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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 405**

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

**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)(1) (persons from abroad) means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the Immigration Act 1971(2) and in addition means the Secretary of State;”;

(b) in the definition of “person affected”(3) 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”(4) 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(5) 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.”.

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(1) 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

(2) 1971 c. 77

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

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

(5) 1968 c. 34 (N.I.)

- (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)(6) 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—
 

““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(7), 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(8) (“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”(9);

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

(7) 1992 c. 37

(8) S.R. 1996 No. 298

(9) 1973 c. 65

- (iii) “periods of experience” for “Students Awards Regulations (Northern Ireland) 1987”(10) 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)—
- (a) sub-paragraph (b) shall be omitted;
  - (b) in sub-paragraph (g)(11) “(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.

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(10) S.R. 1987 No. 420

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