
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 405

HOUSING; RATES; SOCIAL SECURITY

The Income-Related Benefits and Social Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

Made - - - - 3rd September 1996

Coming into operation in accordance with regulation 1

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1), 127(3), 128(6), 129(2) to (4), 131(1), 132(3) and (4)(a) and (b), 133(2)(a), (d), (i) and (l) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1), sections 61 and 74(2) of the Social Security Administration (Northern Ireland) Act 1992(2) and Articles 36(1) and 39(1) of the Jobseekers (Northern Ireland) Order 1995(3) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(4) in so far as relates to regulations 4 and 8 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(5), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-Related Benefits and Social Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and, subject to paragraphs (2) to (4), shall come into operation as follows—

- (a) for the purposes of this regulation and regulations 4 to 8 on 7th October 1996;
- (b) for the purposes of regulations 2 and 3 on 8th October 1996.

(2) Regulation 4(1), (2)(a) and (b) and (3) to (7) shall come into operation immediately after the Housing Benefit (General and Supply of Information) (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996(6) come into operation.

(3) Regulation 4(2)(c) shall come into operation immediately after the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1996(7) come into operation.

(1) 1992 c. 7

(2) 1992 c. 8

(3) S.I. 1995/2705 (N.I. 15)

(4) 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))

(5) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(6) S.R. 1996 No. 334

(7) S.R. 1996 No. 181

(4) Regulations 5 and 7 shall come into operation immediately after the Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996⁽⁸⁾ come into operation.

(5) Regulations 2 and 3 shall have effect in relation to any particular claimant, where a claimant has an award of disability working allowance or family credit which is current on 7th October 1996, on the day following the expiration of that award.

(6) Regulations 5 and 7 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 7th October 1996 which applies in his case.

(7) In paragraph (6) "benefit week" and "claimant" shall have the same meaning as in the Income Support Regulations.

(8) In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992⁽⁹⁾;

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987⁽¹⁰⁾;

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987⁽¹¹⁾;

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987⁽¹²⁾.

(9) The Interpretation Act (Northern Ireland) 1954⁽¹³⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Disability Working Allowance Regulations

2.—(1) The Disability Working Allowance Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 16(7)(b) (normal weekly earnings of employed earners) for "is less than 9 weeks" there shall be substituted "is less than the assessment period in paragraphs (2) to (5) appropriate in his case".

(3) In regulation 56(2)⁽¹⁴⁾ (overlapping awards) after "beginning" there shall be inserted "on or".

Amendment of the Family Credit Regulations

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

(2) In regulation 38(2) (calculation of grant income)—

(a) sub-paragraph (b) shall be omitted;

(b) in sub-paragraph (f)⁽¹⁵⁾ "(other than special equipment)" shall be omitted.

⁽⁸⁾ S.R. 1996 No. 199

⁽⁹⁾ S.R. 1992 No. 78; relevant amending Regulations are S.R. 1994 No. 327

⁽¹⁰⁾ S.R. 1987 No. 463; relevant amending Regulations are S.R. 1994 No. 327 and S.R. 1996 No. 291

⁽¹¹⁾ S.R. 1987 No. 461; relevant amending Regulations are S.R. 1994 Nos. 80, 266 and 335 and S.R. 1996 Nos. 11, 181 and 291

⁽¹²⁾ S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 274, S.R. 1989 Nos. 139 and 395, S.R. 1990 No. 131, S.R. 1991 Nos. 46 and 338, S.R. 1992 No. 298, S.R. 1993 Nos. 120, 149 and 167, S.R. 1994 No. 266, S.R. 1995 No. 301 and S.R. 1996 Nos. 11 and 291

⁽¹³⁾ 1954 c. 33 (N.I.)

⁽¹⁴⁾ Regulation 56 was substituted by regulation 4(8) of S.R. 1994 No. 327

⁽¹⁵⁾ Sub-paragraph (f) was amended by regulation 2(c) of S.R. 1996 No. 291

- (3) In regulation 51(2)(16) (overlapping awards) after “beginning” there shall be inserted “on or”.

Amendment of the Family Credit Regulations

- 4.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) to (7).

