation on 6th October 1996.”.

Part IV

AMENDMENTS WITH RESPECT TO PERSONS FROM ABROAD

Common amendments with respect to persons from abroad

11.—(1) In each of the regulations specified in paragraph (2) (conditions affecting the entitlement of a person from abroad to the relevant benefits) for “to remain in the United Kingdom by the Secretary of State” there shall be substituted—

- “(i) to enter the United Kingdom by an immigration officer appointed for the purposes of the Immigration Act 1971**(51)**, or
- (ii) to remain in the United Kingdom by the Secretary of State”.

(2) The regulations specified in this paragraph are—

- (a) regulation 16B(b) of the Child Benefit (General) Regulations (Northern Ireland) 1979**(52)**;
- (b) regulation 5(1A)(b) of the Disability Working Allowance Regulations**(53)**;
- (c) regulation 3(1A)(b) of the Family Credit Regulations**(54)**;

(47) Paragraph (5A) was inserted by regulation 7(2) of S.R. 1997 No. 22

(48) Paragraph 59 was added by regulation 14(b) of S.R. 1997 No. 541

(49) Regulation 47A was inserted by regulation 2(7) of S.R. 1996 No. 503 and amended by regulation 2 of S.R. 1997 No. 484

(50) Section 25A was inserted by paragraph 5 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and repealed by Article 4 of, and Schedule 3 to, the Jobseekers (Northern Ireland) Order 1995

(51) 1971 c. 77

(52) S.R. 1979 No. 5; regulation 16B was inserted by regulation 2 of S.R. 1996 No. 422 and amended by S.R. 1996 No. 469

(53) Regulation 5(1A) was inserted by regulation 10(b) of S.R. 1996 No. 11

(54) Regulation 3(1A) was inserted by regulation 6(b) of S.R. 1996 No. 11

- (d) regulation 2(1A)(b) of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992⁽⁵⁵⁾;
- (e) regulation 2(1A)(b) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992⁽⁵⁶⁾;
- (f) regulation 9(1A)(b) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976⁽⁵⁷⁾, and
- (g) regulation 3(1A)(b) of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984⁽⁵⁸⁾.

(3) In each of the regulations specified in paragraph (4) (conditions affecting the entitlement of a person from abroad to the relevant benefits) after “exceptional leave” there shall be inserted “to enter the United Kingdom by an immigration officer within the meaning of the Immigration Act 1971, or”.

(4) The regulations specified in this paragraph are—

- (a) regulation 7A(4)(e)(iii) of the Housing Benefit Regulations⁽⁵⁹⁾;
- (b) regulation 21(3) of the Income Support Regulations⁽⁶⁰⁾ in sub-paragraph (c) of the second definition of “person from abroad”, and
- (c) regulation 85(4) of the Jobseeker’s Allowance Regulations⁽⁶¹⁾ in sub-paragraph (c) of the second definition of “person from abroad”.

Further amendments of the Income Support Regulations and the Jobseeker’s Allowance Regulations

12.—(1) In regulation 72 of the Income Support Regulations (assessment of income and capital in urgent cases)—

- (a) for sub-paragraph (a)⁽⁶²⁾ of paragraph (1) there shall be substituted the following sub-paragraph—

“(a) any income other than—

- (i) a payment of income or income in kind made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds, or
- (ii) income to which paragraph 5, 7 (but only to the extent that a concessionary payment would be due under that paragraph for any non-payment of income support under regulation 70 or of jobseeker’s allowance under regulation 147 of the Jobseeker’s Allowance Regulations (urgent cases)), 31, 39(2), (3) or (4), 40, 42, 52 or 57 of Schedule 9 (disregard of income other than earnings) applies,

possessed or treated as possessed by him, shall be taken into account in full notwithstanding any provision in that Part disregarding the whole or any part of that income;” and

⁽⁵⁵⁾ S.R. 1992 No. 20; regulation 2(1A) was inserted by regulation 8(b) of S.R. 1996 No. 11

⁽⁵⁶⁾ S.R. 1992 No. 32; regulation 2(1A) was inserted by regulation 9(b) of S.R. 1996 No. 11

⁽⁵⁷⁾ S.R. 1976 No. 99; regulation 9(1A) was inserted by regulation 2(b) of S.R. 1996 No. 11

⁽⁵⁸⁾ S.R. 1984 No. 317; regulation 3(1A) was inserted by regulation 3(b) of S.R. 1996 No. 11

⁽⁵⁹⁾ Regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80, sub-paragraph (e) was added by regulation 3(1)(a) of S.R. 1994 No. 266 and amended by S.R. 1996 Nos. 405 and 448

