

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1996 No. 78**

**SOCIAL SECURITY**

**The Income Support (General) (Amendment)  
Regulations (Northern Ireland) 1996**

*Made - - - - 7th March 1996  
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 132(4)(b) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) 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) Regulations (Northern Ireland) 1996 and shall come into operation on 8th April 1996.

(2) These Regulations shall have effect in relation to any particular claimant from the beginning of the first benefit week to commence for that claimant on or after 8th April 1996 and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in regulation 2(1) of the Income Support Regulations (interpretation).

(3) In these Regulations “the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(2).

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

**Amendment of Schedule 9 to the Income Support Regulations**

2. In Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 15A(4) there shall be inserted the following paragraph—

“15B.—(1) Subject to sub-paragraphs (2) and (3), where a claimant—

---

(1) 1992 c. 7

(2) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 Nos. 146 and 318, S.R. 1989 Nos. 139 and 395, S.R. 1991 Nos. 46 and 170, S.R. 1993 Nos. 149, 165 and 373, S.R. 1994 Nos. 65, 77 and 327 and S.R. 1995 No. 71

(3) 1954 c. 33 (N.I.)

(4) Paragraph 15A was inserted by regulation 4(5)(c) of S.R. 1993 No. 165

---

*Status: This is the original version (as it was originally made).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

---

- (a) is a person to whom regulation 19(5) (preserved rights to income support) or paragraph 14(6) or 16(7) of Schedule 7 (applicable amounts in special cases) applies;
- (b) is not residing with his spouse; and
- (c) at least 50 per cent. of any occupational pension of his is being paid to, or in respect of, his spouse for that spouse's maintenance,

an amount equal to 50 per cent. of the pension or pensions concerned.

(2) Where a claimant is entitled to more than one occupational pension, those pensions shall be aggregated for the purposes of sub-paragraph (1).

(3) This paragraph shall not have effect in respect of that part of any occupational pension to which a spouse is legally entitled whether under a court order or not.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

L.S.

7th March 1996.

*W. G. Purdy*  
Assistant Secretary

---

(5) Regulation 19 was amended by S.R. 1988 No. 146, S.R. 1989 No. 395, S.R. 1991 No. 170, S.R. 1993 Nos. 149 and 373 and S.R. 1994 Nos. 65, 77 and 327

(6) Paragraph 14 was amended by S.R. 1988 No. 318, S.R. 1989 No. 139 and S.R. 1993 Nos. 149 and 373

(7) Paragraph 16 was amended by S.R. 1988 No. 146 and 318, S.R. 1989 No. 139, S.R. 1991 No. 46 and S.R. 1995 No. 71

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend Schedule 9 to the Income Support (General) Regulations (Northern Ireland) 1987 to provide that where a claimant for income support is resident in, or is temporarily absent from, a residential care home or nursing home and has preserved rights to higher limits of income support and at least 50 per cent. of any occupational pension of his is being paid to, or in respect of, his spouse for the spouse's maintenance, 50 per cent. of the pension or pensions concerned shall be disregarded in calculating the claimant's income. This disregard shall not have effect in the case of any occupational pension or part of a pension to which the spouse is legally entitled whether under a court order or not.

These Regulations 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 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.