

1989 No. 249

SOCIAL SECURITY

The Family Credit and Income Support (General) (Amendment) Regulations (Northern Ireland) 1989

Made 30th June 1989

Coming into operation—

regulations 1, 3 to 7,

9 to 13 and 14(b)

regulations 2, 8 and 14(a)

10th July 1989

4th September 1989

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(3)(a) and (d) and 23(1), (8) and (9) of the Social Security (Northern Ireland) Order 1986(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 Family Credit and Income Support (General) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation as follows—

(a) regulations 1, 3 to 7, 9 to 13 and 14(b) on 10th July 1989;

(b) regulations 2, 8 and 14(a) on 4th September 1989.

(2) In these regulations—

“the Family Credit Regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987(b);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(c).

Amendment of regulation 38 of the Family Credit Regulations

2. In regulation 38(2)(f) of the Family Credit Regulations (calculation of grant income) for “£220” there shall be substituted “£234”.

Amendment of Schedules 2 and 3 to the Family Credit Regulations

3. In paragraph 25 of Schedule 2, and paragraph 18 of Schedule 3, to the Family Credit Regulations (income other than earnings and capital to be disregarded) for the words from “under section 164” to the end of each

(a) S.I. 1986/1888 (N.I. 18); Article 21(3)(a) was amended by Article 6(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)). Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the regulation-making powers conferred by this Order; the said section 155(3A) was inserted by Article 63(1)

(b) S.R. 1987 No. 463; the relevant amending regulations are S.R. 1988 No. 303

(c) S.R. 1987 No. 459; the relevant amending rules are S.R. 1988 Nos. 146, 274 and 318 and S.R. 1989 Nos. 18 and 139

paragraph there shall be substituted “by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968(a) (Health and Social Services Boards’ duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care).”.

Amendment of regulation 13 of the Income Support Regulations

4. In regulation 13(2) of the Income Support Regulations (circumstances in which persons in relevant education are to be entitled to income support) for sub-paragraph (d) there shall be substituted the following sub-paragraph—

- “(d) of necessity has to live away from his parents or any person acting in the place of his parents because—
- (i) he is estranged from his parents or that person,
 - (ii) he is in physical or moral danger, or
 - (iii) there is a serious risk to his physical or mental health;”.

Amendment of regulation 18 of the Income Support Regulations

5. In regulation 18(1)(b) of the Income Support Regulations (polygamous marriages) for “and (1)(c)” there shall be substituted “and (1)(e)” (b).

Amendment of regulation 22 of the Income Support Regulations

6. In regulation 22(1)(a) of the Income Support Regulations (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification)—

- (a) in head (i) for “paragraph 1(1)(a)” there shall be substituted “paragraph 1(1)(a), (b) or (c), as the case may be,”(b);
- (b) in head (ii) for “paragraph 1(1)(b)” there shall be substituted “paragraph 1(1)(d)”(b);
- (c) in head (iii) for “paragraph 1(1)(c)” there shall be substituted “paragraph 1(1)(e)”(b).

Amendment of regulation 41 of the Income Support Regulations

7. In regulation 41(3) of the Income Support Regulations (capital treated as income) for the words from “under section 164” to the end there shall be substituted “by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968 (Health and Social Services Boards’ duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care) shall be treated as income.”.

Amendment of regulation 62 of the Income Support Regulations

8. In regulation 62(2)(g) of the Income Support Regulations (calculation of grant income) for “£220” there shall be substituted “£234”.

(a) 1968 c. 34 (N.I.); sections 122 and 164 were amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)); by virtue of Article 17(1)(c) of that Order the functions under sections 122, 123 and 164 are exercised by Health and Social Services Boards

(b) See regulation 11 of these regulations

Amendment of regulation 71 of the Income Support Regulations

9. In regulation 71(1) of the Income Support Regulations (applicable amounts in urgent cases)—

- (a) in sub-paragraph (a)(iii) for “paragraph 15(2) or (3) of Schedule 2 (pensioner premiums)” there shall be substituted “Part II or III of Schedule 2 (premiums)”;
- (b) in sub-paragraph (d)(ii) for “paragraph 9 or 10 of Schedule 2” there shall be substituted “Part II or III of Schedule 2”.

Amendment of Schedule 1A to the Income Support Regulations

10. In Schedule 1A to the Income Support Regulations (circumstances in which a person aged 16 or 17 is eligible for income support) after paragraph 9 there shall be inserted the following paragraph—

“9A. A registered person who of necessity has to live away from his parents or any person acting in the place of his parents because—

- (a) he is estranged from his parents or that person;
- (b) he is in physical or moral danger; or
- (c) there is a serious risk to his physical or mental health.”

