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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 381**

**HOUSING; RATES  
SOCIAL SECURITY**

**The Social Security (Miscellaneous Amendments  
No. 2) Regulations (Northern Ireland) 1999**

*Made - - - - 14th September 1999*

*Coming into operation 4th October 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1), 123(1)(e), 131(1), 132(3) and (4)(b), 133(2)(d), 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup>, Article 36(2) of, and paragraph 1(2) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995<sup>(2)</sup> and sections 1(1), 5(1)(a), 61(2A) and 165(1) and (3) to (5) of the Social Security Administration (Northern Ireland) Act 1992<sup>(3)</sup> and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland<sup>(4)</sup> in so far as regulation 4 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>(5)</sup>, 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) 1999 and shall come into operation on 4th October 1999.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(6)</sup> shall apply to these Regulations as it applies to a Measure of the Assembly.

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(1) 1992 c. 7; section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))  
(2) S.I. 1995/2705 (N.I. 15)  
(3) 1992 c. 8; section 61(2A) was inserted by Article 30(2) of the Jobseekers (Northern Ireland) Order 1995  
(4) 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))  
(5) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992  
(6) 1954 c. 33 (N.I.)

## Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987<sup>(7)</sup> shall be amended in accordance with paragraphs (2) to (11).

(2) At the end of regulation 5 (persons treated as engaged in remunerative work) there shall be added the following paragraphs—

“(8) Subject to paragraph (9), a person who has not been treated as engaged in remunerative work in accordance with regulation 6(2) as a consequence of his commencing work shall be treated as engaged in remunerative work for the period specified in paragraph (10) where he ceased to be engaged in that work within the period of 5 weeks beginning on and including the date on which he commenced it.

(9) Paragraph (8) shall not apply in the case of a person who is temporarily absent from the work referred to in regulation 6(2)(a).

(10) A person to whom paragraph (8) applies shall be treated as engaged in remunerative work for the period commencing on and including the day after the day on which he was last engaged in the work referred to in regulation 6(2)(a) and ending on the day on which the length of that period corresponds with the length of the period in respect of which he had not been treated as engaged in remunerative work in accordance with regulation 6(2).”.

(3) Regulation 6 (persons not treated as engaged in remunerative work) shall be renumbered paragraph (1) of regulation 6 and after the renumbered paragraph (1) there shall be added the following paragraphs—

“(2) A lone parent shall not be treated as engaged in remunerative work for the period specified in paragraph (3) in so far as—

(a) he is engaged in work which—

(i) is remunerative work, and

(ii) he is expected to be engaged in for a period of no less than 5 weeks, and

(b) he had been, for a continuous period of 26 weeks ending on the day before the day on which he commenced the work referred to in sub-paragraph (a)—

(i) entitled to and in receipt of income support or income-based jobseeker’s allowance, and

(ii) a lone parent.

(3) A person referred to in paragraph (2) shall not be treated as engaged in remunerative work for the period of 14 days commencing with and including the day on which he was first engaged in the work referred to in sub-paragraph (a) of that paragraph.”.

(4) In the definition of “part-time employment” in both regulation 29(4D)(a) (calculation of earnings derived from employed earner’s employment and income other than earnings) and regulation 35(3)(c) (earnings of employed earners)<sup>(8)</sup> for “6” there shall be substituted “6(1)”.

(5) In regulation 36(2) (calculation of net earnings of employed earners) after “13” there shall be inserted “, 15A or 15B”.

(6) In regulation 38(2) (calculation of net profit of self-employed earners) after “13” there shall be inserted “or 15B”.

(7) In Schedule 1B<sup>(9)</sup> (prescribed categories of person)—

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(7) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1989 No. 365, S.R. 1990 No. 131, S.R. 1995 No. 67, S.R. 1996 Nos. 199 and 405 and S.R. 1999 No. 342

(8) Regulation 29(4D)(a) was inserted by regulation 9(c) of S.R. 1989 No. 365 and regulation 35(3)(c) was added by regulation 11(b) of S.R. 1989 No. 365

(9) Schedule 1B was inserted by regulation 22 and Schedule 1 to S.R. 1996 No. 199