- (2) In regulation 2(1) (interpretation)—

- (a) after the definition of “housing association” there shall be inserted the following definition—

““immigration authorities” in regulation 7A(4)(17) (persons from abroad) means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the Immigration Act 1971(18) and in addition means the Secretary of State;”;

- (b) in the definition of “person affected”(19) for paragraph (c) there shall be substituted the following paragraph—

“(c) the landlord, in the case of a determination made under regulation 93 or 94, except where the payment is made to an agent acting for the landlord when the person affected is the agent, or”;

- (c) for the definition of “young individual”(20) there shall be substituted the following definition—

““young individual” means a single claimant who has not attained the age of 25 years, but does not include such a claimant—

- (a) whose landlord is a registered housing association;

- (b) who has not attained the age of 22 years and has ceased to be the subject of a training school order or a fit person order made on care, protection and control grounds pursuant to section 95(1)(a) or (b) of the Children and Young Persons Act (Northern Ireland) 1968(21) which had previously been made in respect of him either—

- (i) after he attained the age of 16 years, or

- (ii) before he attained the age of 16 years, but had continued after he attained that age, or

- (c) who has not attained the age of 22 years and was formerly provided with accommodation under the provisions of Part VII of the Children and Young Persons Act (Northern Ireland) 1968.”.

- (3) In regulation 7A (persons from abroad)—

- (a) in paragraph (3)(a) “, the Channel Islands or the Isle of Man” shall be omitted;

- (b) in paragraph (4)(e)(22) for the words from “the Republic of Ireland” to “the Isle of Man” there shall be substituted “the Channel Islands, the Isle of Man or the Republic of Ireland”.

- (4) In regulation 46 (students interpretation)—

- (a) for the definitions of “contribution”, “course of study” and “standard maintenance grant” there shall be respectively substituted the following definitions—

(16) Regulation 51 was substituted by regulation 3(10) of S.R. 1994 No. 327

(17) Regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80 and amended by regulation 3(1) of S.R. 1994 No. 266 and regulation 5 of S.R. 1996 No. 11

(18) 1971 c. 77

(19) Definition amended by regulation 2(b) of S.R. 1994 No. 335

(20) Definition inserted by regulation 2 of S.R. 1996 No. 181

(21) 1968 c. 34 (N.I.)

(22) Paragraph (4)(e) was added by regulation 3(1)(a) of S.R. 1994 No. 266

““contribution” means any contribution in respect of the income of any other person which the Department or an education authority takes into account in ascertaining the amount of the student’s grant, or any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Further and Higher Education (Scotland) Act 1992⁽²³⁾, the Secretary of State or the education authority takes into account being sums which the Secretary of State or the education authority consider that the holder of the allowance or bursary, the holder’s parents and the holder’s spouse can reasonably be expected to contribute towards the holder’s expenses;”;

““course of study” means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it and for the purposes of this definition a person who has started a course of study shall be treated as attending or undertaking it, as the case may be, until the last day of the course or such earlier date as he abandons it or is dismissed from it;”;

““standard maintenance grant” means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 7 to the Students Awards (No. 2) Regulations (Northern Ireland) 1996⁽²⁴⁾ (“the 1996 Regulations”) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph 3(2) thereof;
- (c) in the case of a student receiving an allowance or bursary under the Further and Higher Education (Scotland) Act 1992, the amount of money specified as “standard maintenance allowance” for the relevant year appropriate for the student set out in the Guide to Undergraduate allowances issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary as set out by the local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 7 to the 1996 Regulations other than in sub-paragraph (a) or (b) thereof;”;

(b) in the definition of—

- (i) “covenant income” the words “including any sum deducted from the gross amount for tax” shall be omitted;
- (ii) “education authority” for “an education authority as defined in section 135(1) of the Education (Scotland) Act 1980” there shall be substituted “a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973”⁽²⁵⁾;
- (iii) “periods of experience” for “Students Awards Regulations (Northern Ireland) 1987”⁽²⁶⁾ there shall be substituted “Students Awards (No. 2) Regulations (Northern Ireland) 1996”;
- (iv) “sandwich course” for “Students Awards Regulations (Northern Ireland) 1987” there shall be substituted “Students Awards (No. 2) Regulations (Northern Ireland) 1996”.

(5) In regulation 53(2) (calculation of grant income)—

(23) 1992 c. 37
 (24) S.R. 1996 No. 298
 (25) 1973 c. 65
 (26) S.R. 1987 No. 420

- (a) sub-paragraph (b) shall be omitted;
- (b) in sub-paragraph (g)(27) “(other than special equipment)” shall be omitted.
- (6) In regulation 54(1) (calculation of covenant income where a contribution is assessed) “and the amount deducted by way of tax in respect of that income” shall be omitted.
- (7) Regulation 55(1)(d) (calculation of covenant income where no grant income or no contribution is assessed) shall be omitted.

Amendment of the Income Support Regulations

5.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 2 (interpretation) after the definition of “housing benefit expenditure” there shall be inserted the following definition—

““immigration authorities” in regulation 21(3) (special cases) means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the Immigration Act 1971 and in addition means the Secretary of State;”.

