

1995 No. 481

HOUSING; RATES; SOCIAL SECURITY**The Income-Related Benefits (Widows' etc. Pensions Disregards) (Amendment) Regulations (Northern Ireland) 1995**

Made 19th December 1995

Coming into operation 20th December 1995

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1) and 132(4)(a) and (b) 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 regulation 2(1)(c) and (2) 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 Income-Related Benefits (Widows' etc. Pensions Disregards) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 20th December 1995.

(2) 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 widows' pensions disregards in the income-related benefits

2.—(1) In this regulation "the relevant provisions" means—

(a) regulation 42(4)(a)(i) of the Income Support (General) Regulations (Northern Ireland) 1987(e) (notional income);

(b) paragraph 16(c) of Schedule 9 to the Income Support (General) Regulations (Northern Ireland) 1987 (sums to be disregarded in the calculation of income other than earnings);

(a) 1992 c. 7

(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 (1992 c. 8)

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

(e) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 No. 318, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233, S.R. 1994 No. 77 and S.R. 1995 No. 410

- (c) paragraph 13(c) of Schedule 4 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(a) (sums to be disregarded in the calculation of income other than earnings);
- (d) paragraph 14(c) of Schedule 2 to the Family Credit (General) Regulations (Northern Ireland) 1987(b) (sums to be disregarded in the calculation of income other than earnings);
- (e) paragraph 14(c) of Schedule 3 to the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(c) (sums to be disregarded in the calculation of income other than earnings).

(2) In each of the relevant provisions, after “the Naval and Marine Pay and Pensions Act 1865” there shall be inserted “or the Pensions and Yeomanry Pay Act 1884(d)”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 19th December 1995.

(L.S.)

L. Frew

Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to regulation 2(1)(c) and (2) of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 19th December 1995.

(L.S.)

R. E. Aiken

Assistant Secretary

(a) S.R. 1987 No. 461; paragraph 13 was substituted by regulation 4(2) of S.R. 1995 No. 410
(b) S.R. 1987 No. 463; paragraph 14 was substituted by regulation 3 of S.R. 1995 No. 410
(c) S.R. 1992 No. 78; paragraph 14 was substituted by regulation 2 of S.R. 1995 No. 410
(d) 47 & 48 Vict. c. 55

(This note is not part of the Regulations.)

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987, the Family Credit (General) Regulations (Northern Ireland) 1987 and the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 so as to ensure that the first £10 of pensions paid to soldiers' widows under the Pensions and Yeomanry Pay Act 1884 (47 & 48 Vict. c. 55) are disregarded for the purposes of those income-related benefits. The Housing Benefit (General) Regulations (Northern Ireland) 1987 are also amended to ensure that a full disregard of pensions paid to soldiers' widows under the Pensions and Yeomanry Pay Act 1884 is provided for.

In so far as these regulations are required, for the purposes of regulation 2(1)(c) and (2), 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 they 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 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.