

1993 No. 167

SOCIAL SECURITY

**The Income Support (General) (Amendment No. 2)
Regulations (Northern Ireland) 1993**

Made *1st April 1993*

Coming into operation *19th April 1993*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(a) and 132(3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(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 Income Support (General) (Amendment No. 2) Regulations (Northern Ireland) 1993 and shall come into operation, in relation to a particular claimant, at the beginning of the first benefit week to commence for that claimant on or after 19th April 1993.

(2) In paragraph (1) the expressions “benefit week” and “claimant” have the same meaning as in the principal regulations and in these regulations “the principal regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(b).

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations (interpretation) after the definition of “the 1972 Order” there shall be inserted the following definition—

“ “the Child Support Order” means the Child Support (Northern Ireland) Order 1991(d);”.

Insertion of regulation 25A in the principal regulations

3. After regulation 25 of the principal regulations (liable relative payments) there shall be inserted the following regulation—

(a) 1992 c. 7
 (b) S.R. 1987 No. 459, to which there are amendments not relevant to these regulations
 (c) 1954 c. 33 (N.I.)
 (d) S.I. 1991/2628 (N.I. 23)

“Child support

25A. Regulations 29, 31, 32, 40 and 42 and Chapter VII shall not apply to any payment which is to be calculated in accordance with Chapter VIIA (child support).”.

Amendment of Part V of the principal regulations

4. In Part V of the principal regulations (income and capital) after Chapter VII (liable relatives) there shall be inserted the following Chapter—

“CHAPTER VIIA

CHILD SUPPORT

Interpretation

60A. In this Chapter—

“child support maintenance” means such periodical payments as are referred to in Article 4(6) of the Child Support Order;

“maintenance assessment” has the same meaning as in Article 2(2) of the Child Support Order.

Treatment of child support maintenance

60B. All payments of child support maintenance shall to the extent that they are not payments of income be treated as income and shall be taken into account on a weekly basis in accordance with regulations 60C to 60D.

Calculation of the weekly amount of payments of child support maintenance

60C.—(1) The weekly amount of child support maintenance shall be determined in accordance with paragraphs (2) to (6).

(2) Where payments of child support maintenance are made weekly, the weekly amount shall be the amount of that payment.

(3) Where payments of child support maintenance are made monthly, the weekly amount shall be determined by multiplying the amount of the payment by 12 and dividing the product by 52.

(4) Where payments of child support maintenance are made at intervals and those intervals are not a week or a month, the weekly amount shall be determined by dividing that payment by the number equal to the number of weeks (including any part of a week) in that interval.

(5) Where a payment is made and that payment represents a commutation of child support maintenance the weekly amount shall be the weekly amount of the individual child support maintenance payments so commuted as calculated in accordance with paragraphs (2) to (4) as appropriate.

(6) Paragraph (2), (3) or, as the case may be, (4) shall apply to any payments made at the intervals specified in that paragraph whether or not—

- (a) the amount paid is in accordance with the maintenance assessment; and
- (b) the intervals at which the payments are made are in accordance with the intervals specified by the Department under regulation 4 of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(a).

Date on which child support maintenance is to be treated as paid

60D. A payment of child support maintenance is to be treated as paid—

- (a) in the case of a payment which is due to be paid before the first benefit week pursuant to the claim, on the day in the week in which it is due to be paid which corresponds to the first day of the benefit week;
- (b) in any other case, on the first day of the benefit week in which it is paid or the first day of the first succeeding benefit week in which it is practicable to take it into account.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 1st April 1993.

(L.S.)

A. Devlin

Assistant Secretary

(a) S.R. 1992 No. 390

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987 to provide that payments of child support maintenance made under the Child Support (Northern Ireland) Order 1991 are to be treated as income for the purposes of calculating a claimant's entitlement to income support and they specify how that income is to be calculated.

These regulations 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 Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.