

1991 No. 520

HOUSING; RATES; SOCIAL SECURITY

The Income-Related Benefits (Amendment)
Regulations (Northern Ireland) 1991

Made 4th December 1991

Coming into operation—

regulation 1	27th December 1991
regulation 4	27th December 1991
regulation 3	
insofar as it relates to any case referred to in regulation 1(2)	1st April 1992
insofar as it relates to any other case	6th April 1992
regulation 2	7th April 1992

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1) and 23(1), (5) and (9)(a) and (b) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment(b) so far as relates to matters with regard to which such consent is required, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(c), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Income-Related Benefits (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation as follows—

- (a) regulation 1 on 27th December 1991;
- (b) regulation 4 in relation to a particular claimant, at the beginning of the first benefit week to commence for that claimant on or after 27th December 1991;
- (c) regulation 3 in any case to which paragraph (2) applies on 1st April 1992, and in any other case on 6th April 1992;

(a) S.I. 1986/1888 (N.I. 18); 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 enabling provisions under which these regulations are made; section 155(3A) was inserted by Article 63(1)

(b) See Article 81(5) of the Social Security (Northern Ireland) Order 1986

(c) See Article 62(1)(b) of the Social Security (Northern Ireland) Order 1986

(d) regulation 2 on 7th April 1992.

(2) 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.

(3) In paragraph (1)(b) the expressions “benefit week” and “claimant” have the same meaning as in the Income Support (General) Regulations (Northern Ireland) 1987(a).

(4) In these regulations—

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

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(c);

“the Income Support Regulations” means the Income Support (General) (Amendment No. 5) Regulations (Northern Ireland) 1991(d).

Amendment of the Family Credit Regulations

2. In Schedule 2 to the Family Credit Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 13 for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) Sub-paragraphs (1) and (2) shall not apply to a maintenance payment which is made or due to be made by—

(a) a former partner of the claimant, or a former partner of any member of the claimant’s family; or

(b) the parent of a child or young person where that child or young person is a member of the claimant’s family.”;

(b) after paragraph 47 there shall be added the following paragraph—

“48.—(1) £15 of any maintenance payment, whether under a court order or not, which is made or due to be made by—

(a) the claimant’s former partner, or the claimant’s partner’s former partner; or

(b) the parent of a child or young person where that child or young person is a member of the claimant’s family except where that parent is the claimant or the claimant’s partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.”.

(a) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1988 No. 318

(b) S.R. 1987 No. 463; the relevant amending regulations are S.R. 1990 Nos. 138 and 347

(c) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1990 No. 345 and S.R. 1991 No. 337

(d) S.R. 1991 No. 474

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 36(1) (modifications in respect of child and young person) after “the income of a child or young person” there shall be inserted “, other than income consisting of any maintenance payment whether under a court order or not,”.

(3) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 15 for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) Sub-paragraphs (1) and (2) shall not apply to a maintenance payment which is made or due to be made by—

(a) a former partner of the claimant, or a former partner of any member of the claimant’s family; or

(b) the parent of a child or young person where that child or young person is a member of the claimant’s family.”;

(b) after paragraph 49 there shall be added the following paragraph—

“50.—(1) Where a claimant’s applicable amount includes an amount by way of the family premium, £15 of any maintenance payment, whether under a court order or not, which is made or due to be made by—

(a) the claimant’s former partner, or the claimant’s partner’s former partner; or

(b) the parent of a child or young person where that child or young person is a member of the claimant’s family except where that parent is the claimant or the claimant’s partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.”.

Amendment of the Income Support Regulations

4. In regulation 4 of the Income Support Regulations (saving provision in relation to severe disability premium) for paragraph (9) there shall be substituted the following paragraphs—

“(9) For the purposes of paragraph (8)(b) and regulation 5(2)(b), where a person has satisfied the second qualifying condition, but his circumstances change so that he no longer satisfies it, he shall nonetheless be treated as satisfying it for so long as he is a person to whom paragraph (9A) applies.

(9A) This paragraph applies to a person—

(a) who was, together with a close relative of his, either a co-owner of, or jointly liable to make payments to a landlord in respect of, the dwelling which he and that close relative jointly occupied as their home; and

- (b) who has since become, with that close relative or any other close relative, either—
- (i) jointly liable to make payments to a landlord in respect of that dwelling or any other dwelling; or
 - (ii) a co-owner of that dwelling or any other dwelling, which he and the close relative jointly occupy as their home (whether or not there are other co-owners, or other persons jointly liable to make such payments).”.

Sealed with the Official Seal of the Department of Health and Social Services on 4th December 1991.

(L.S.)

A. N. Burns

Assistant Secretary

The Department of the Environment hereby consents to regulation 3 of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment on 5th December 1991.

(L.S.)

W. N. Campbell

Assistant Secretary

(This note is not part of the Regulations.)

These regulations further amend the Family Credit (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987 and the Income Support (General) (Amendment No. 5) Regulations (Northern Ireland) 1991.

They provide that in respect of housing benefit, maintenance payments to a child or young person are to be treated as the income of the claimant (regulation 3(2)).

They clarify in respect of family credit and housing benefit, the circumstances in which maintenance payments are excepted from income which is otherwise subject to a disregard and they provide for the disregard of £15 of the total amount of certain maintenance payments made to a claimant or a member of his family when calculating income (regulations 2 and 3(3)).

They extend in respect of income support, the circumstances in which certain saving provisions are to continue to apply to a person whose applicable amount includes severe disability premium (regulation 4).

The regulations, except regulation 3, 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. In so far as these regulations are required, for the purposes of regulation 3, to be referred to the Social Security Advisory Committee under section 10(1) of the Social Security Act 1980, after agreement by the Social Security Advisory Committee they have not been so referred by virtue of Article 62(1)(b) of the Social Security (Northern Ireland) Order 1986.

1991 No. 521

**Temporary Speed Limit (Motorway M12) (No. 2)
Order (Northern Ireland) 1991**

This Order, being of a temporary character, is not printed at length in this volume.