
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.