- (a) in paragraph 8 for “regulation 6(a)” there shall be substituted “regulation 6(1)(a)”;
  - (b) in paragraph 9 for “regulation 6(g)” there shall be substituted “regulation 6(1)(g)”.
- (8) In Schedule 2 (applicable amounts) after paragraph 12(6)(10) (additional condition for the higher pensioner and disability premiums) there shall be added the following sub-paragraph—
- “(7) A person—
- (a) to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, and
  - (b) whose applicable amount immediately before he was engaged in the work referred to in regulation 6(2)(a), included a premium applicable under paragraph 11(a),
- shall, for the period specified in regulation 6(3), be treated as having continued to satisfy the additional condition specified in this paragraph for the payment of that premium.”
- (9) In Schedule 8 (sums to be disregarded in the calculation of earnings) after paragraph 15A(11) there shall be inserted the following paragraph—
- “**15B.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, any earnings which derive from the work referred to in sub-paragraph (a) of that regulation but only to the extent that they relate to work performed during the period specified in regulation 6(3).”
- (10) At the end of Schedule 9(12) (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—
- “**68.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, any working families tax credit or disabled person’s tax credit to which section 127(13) or as the case may be 128(14) of the Contributions and Benefits Act refers which is paid to that person.”
- (11) At the end of Schedule 10(15) (capital to be disregarded) there shall be added the following paragraph—
- “**55.** In the case of a person to whom regulation 6(2) (persons not treated as engaged in remunerative work) applies, the amount of any—
- (a) back to work bonus payable to that lone parent by way of a jobseeker’s allowance or income support in accordance with Article 28 of the Jobseekers Order or a corresponding payment under section 26 of the Jobseekers Act 1995(16), or
  - (b) child maintenance bonus payable to that lone parent by way of a jobseeker’s allowance or income support in accordance with Article 4 of the Child Support (Northern Ireland) Order 1995(17) or a corresponding payment under section 10 of the Child Support Act 1995(18),
- which is paid during the period specified in regulation 6(3).”

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(10) Sub-paragraph (6) was added by regulation 2(12)(c) of S.R. 1995 No. 67

(11) Paragraph 15A was inserted by regulation 5(11)(c) of S.R. 1996 No. 405

(12) Paragraph 67 was added by regulation 5(4) of S.R. 1999 No. 342

(13) Section 127 was amended by section 1(2) and paragraph 4(g) of Schedule 1 to the Tax Credits Act 1999 (c. 10)

(14) Section 128 was amended by section 1(2) and paragraph 4(h) of Schedule 1 to the Tax Credits Act 1999

(15) Paragraph 54 was added by regulation 5(5) of S.R. 1999 No. 342

(16) 1995 c. 18

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

(18) 1995 c. 34

### **Amendment of the Jobseeker’s Allowance Regulations**

3. At the end of regulation 52 of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996<sup>(19)</sup> (persons treated as engaged in remunerative work) there shall be added the following paragraphs—

“(4) Subject to paragraph (5), a person who has not been treated as engaged in remunerative work in accordance with regulation 6(2) of the Income Support Regulations (persons not treated as engaged in remunerative work) as a consequence of his commencing work shall be treated as engaged in remunerative work for the period specified in paragraph (6) where he ceased to be engaged in that work within the period of 5 weeks beginning on and including the date on which he commenced it.

(5) Paragraph (4) shall not apply in the case of a person who is temporarily absent from the work referred to in regulation 6(2)(a) of the Income Support Regulations.

(6) A person to whom paragraph (4) applies shall be treated as engaged in remunerative work for the period commencing on and including the day after the day on which he was last engaged in the work referred to in regulation 6(2)(a) of the Income Support Regulations and ending on the day on which the length of that period corresponds with the length of the period in respect of which he had not been treated as engaged in remunerative work in accordance with regulation 6(2) of those Regulations.”.

### **Amendment of the Housing Benefit (General) Regulations**

4.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987<sup>(20)</sup> shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 62A<sup>(21)</sup> (extended payments)—

(a) in paragraph (1)—

(i) after the words “in a case” where they first occur, there shall be inserted “other than a case to which paragraph (1A) applies”;

(ii) in sub-paragraph (a)(i) for “67(a)” there shall be substituted “67(1)(a)”;

(iii) in sub-paragraph (a)(ii) for “67(c)” there shall be substituted “67(1)(c)”;

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

“(1A) Subject to paragraph (2), in the case of a person to whom regulation 6(2) of the Income Support (General) Regulations (Northern Ireland) 1987 (persons not treated as engaged in remunerative work) applies, his housing benefit shall be determined in accordance with Part II of Schedule 5A (extended payments of housing benefit) where—

(a) he was entitled to housing benefit and his benefit period has come to an end—

