

1991 No. 326

SOCIAL SECURITY

**The Family Credit (General) (Amendment) Regulations
(Northern Ireland) 1991**

Made 25th July 1991

Coming into operation—

*regulations 1, 4, 6, 7, 8
and 11*

6th August 1991

regulations 3, 5, 9 and 10

8th October 1991

regulation 2

7th April 1992

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(12)(c) and (d)(i) and 23(8) and (9)(a) and (b) 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 (General) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation as follows—

(a) regulations 1, 4, 6, 7, 8 and 11 on 6th August 1991;

(b) regulations 3, 5, 9 and 10 on 8th October 1991;

(c) regulation 2 on 7th April 1992.

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

Amendment of regulations 4 and 5 of the principal regulations

2. In regulations 4(1) and 5(1) of the principal regulations (remunerative work, and engagement in remunerative work and normal engagement) for “24” there shall be substituted “16”.

Amendment of regulation 13 of the principal regulations

3. In regulation 13 of the principal regulations (calculation of income on a weekly basis) for paragraph (2) there shall be substituted the following paragraph—

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- (a) S.I. 1986/1888 (N.I. 18); Article 21(12)(d) was substituted by Article 15(2) of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)). 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; relevant amending regulations are S.R. 1988 Nos. 131, 205, 303 and 423, S.R. 1990 Nos. 33, 137, 138, 297, 305 and 347 and S.R. 1991 No. 204

“(2) For the purposes of paragraph (1) “income” includes capital treated as income under regulation 25 (capital treated as income) and income which a claimant is treated as possessing under regulation 26 (notional income).”.

Amendment of regulation 24 of the principal regulations

4. In regulation 24(4A) of the principal regulations (calculation of income other than earnings) after “1990” there shall be inserted “or section 1 of the Education (Student Loans) Act 1990(a)”.

Amendment of regulation 34A of the principal regulations

5. In regulation 34A of the principal regulations (diminishing notional capital rule)—

(a) in paragraph (3) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) if the claimant would, but for regulation 43(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(b) (notional capital), have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week in which the date of the last claim for family credit falls, the amount (if any) which is equal to—

(i) in a case where no housing benefit is payable, the amount to which he would have been entitled, or

(ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled.”;

(b) in paragraph (4) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) if the claimant would, but for regulation 43(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week in which the first day of the relevant week falls, the amount (if any) which is equal to—

(i) in a case where no housing benefit is payable, the amount to which he would have been entitled, or

(ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled.”.

Amendment of regulation 37 of the principal regulations

6. In regulation 37 of the principal regulations (interpretation)—

(a) after the definition of “grant income” there shall be inserted the following definition—

“ “last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;”;

(a) 1990 c. 6

(b) S.R. 1987 No. 461; regulation 43(1) was amended by S.R. 1990 No. 345

(b) in the definition of “period of study”—

- (i) in paragraph (a) for “to the end” there shall be substituted “and ending with the last day of the course”,
 - (ii) in paragraph (b) after “any subsequent year of the course,” there shall be inserted “other than the final year of the course,”,
 - (iii) after paragraph (b) there shall be added the following paragraph—
 “(c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;”;
- (c) in the definition of “student” in paragraph (a) for “the end of the course” there shall be substituted “the last day of the course”.

Amendment of regulation 38 of the principal regulations

7. In regulation 38(2)(f) of the principal regulations (calculation of grant income) for “£246” there shall be substituted “£257”.

Amendment of regulation 42A of the principal regulations

8. In regulation 42A of the principal regulations (treatment of student loans)—

- (a) in paragraph (1) after “1990” there shall be inserted “or section 1 of the Education (Student Loans) Act 1990”;
- (b) in paragraph (2)(b) for “date on which the course ends” there shall be substituted “last day of the course”.

Amendment of Schedule 2 to the principal regulations

9. In Schedule 2 to the principal regulations (sums to be disregarded in the calculation of income other than earnings) in paragraph 14 for sub-paragraph (b) there shall be substituted the following sub-paragraph—

- “(b) a pension paid by the government of a country outside the United Kingdom which is either—
- (i) analogous to a war disablement pension, or
 - (ii) analogous to a war widow’s pension;”.

Amendment of Schedule 3 to the principal regulations

10. In Schedule 3 to the principal regulations (capital to be disregarded) in paragraph 24 after “occupational” there shall be inserted “or personal”.

Revocations

11. Regulation 2 of the Family Credit and Income Support (General) (Amendment) Regulations (Northern Ireland) 1989(a) and regulation 2(4) of Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations (Northern Ireland) 1990(b) are hereby revoked.

(a) S.R. 1989 No. 249
 (b) S.R. 1990 No. 297

Sealed with the Official Seal of the Department of Health and Social Services on 25th July 1991.

(L.S.)

C. Davie

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

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

- (a) they reduce the average number of hours which a person will need to work to satisfy the remunerative work rules from 24 to 16 hours a week (regulation 2);
- (b) they define income for the purpose of calculating income on a weekly basis (regulation 3);
- (c) they make provision for the calculation of income from loans made to students in Great Britain, define the last day of the course in relation to students and increase the amount to be disregarded from a student's grant income in respect of books and equipment from £246 to £257 (regulations 4, 6, 7 and 8);
- (d) they make provision for the amount of capital which a person is treated as possessing to be reduced by the amount of housing benefit that would have been payable if entitlement to that benefit had not been removed (regulation 5);
- (e) they make provision for certain pensions paid by the government of a country outside the United Kingdom to be disregarded in the calculation of income (regulation 9);
- (f) they make provision for the value of the right to receive a personal pension to be disregarded in the calculation of capital (regulation 10).

They also contain revocations (regulation 11).

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.