

1988 No. 192

SOCIAL SECURITY

**The Family Credit (General) (Amendment No. 2)
Regulations (Northern Ireland) 1988**

Made 27th May 1988

Coming into operation 30th May 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 23(9)(b) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, by this statutory rule which is made before the end of a period of 12 months from the commencement of the statutory provision under which it is made, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Credit (General) (Amendment No. 2) Regulations (Northern Ireland) 1988 and shall come into operation on 30th May 1988.

(2) In these regulations “the principal regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987(b).

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) in the definition of “premises” for “garden or out-buildings” there shall be substituted “garden and outbuildings”.

Amendment of Schedule 3 to the principal regulations

3. In Schedule 3 to the principal regulations (capital to be disregarded) after paragraph 25 there shall be inserted the following paragraphs—

“26.—(1) Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling.

(2) In this paragraph “dwelling” includes any garage, garden and outbuildings which were formerly occupied by the claimant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately.

27. Any premises or land where the claimant is taking reasonable steps to dispose of those premises or that land, for a period of 26 weeks from the

(a) S.I. 1986/1888 (N.I. 18)

(b) S.R. 1987 No. 463; relevant amending regulations are S.R. 1988 No. 131

date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises or that land.

28. Any premises where the claimant has commenced legal proceedings to obtain possession of those premises in order to occupy them as his home, for a period of 26 weeks from the date on which he commenced such proceedings, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

29. Any premises which the claimant intends to occupy as his home, to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.

30. Any premises occupied in whole or in part by the former partner of a claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.”.

Sealed with the Official Seal of the Department of Health and Social Services on 27th May 1988.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Family Credit (General) Regulations (Northern Ireland) 1987.

Regulation 2 makes a minor amendment to the definition of premises.

Regulation 3 provides, in the calculation of capital, for the disregard, for a period of 26 weeks, of the claimant's interest in his former home where he has left that home following his estrangement or divorce from his former partner; for the disregard, for such period or longer, of premises or land where he is taking steps to dispose of his interest therein, or of any premises where he is seeking possession of them in order to occupy them as his home or essential repairs or alterations are required before such occupation; and for the disregard of any premises occupied by a former partner from whom the claimant is neither estranged nor divorced.

The regulations are made before the expiry of 12 months from the commencement of the provision under which they are made: they are accordingly exempt, by Article 62(5) of the Social Security (Northern Ireland) Order 1986, from reference to the Social Security Advisory Committee and have not been so referred.