(i) on either of the grounds specified in paragraph (1)(a), or

(ii) in accordance with regulation 67(1)(c) on the ground that he vacated the dwelling of which he was a resident during the period specified in regulation 6(3) of those Regulations, and

(b) the Department has certified to the appropriate authority—

(i) that regulation 6(2) of those Regulations applies to him;

(ii) the date on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations, and

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<sup>(19)</sup> S.R. 1996 No. 198

<sup>(20)</sup> S.R. 1987 No. 461; relevant amending Regulations are S.R. 1991 No. 47, S.R. 1996 Nos. 115 and 334 and S.R. 1998 No. 112

<sup>(21)</sup> Regulation 62A was inserted by regulation 3 of S.R. 1996 No. 115

- (iii) the date on which his entitlement to income support ceased or is expected to cease.
- (1B) Any award determined in accordance with paragraph (1A) shall be referred to in these Regulations as an “extended payment”.”;
- (c) in paragraph (5)—
  - (i) in sub-paragraph (a) for the words from “during” to the end there shall be substituted the following—
    - “—
    - (i) in a case where the beneficiary is a person to whom regulation 6(2) of the Income Support (General) Regulations (Northern Ireland) 1987 (persons not treated as engaged in remunerative work) applies, during the period beginning on and including the day immediately following the end of the relevant benefit period and ending on the last day of the benefit week which includes the day—
      - (aa) which is 4 weeks after the day on which that person was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations, or
      - (bb) on which that person’s liability for rent or rates or both ends, whichever shall first occur;
    - (ii) in any other case, during the 4 weeks immediately following the end of the relevant benefit period, and”;
    - (ii) in sub-paragraph (b) for “made within that 4 week period” there shall be substituted “made by the beneficiary within the period which, under sub-paragraph (a) applies in his case”.
- (3) In regulation 72 (time and manner in which claims are to be made)—
  - (a) in paragraph (13)(22)—
    - (i) in sub-paragraph (a)—
      - (aa) at the beginning there shall be inserted “subject to paragraph (13A),”;
      - (bb) for “67(a)” there shall be substituted “67(1)(a)”;
    - (ii) at the end of sub-paragraph (b) there shall be inserted “or”;
    - (iii) after sub-paragraph (b) there shall be added the following sub-paragraph—
      - “(c) the Department has certified the matters specified in regulation 62A(1A)(b) to the appropriate authority,”;
  - (b) after paragraph (13) there shall be inserted the following paragraph—
    - “(13A) Where the appropriate authority has invited a person to make a claim for a further grant of housing benefit pursuant to paragraph (13)(c), it need not invite that person to make a claim for a further grant of that benefit pursuant to paragraph (13)(a).”.
- (4) In regulation 76 (who is to make a determination)—
  - (a) in paragraph (4)(23) after “this regulation” there shall be inserted “and subject to paragraph (5)”;
  - (b) after paragraph (4) there shall be added the following paragraph—
    - “(5) For the purposes of paragraph (4), a person shall be treated as having claimed an extended payment where—

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(22) Paragraph (13) was amended by regulation 9(b) of S.R. 1991 No. 47 and by regulation 13(c) of S.R. 1996 No. 334

(23) Paragraph (4) was added by regulation 5 of S.R. 1996 No. 115 and amended by regulation 15 of S.R. 1996 No. 334

