

1995 No. 350

SOCIAL SECURITY

The Income Support (General) (Amendment and Transitional) Regulations (Northern Ireland) 1995

Made 5th September 1995

Coming into operation in accordance with regulation 1(1) and (2)

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(a) and 131(1) 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 and Transitional) Regulations (Northern Ireland) 1995 and shall come into operation on 2nd October 1995 immediately after the Social Security (Income Support and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1995(b) come into operation.

(2) These Regulations 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 2nd October 1995 which 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 principal Regulations (interpretation).

(3) In these Regulations “the principal Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(c).

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

Amendment of Schedule 3 to the principal Regulations

2. In Schedule 3 to the principal Regulations (housing costs)(e) —

(a) in paragraph 5(1) (apportionment of housing costs) for “hereditment” in each place where it occurs there shall be substituted “hereditament”, and

(a) 1992 c. 7

(b) S.R. 1995 No. 301

(c) S.R. 1987 No. 459; relevant amending regulations are S.R. 1995 No. 301

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

(e) Schedule 3 was substituted by S.R. 1995 No. 301

(b) in paragraph 12(1)(a) (the standard rate) for “8.35 per cent.” there shall be substituted “8.39 per cent.”.

Amendment of Schedule 4 to the Social Security (Income Support and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1995

3. In Schedule 4 to the Social Security (Income Support and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1995 (revocations) in column 1 for “The Social Security (General) (Amendment No. 3) Regulations (Northern Ireland) 1990” there shall be substituted “The Income Support (General) (Amendment No. 3) Regulations (Northern Ireland) 1990”.

Transitional protection

4.—(1) Where a claimant for income support whose applicable amount, in the benefit week which included 1st October 1995, included an amount in respect of the interest on a loan or part of a loan by virtue of paragraph 7(6) or (7) or 8(1)(a) of Schedule 3 to the principal Regulations (housing costs) (“the former paragraphs”) as then in operation^(a) and that loan or part of a loan is not a qualifying loan for the purposes of paragraphs 15 and 16 of Schedule 3 to the principal Regulations, paragraphs (2) and (3) shall have effect in his case.

(2) A loan or part of a loan to which paragraph (1) applies shall qualify as a loan to which paragraph 15 or, as the case may be, 16 of Schedule 3 to the principal Regulations applies, for as long as either of the former paragraphs would have continued to be satisfied had it remained in operation and the claimant remains in receipt of income support or is treated as being in receipt of income support.

(3) Paragraph 14(1)(a), (c) and (e) of Schedule 3 to the principal Regulations shall apply to paragraph (2) of this regulation as it applies to the said Schedule 3, but as if “Subject to sub-paragraph (2)” were omitted.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 5th September 1995.

(L.S.)

L. Frew

Assistant Secretary

(a) Relevant amending regulations are S.R. 1988 No. 431, S.R. 1990 No. 346, S.R. 1993 No. 479 and S.R. 1994 No. 77

(This note is not part of the Regulations.)

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987 (“the principal Regulations”) with respect to the standard rate of interest applicable to a loan which qualifies for income support under Schedule 3 to those Regulations as substituted by the Social Security (Income Support and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1995, the new rate being 8.39 per cent. (regulation 2(b)).

They also make minor amendments to the principal Regulations (regulation 2(a)) and the Social Security (Income Support and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1995 (regulation 3).

They also provide that arrears of interest which have accrued in certain circumstances and loans which were made to the partner of a claimant who has been deserted or in respect of certain repairs and improvements shall continue to qualify as housing costs for awards of income support to the extent specified, notwithstanding the substitution of the new Schedule 3 (regulation 4).

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 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.