Amendment of Schedule 2 to the Income Support Regulations

11. In paragraph 1 of Schedule 2 to the Income Support Regulations (applicable amounts)—

- (a) for sub-paragraphs (1) and (2) there shall be substituted the following sub-paragraphs—

“(1) Single claimant aged—

- (a) except where head (b) or (c) applies, less than 18;
- (b) less than 18 who is a person to whom Part II of Schedule 1A applies and who—
 - (i) is eligible for income support under regulation 13A, or
 - (ii) is the subject of a direction under Article 21(4A) of the Order(a);
- (c) less than 18 who is a person to whom Part I of Schedule 1A applies and who, had he been a registered person, would satisfy any of the conditions in Part II of that Schedule and who—
 - (i) is eligible for income support under regulation 13A, or

(1) (a) £20·80;

(b) £27·40;

(c) £27·40;

(a) Article 21(4A) was inserted by Article 6(2) of the Social Security (Northern Ireland) Order 1988

- (ii) is the subject of a direction under Article 21(4A) of the Order;
- (d) not less than 18 but less than 25; (d) £27·40;
- (e) not less than 25. (e) £34·90.
- (2) Lone parent aged—
- (a) except where head (b) or (c) applies, less than 18; (2) (a) £20·80;
- (b) less than 18 who is a person to whom Part II of Schedule 1A applies and who— (b) £27·40;
 - (i) is eligible for income support under regulation 13A, or
 - (ii) is the subject of a direction under Article 21(4A) of the Order;
- (c) less than 18 who is a person to whom Part I of Schedule 1A applies and who, had he been a registered person, would satisfy any of the conditions in Part II of that Schedule and who— (c) £27·40
 - (i) is eligible for income support under regulation 13A, or
 - (ii) is the subject of a direction under Article 21(4A) of the Order;
- (d) not less than 18. (d) £34·90.”;
- (b) in sub-paragraph (3)—
- (i) after head (a) there shall be inserted the following head—
 - “(aa) where both members are aged less than 18 and sub-paragraph (3)(a) does not apply but one member of the couple is a person to whom Part II of Schedule 1A applies or who, had he been a registered person, would satisfy any of the conditions in that Part and that member— (aa) £27·40;
 - (i) is eligible for income support

under regulation
13A, or

(ii) is the subject of a
direction under
Article 21(4A) of
the Order;”,

(ii) in head (b) after “sub-paragraph (3)(a)” there shall be inserted
“or (aa)”.

Amendment of Schedules 9 and 10 to the Income Support Regulations

12. In paragraph 28 of Schedule 9, and paragraph 17 of Schedule 10, to the Income Support Regulations (income other than earnings and capital to be disregarded) for the words from “under section 164” to the end of each paragraph there shall be substituted “by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968 (Health and Social Services Boards’ duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care).”.

Transitional provision

13. Where, immediately before the coming into operation of regulation 4 of these regulations, a person was entitled to income support by virtue of paragraph (2)(d) of regulation 13 of the Income Support Regulations, notwithstanding that he was to be treated as receiving relevant education under regulation 12 of those regulations, that paragraph shall continue to apply to him as if the substitution made by regulation 4 of these regulations had not been made for so long as he continues to satisfy the other conditions of entitlement to income support.

Revocations

14. The following regulations are hereby revoked—

- (a) regulation 7 of the Family Credit (General) (Amendment No. 3) Regulations (Northern Ireland) 1988(a) and regulation 13 of the Income Support (General) (Amendment No. 4) Regulations (Northern Ireland) 1988(b); and
- (b) regulation 4 of the Income Support (General) (Amendment) Regulations (Northern Ireland) 1989(c).

Sealed with the Official Seal of the Department of Health and Social Services on 30th June 1989.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987 in the following respects—

- (a) they provide for young persons in relevant education and for 16 and 17 year olds who of necessity are living away from their parents to be eligible for income support in certain specified circumstances (regulations 4 and 10); and increase the personal allowances for certain single claimants, couples and lone parents under 18 living away from home (regulations 6 and 11: regulation 5 contains a consequential amendment);
- (b) they provide in cases of trade disputes for certain payments made by Health and Social Services Boards to persons in, or formerly in, their care to be treated as income (regulation 7); and in other cases for the disregard of such payments (regulation 12); and, in the calculation of a student's grant income, increase to £234 the amount of the disregard for books and equipment (regulation 8);
- (c) they extend to urgent cases eligibility to all premiums (regulation 9); and make transitional provision for persons in relevant education eligible for income support by virtue of their estrangement from their parents to continue to be so eligible notwithstanding the new tests prescribed by these regulations (regulation 13).

The regulations also further amend the Family Credit (General) Regulations (Northern Ireland) 1987 by providing in cases of trade disputes for the disregard of certain payments made by Health and Social Services Boards to persons in, or formerly in, their care (regulation 3); and, in the calculation of a student's grant income, by increasing to £234 the amount of the disregard for books and equipment (regulation 2).

Regulation 14 contains consequential revocations.

The regulations correspond 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 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.