

1995 No. 280

HOUSING; RATES; SOCIAL SECURITY**The Social Security Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1995***Made**11th July 1995**Coming into operation in accordance with regulation 1(1)*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 25A(3)(a), 122(1), 129(2) and (4), 132(3) and (4)(b) and 171(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(b) in so far as relates to regulations 2(c) and 3(b) of these Regulations, and after agreement by the Social Security Advisory Committee that proposals in respect of 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 Social Security Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1995 and shall come into operation as follows—

(a) regulations 1 and 2 on 1st August 1995;

(b) regulation 3(a)—

(i) in a case where a student's period of study begins on or after 1st August 1995 but before 1st September 1995, on the first day of that period;

(ii) in any other case, on 1st September 1995,

so however that regulation 3(a) shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after the day mentioned in head (i) or the date mentioned in head (ii), whichever applies in his case; and for this purpose the expressions "claimant" and "benefit week" have the same meanings as in regulation 2(1) of the Income Support Regulations;

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- (a) 1992 c. 7; section 25A(3)(a), which partly re-enacts provisions of section 57(3)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, was inserted by Article 13(1) of, and paragraph 5 of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), and came into operation on 13th April 1995 in accordance with S.R. 1994 No. 450 (C. 15)
- (b) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))
- (c) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(c) regulations 3(b) and 4—

- (i) in a case where a student's period of study begins or after 1st August 1995 but before 1st September 1995, on the first Monday of that period;
- (ii) in any other case, on 4th September 1995;

(d) regulation 3(c) and (d)—

- (i) in a case where a student's period of study begins on or after 1st August 1995 but before 1st September 1995, on the first Tuesday of that period;
- (ii) in any other case, on 5th September 1995, and

(e) regulation 5 on 5th September 1995.

(2) In these Regulations—

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(a);

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

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

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(d).

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

Amendment to the definition of “student”

2. The following provisions (which all contain a definition of “student”) shall each be amended by omitting from the definition of “student” the words “throughout any period of term or vacation within it,”—

- (a) regulation 7(3)(a) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(f);
- (b) regulation 61 of the Income Support Regulations;
- (c) regulation 46 of the Housing Benefit Regulations;
- (d) regulation 37 of the Family Credit Regulations;
- (e) regulation 41 of the Disability Working Allowance Regulations.

(a) S.R. 1987 No. 459; relevant amending regulations are S.R. 1991 No. 338, S.R. 1992 No. 147 and S.R. 1994 No. 233

(b) S.R. 1987 No. 461; relevant amending regulations are S.R. 1991 No. 337, S.R. 1992 No. 141 and S.R. 1994 No. 233

(c) S.R. 1987 No. 463; relevant amending regulations are S.R. 1991 No. 326, S.R. 1992 No. 148 and S.R. 1994 No. 233

(d) S.R. 1992 No. 78; relevant amending regulations are S.R. 1992 No. 403 and S.R. 1994 No. 233

(e) 1954 c. 33 (N.I.)

(f) S.R. 1984 No. 245; relevant amending regulations are S.R. 1990 No. 297

Amendment to the calculation of a student's grant income

3. In the following provisions (which all relate to the calculation of a student's grant income) for "£276" in each place where it occurs there shall be substituted "£278"—

- (a) regulation 62(2)(g) of the Income Support Regulations;
- (b) regulation 53(2)(g) of the Housing Benefit Regulations;
- (c) regulation 38(2)(f) of the Family Credit Regulations;
- (d) regulation 42(2)(e) of the Disability Working Allowance Regulations.

Amendment of regulation 51 of the Housing Benefit Regulations

4. In regulation 51(1) of the Housing Benefit Regulations (eligible rent) for "£17.35" there shall be substituted "£17.40".

Revocation

5. The Income-Related Benefits (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1994(a) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th July 1995.

(L.S.)

D. L. Ferguson

Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to regulations 2(c) and 3(b) of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 11th July 1995.

(L.S.)

R. E. Aiken

Assistant Secretary

(This note is not part of the Regulations.)

These Regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984, the Income Support (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Family Credit (General) Regulations (Northern Ireland) 1987 and the Disability Working Allowance (General) Regulations (Northern Ireland) 1992.

Regulation 2 amends the definition of “student” so that a person who has started a course of study remains a student even when temporarily absent from the course.

Regulation 3 increases, from £276 to £278, the amount to be allowed in respect of the cost of books and equipment in calculating a student’s grant income.

Regulation 4 increases, from £17.35 to £17.40, the amount of the deduction to be made in calculating a student’s eligible rent for housing benefit purposes.

Regulation 5 contains a consequential revocation.

In so far as these Regulations are required, for the purposes of regulations 2(c) and 3(b), to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), (“the 1992 Act”), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise these 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 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

1995 No. 281

**Road Races (Ulster Grand Prix) Order
(Northern Ireland) 1995**

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