(3) In regulation 4(2)(c)(iv) (temporary absence from Northern Ireland) after “9,” there shall be inserted “9A,”.

(4) In regulation 5 (persons treated as engaged in remunerative work) after paragraph (1)(28) there shall be inserted the following paragraph—

“(1A) In the case of any partner of the claimant paragraph (1) shall have effect as though for “16 hours” there were substituted “24 hours”.”.

(5) In regulation 16(3) (circumstances in which a person is to be treated as being or not being a member of the household) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

- “(b) one, both or all of them are—
 - (i) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or
 - (ii) on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953;”(29).

(6) In regulation 21(3) (special cases)—

- (a) in the first definition of “person from abroad” in paragraph (a)(30) “the Channel Islands or the Isle of Man,” shall be omitted;
- (b) in the second definition of “person from abroad”(31) for the words from “the Republic of Ireland” to “the Isle of Man” there shall be substituted “the Channel Islands, the Isle of Man or the Republic of Ireland”.

(7) In regulation 60D(32) (date on which child support maintenance is to be treated as paid)—

- (a) at the beginning there shall be inserted “—(1) Subject to paragraph (2),”;
- (b) in sub-paragraph (a) at the beginning there shall be inserted “subject to sub-paragraph (aa),”;
- (c) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

(27) Relevant amending Regulations are S.R. 1996 No. 291

(28) Paragraph (1) was amended by regulation 3 of S.R. 1991 No. 338

(29) 1953 c. 18 (N.I.)

(30) Relevant amending Regulations are S.R. 1990 No. 131, S.R. 1991 No. 46, S.R. 1993 No. 120 and S.R. 1996 No. 11

(31) Definition inserted by regulation 2(1) of S.R. 1994 No. 266

(32) Regulation 60D was inserted by regulation 4 of S.R. 1993 No. 167

“(aa) in the case of any amount of a payment which represents arrears of maintenance for a week prior to the first benefit week pursuant to a claim, on the day of the week in which it became due which corresponds to the first day of the benefit week;”;

(d) in sub-paragraph (b) for “it is paid” there shall be substituted “it is due to be paid”;

(e) after paragraph (1) there shall be added the following paragraph—

“(2) Where a payment to which paragraph (1)(b) refers is made to the Department and then transmitted to the person entitled to receive it, the payment shall be treated as paid on the first day of the benefit week in which it is transmitted or, where it is not practicable to take it into account in that week, the first day of the first succeeding benefit week in which it is practicable to take the payment into account.”.

(8) In regulation 61 (students interpretation)—

(a) for the definitions of “a course of advanced education”, “contribution” and “standard maintenance grant” there shall be respectively substituted the following definitions—

““a course of advanced education” means—

- (a) a course leading to a postgraduate degree or comparable qualification, a first degree or comparable qualification, a diploma of higher education, or a higher national diploma, or
- (b) any other course which is of a standard above advanced GNVQ or equivalent, including a course which is of a standard above a general certificate of education (advanced level), a Scottish certificate of education (higher level) or a Scottish certificate of sixth year studies;”;

““contribution” means any contribution in respect of the income of any other person which the Department or an education authority takes into account in ascertaining the amount of the student’s grant, or any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Further and Higher Education (Scotland) Act 1992, the Secretary of State or the education authority takes into account being sums which the Secretary of State or the education authority consider that the holder of the allowance or bursary, the holder’s parents and the holder’s spouse can reasonably be expected to contribute towards the holder’s expenses;”;

““standard maintenance grant” means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 7 to the Students Awards (No. 2) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph 3(2) thereof;
- (c) in the case of a student receiving an allowance or bursary under the Further and Higher Education (Scotland) Act 1992, the amount of money specified as “standard maintenance allowance” for the relevant year appropriate for the student set out in the Guide to Undergraduate allowances issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary as set by the local education authority;

- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 7 to the 1996 Regulations other than in sub-paragraph (a) or (b) thereof;”;
- (b) in the definition of—
 - (i) “covenant income” the words “net of tax at the basic rate” shall be omitted;
 - (ii) “education authority” for “an education authority as defined in section 135(1) of the Education (Scotland) Act 1980 (interpretation)” there shall be substituted “a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973”;
 - (iii) “periods of experience” for “Students Awards Regulations (Northern Ireland) 1987” there shall be substituted “Students Awards (No. 2) Regulations (Northern Ireland) 1996”;
 - (iv) “sandwich course” for “Students Awards Regulations (Northern Ireland) 1987” there shall be substituted “Students Awards (No. 2) Regulations (Northern Ireland) 1996”;
 - (v) “year” for “course” there shall be substituted “course of study”.
- (9) In regulation 62(2) (calculation of grant income)—
 - (a) sub-paragraph (b) shall be omitted;
 - (b) in sub-paragraph (g)(33) “(other than special equipment)” shall be omitted.
- (10) In Schedule 3(34) (housing costs)—
 - (a) in paragraph 4(6)—
 - (i) in head (a) after “paragraph 15” there shall be inserted “during the relevant period”;
 - (ii) for head (b) there shall be substituted the following head—
 - “(b) to finance the purchase of a property where an earlier loan, which qualified under paragraph 15 or 16 during the relevant period in respect of another property, is paid off (in whole or in part) with monies received from the sale of that property;”;
 - (b) in paragraph 14(1)(a)(ii) for “he was or was treated as being in receipt thereof or to which head (a)(i) applies;” there shall be substituted—
 - “(aa) he was, or was treated as being, in receipt of income support,
 - (bb) he was treated as entitled to income support for the purpose of sub-paragraph (5) or (5A), or
 - (cc) head (a)(i) applies;”.
- (11) In Schedule 8 (sums to be disregarded in the calculation of earnings)—
 - (a) for paragraph 6(35) there shall be substituted the following paragraph—
 - “6. Where the claimant is a member of a couple—
 - (a) in a case to which none of paragraphs 4, 6A, 6B, 7 and 8 applies(36), £10; but notwithstanding regulation 23(37) (calculation of income and capital of members of claimant’s family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where,

(33) Relevant amending Regulations are [S.R. 1996 No. 291](#)

(34) Schedule 3 was substituted by regulation 2 of, and Schedule 1 to, [S.R. 1995 No. 301](#)

(35) Paragraph 6 was amended by regulation 12(b) of [S.R. 1989 No. 395](#)

(36) Paragraph 4 was substituted by regulation 9 of [S.R. 1989 No. 139](#) and amended by regulation 12(a) of [S.R. 1989 No. 395](#) and paragraph 6(14) of Schedule 2 to [S.R. 1993 No. 149](#), paragraphs 6A and 6B were inserted by regulation 4(6)(a) of [S.R. 1993 No. 120](#) and paragraph 7 was amended by regulation 5 of [S.R. 1992 No. 298](#) and regulation 4(6)(b) of [S.R. 1993 No. 120](#)

(37) Regulation 23 was amended by regulation 6 of [S.R. 1988 No. 274](#)

and to the extent that, the earnings of the claimant which are to be disregarded under this sub-paragraph are less than £10;

- (b) in a case to which one or more of paragraphs 4, 6A, 6B, 7 and 8 applies and the total amount disregarded under those paragraphs is less than £10, so much of the claimant's earnings as would not in aggregate with the amount disregarded under those paragraphs exceed £10.”;

- (b) for paragraph 10**(38)** there shall be substituted the following paragraph—

“**10.** Notwithstanding paragraphs 1 to 9, where 2 or more payments of the same kind and from the same source are to be taken into account in the same benefit week, because it has not been practicable to treat the payments under regulation 31(1)(b) (date on which income treated as paid) as paid on the first day of the benefit week in which they were due to be paid, there shall be disregarded from each payment the sum that would have been disregarded if the payment had been taken into account on the date on which it was due to be paid.”;

- (c) after paragraph 15 there shall be inserted the following paragraph—

“15A. In the case of claimant who—

- (a) has been engaged in employment as—

(i) a member of any territorial or reserve force prescribed in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979**(39)**, or

(ii) a person in the army whose service is restricted to part-time service in Northern Ireland pursuant to section 1 of the Army Act 1992**(40)**, Regulations made under section 2 of the Armed Forces Act 1966**(41)**, or the terms of his commission, and

- (b) by reason of that employment has failed to satisfy any of the conditions for entitlement to income support other than section 123(1)(b) of the Contributions and Benefits Act (income not in excess of the applicable amount),

any earnings from that employment paid in respect of the period in which the claimant was not entitled to income support.”.