⁽⁶⁰⁾ Relevant amending Regulations are S.R. 1994 No. 266 and S.R. 1996 Nos. 375 and 405

⁽⁶¹⁾ Relevant amending Regulations are S.R. 1996 Nos. 356 and 503

⁽⁶²⁾ Sub-paragraph (a) was substituted by regulation 6 of S.R. 1988 No. 205 and relevant amending Regulations are S.R. 1988 No. 431, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1996 No. 449

- (b) in paragraph (2)(63) after “Housing Benefits (Northern Ireland) Order 1983” there shall be inserted “or any arrears of benefit due under regulation 70 or regulation 147 of the Jobseeker’s Allowance Regulations (urgent cases)”.
- (2) In regulation 149 of the Jobseeker’s Allowance Regulations (assessment of income and capital in urgent cases)—
- (a) for sub-paragraph (a) of paragraph (1) there shall be substituted the following sub-paragraph—
- “*(a)* any income other than—
- (i) a payment of income or income in kind made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds, or
- (ii) income to which paragraph 6, 8 (but only to the extent that a concessionary payment would be due under that paragraph for any non-payment of jobseeker’s allowance under regulation 147 or of income support under regulation 70 of the Income Support Regulations (urgent cases)), 33, 41(2), (3) or (4) or 42 of Schedule 6 (disregard of income other than earnings) applies,
- possessed or treated as possessed by him, shall be taken into account in full notwithstanding any provision in that Part disregarding the whole or any part of that income;”, and
- (b) in paragraph (2) after “Part VII of the Benefits Act” there shall be inserted “or any arrears of benefit due under regulation 147 or regulation 70 of the Income Support Regulations (urgent cases)”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

6th March 1998.

John O'Neill
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to regulations 3(1), (2) (c), (3) and (4)(c), 4(1), (2)(c) and (3), 5(1) and (2)(a), 6, 7, and 11(3) and (4)(a) of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on

L.S.

9th March 1998.

J. Ritchie
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend—

- (a) the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996;
- (b) the Disability Working Allowance (General) Regulations (Northern Ireland) 1992, the Family Credit (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Housing Benefit Regulations”), the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”) (collectively referred to below as “the Income-Related Benefits”) and the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”);

in the following respects—

The Social Security (Child Maintenance Bonus) Regulations 1996 are amended with respect to the definition of “child maintenance”, to provide for the periods for which the work condition for entitlement to a bonus will remain satisfied in specified cases and to amend the conditions specifying what comprises a bonus period (regulation 2).

The Income-Related Benefits Regulations and the Jobseeker’s Allowance Regulations are amended—

- (a) with respect to the assessment of a student’s income (regulation 3);
- (b) with respect to the disregard of income other than earnings (regulation 4).

The Housing Benefit, Income Support and Jobseeker’s Allowance Regulations are amended with respect to the meaning of persons in detention (regulation 5).

The Housing Benefit Regulations are amended so as to update a definition applicable for establishing a person’s maximum rent eligible for housing benefit and with respect to tenancies excluded from the benefit (regulations 6 and 7).

The Income Support and Jobseeker’s Allowance Regulations are amended with respect to the treatment of instalments of grant awards for former students and the calculation of notional income and income other than earnings (regulations 8 and 9).

The Jobseeker’s Allowance Regulations are amended by extending the meaning of “period of interruption of employment” which is to form part of jobseeking periods and so as to provide that in relation to linked periods which span 6th October 1996, days of unemployment which form part of a period of interruption of employment, shall be treated as a jobseeking period in certain circumstances where such linked periods had already ended before 1st December 1997 (regulation 10).

All the Regulations referred to in sub-paragraph (b) of the first paragraph to this Note, together with the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976, the Child Benefit (General) Regulations (Northern Ireland) 1979, the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984, the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992 and the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992, are amended so as to extend the right to benefit of persons granted exceptional leave to enter the United Kingdom by an immigration officer (regulation 11).

The Income Support Regulations and the Jobseeker’s Allowance Regulations are further amended so as to disregard concessionary payments in respect of unpaid income support, income-based

jobseeker's allowance and payments from the social fund, in calculating a person's entitlement to urgent payments of either of those benefits (regulation 12).

In so far as these Regulations are required, for the purposes of regulations 3(1), (2)(c), (3) and (4)(c), 4(1), (2)(c) and (3), 5(1) and (2)(a), 6, 7 and 11(3) and (4)(a) to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), ("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.