- (a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations (Northern Ireland) 1987 (persons not treated as engaged in remunerative work) applies, and
  - (b) the Department has certified the matters specified in regulation 62A(1A)(b) to the appropriate authority during the period of 14 days commencing on and including the day on which that person was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations,
- and the appropriate day in relation to that person shall be the day on which that person was first engaged in the work referred to in that sub-paragraph of that regulation.”.
- (5) In Schedule 5A(24) (extended payments of housing benefit)—
- (a) in paragraph 2(c)(25) (conditions for an extended payment)—
    - (i) at the end of head (iii) there shall be inserted “or”;
    - (ii) after head (iii) there shall be added the following heads—
      - “(iv) the claimant’s applicable amount included an amount applicable under paragraph 11 of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987 (disability premium) or, as the case may be, under paragraph 13 of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (disability premium), or
      - (v) the claimant was, or was treated as, incapable of work in accordance with Part XIIA of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work);”;
  - (b) in paragraph 4 (calculation and payment of an extended payment)—
    - (i) in sub-paragraph (3) for “paragraph (1)” there shall be substituted “sub-paragraph (1)”;
    - (ii) in sub-paragraph (4) for “4 weeks following the last day” there shall be substituted “weeks in the period specified in regulation 62A(5)(a)”;
  - (c) in paragraph 8(b) (movers and extended payments) for “4 weeks rent and rates” there shall be substituted “the rent and rates in respect of the period specified in regulation 62A(5)(a)”.
  - (d) in paragraph 10 (movers and rates rebate) for “4 weeks liability for rates” there shall be substituted “the liability for rates for the period specified in regulation 62A(5)(a)”;
  - (e) paragraph 13 (interpretation) shall be renumbered paragraph 13(1) and in that renumbered sub-paragraph—
    - (i) in the definition of “claimant” after “means” there shall be inserted “, subject to sub-paragraph (2),”;
    - (ii) at the end of the definition of “the relevant benefit period” there shall be inserted “or, as the case may be, (1A)(a)”;
  - (f) after the renumbered paragraph 13(1) there shall be added the following sub-paragraph—
    - “(2) For the purposes of this Schedule (other than Part I), a person shall be treated as having claimed an extended payment where—
      - (a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations (Northern Ireland) 1987 (persons not treated as engaged in remunerative work) applies, and

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(24) Schedule 5A was inserted by regulation 6 of [S.R. 1996 No. 115](#)

(25) Paragraph 2(c) was amended by regulation 22(a)(ii) of [S.R. 1996 No. 334](#) and regulation 7(a) and (b)(i) and (ii) of [S.R. 1998 No. 112](#)

- (b) the Department has certified the matters specified in regulation 62A(1A)(b) to the appropriate authority,  
and “claim” and “claimant” shall be construed accordingly.”.

#### **Amendment of the Social Security (Claims and Payments) Regulations**

5. At the end of regulation 3 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(26) (claims not required for entitlement to benefit in certain cases) there shall be added the following paragraph—

- “(h) in the case of income support where the beneficiary—
- (i) is a person to whom regulation 6(2) of the Income Support (General) Regulations (Northern Ireland) 1987 (persons not treated as engaged in remunerative work) applies;
  - (ii) was in receipt of an income-based jobseeker’s allowance on the day before the day on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations, and
  - (iii) would satisfy the conditions of entitlement to income support (apart from the condition of making a claim which would apply in the absence of this paragraph) only by virtue of regulation 6(3) of those Regulations.”.

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

L.S.

14th September 1999.

*W. B. J. Davis*  
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to regulation 4 of the foregoing Regulations.

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

L.S.

14th September 1999.

*J. McCormick*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

In particular, regulation 2(3) provides that for the purpose of entitlement to income support, a lone parent may be treated as not engaged in remunerative work for the first 14 days after commencing such work following a period of entitlement to income support or income-based jobseeker's allowance of at least 26 weeks.

These Regulations also provide that during the 14 day period—

- any disability premium which was applicable before commencing such work, shall continue to be applicable for that period (regulation 2(8));
- any earnings from the employment which caused the lone parent to be treated as not engaged in remunerative work shall be disregarded (regulation 2(9));
- any working families tax credit or disabled person's tax credit shall be disregarded as income (regulation 2(10));
- any back to work bonus or child maintenance bonus shall be disregarded as capital when paid during that period (regulation 2(11)).

Regulation 2(5) and (6) makes amendments which are consequential on that made in regulation 2(9). Regulation 2(4) and (7) makes amendments which are consequential on that made in regulation 2(3).

Regulations 2(2) and 3 provide that in income support and jobseeker's allowance respectively, a lone parent who was previously treated as not engaged in remunerative work in accordance with regulation 2(3), shall be treated as engaged in remunerative work for a specified period if he ceases to be so engaged in such work within 5 weeks of commencing it.

Regulation 4(2) to (4) and (5)(b) to (f) provides for the treatment of extended payments of housing benefit in the case of lone parents who are not treated as engaged in remunerative work pursuant to these Regulations. Those provisions also make consequential and minor technical amendments.

Regulation 4(5)(a) provides that extended payments of housing benefit shall be made to those persons who were in receipt of income support whilst incapable of work or were in receipt of income support or jobseeker's allowance which included the disability premium.

Regulation 5 amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 so as to provide that certain lone parents who are not treated as engaged in remunerative work pursuant to these Regulations, shall not be required to make a claim for income support in order to be entitled to it.

In so far as these Regulations are required, for the purposes of regulation 4, 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



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the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.