Amendment of the Social Fund (Recovery by Deductions from Benefits) Regulations

6. In regulation 2 of the Social Fund (Recovery by Deductions from Benefits) Regulations (Northern Ireland) 1988**(42)** (benefits from which an award may be recovered)—

- (a) in paragraph (a) at the end there shall be added “, other than a back to work bonus payable by way of income support or jobseeker's allowance in pursuance of Article 28 of the Jobseekers (Northern Ireland) Order 1995”;

- (b) for paragraph (c) there shall be substituted the following paragraph—

“(c) a jobseeker's allowance other than a back to work bonus payable by way of income support or jobseeker's allowance in pursuance of Article 28 of the Jobseekers (Northern Ireland) Order 1995;”**(43)**;

(38) Paragraph 10 was amended by regulation 4(6)(c) of S.R. 1993 No. 120

(39) S.I. 1979/591; relevant amending Regulations are S.I. 1980/1975 and S.I. 1994/1553

(40) 1992 c. 39

(41) 1966 c. 45; section 2 was amended by section 2 of the Army Act 1992

(42) S.R. 1988 No. 21; relevant amending Regulations are S.R. 1992 No. 6 and S.R. 1995 No. 150

(43) S.I. 1995/2705 (N.I. 15)

(c) in paragraphs (o) and (p) “unemployment benefit,” shall be omitted.

Amendment of the Income Support (General) (Jobseeker’s Allowance Consequential Amendments) Regulations

7. In regulation 32 of the Income Support (General) (Jobseeker’s Allowance Consequential Amendments) Regulations (Northern Ireland) 1996 (continuity with jobseeker’s allowance) for the words from “income support” in the first place where they occur to the end there shall be substituted—

“or is to be treated as being in receipt of income support or whether any amount is applicable or payable—

- (a) entitlement to an income-based jobseeker’s allowance shall be treated as entitlement to income support for the purposes of any requirement that a person is or has been entitled to income support for any period of time, and
- (b) a person who is treated as being in receipt of income-based jobseeker’s allowance shall be treated as being in receipt of income support for the purposes of any requirement that he is or has been treated as being in receipt of income support for any period of time.”.

Amendment of the Housing Benefit (General) (Amendment No. 2) Regulations

8. In regulation 16(6) of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996~~(44)~~ in the definition of—

- (a) “the relevant date” in paragraph (c) after “regulation 5(8)” there shall be inserted “of the principal Regulations”;
- (b) “previous beneficiary” after “regulation 5” there shall be inserted “of the principal Regulations”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd September 1996.

L.S.

W. G. Purdy
Assistant Secretary

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The Department of the Environment for Northern Ireland hereby consents to regulations 4 and 8 of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 3rd September 1996

L.S.

R. E. Aiken
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 (“the Disability Working Allowance Regulations”), the Family Credit (General) Regulations (Northern Ireland) 1987 (“the Family Credit Regulations”), the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Family Credit Regulations”), the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Social Fund (Recovery by Deductions from Benefits) Regulations (Northern Ireland) 1988 and the Income Support (General) (Jobseeker’s Allowance Consequential Amendments) Regulations (Northern Ireland) 1996.

In the Disability Working Allowance Regulations provision is made with respect to the period over which a person’s weekly income is to be determined and the Family Credit Regulations are amended with respect to the calculation of a student’s grant income. Those Regulations are also amended with respect to the treatment of overlapping awards of those benefits (regulations 2 and 3).

In the Family Credit Regulations the definitions of “person affected” and “young individual” (regulation 4(2)(b) and (c)) and the manner in which a student’s covenant income is calculated are amended (regulation 4(6) and (7)).

The Family Credit Regulations and the Income Support Regulations are amended with respect to—

- (a) the definitions relating to the treatment of students (regulations 4(4) and 5(8));
- (b) the manner of calculating a student’s grant income (regulations 4(5) and 5(9));
- (c) the provisions specifying who is to be treated as a person from abroad (regulations 4(2)(a) and (3) and 5(2) and (6)).

The Income Support Regulations are amended—

- (a) with respect to payment of benefit to persons temporarily absent from Northern Ireland and the entitlement of persons from abroad (regulation 5(3));
- (b) with respect to the treatment of a partner of a claimant for income support as engaged in remunerative work where that partner is engaged in such work for at least 24 hours per week (regulation 5(4));
- (c) so that a person detained in custody or on temporary release is not to be treated as a member of the household of a claimant for income support (regulation 5(5));
- (d) with respect to the day on which arrears of child support maintenance are to be treated as paid (regulation 5(7));
- (e) with respect to the treatment of prescribed housing costs (regulation 5(10));
- (f) with respect to sums which are to be disregarded in the calculation of a person’s income other than earnings (regulation 5(11)).

The Social Fund (Recovery by Deductions from Benefits) Regulations (Northern Ireland) 1988 are amended in consequence of the introduction of jobseeker’s allowance (regulation 6).

The Income Support (General) (Jobseeker’s Allowance Consequential Amendments) Regulations (Northern Ireland) 1996 are amended with respect to the continuity between income support and jobseeker’s allowance (regulation 7).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 8 makes a minor amendment to the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996.

In so far as these Regulations are required, for the purposes of regulations 4 and 8 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”), and 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.