
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 152

HOUSING; RATES; SOCIAL SECURITY

**The Income-Related Benefits (Amendment)
Regulations (Northern Ireland) 1997**

Made - - - - 13th March 1997

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)(b), (c) and (d), 127(5), 128(8), 133(2)(d) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and of all other powers enabling it in that behalf, and with the consent of the Department of the Environment for Northern Ireland(2) in so far as relates to regulation 5(1) and (2)(a) 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(3), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-Related Benefits (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation as follows—

- (a) for the purposes of this regulation and regulation 5(1) and (2)(a) on 31st March 1997;
- (b) for the purposes of regulations 2 to 4 and 5(2)(b) and (3) on 7th October 1997.

(2) In relation to any particular claimant for either family credit or disability working allowance, regulations 2, 3 and 4 shall have effect, where a claimant has an award of either of those benefits—

- (a) which expires on 6th October 1997, on 7th October 1997;
- (b) which expires after 6th October 1997, on the day following the expiration of that award.

(3) In these Regulations “the Family Credit Regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987(4).

(4) The Interpretation Act (Northern Ireland) 1954(5) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(1) 1992 c. 7; section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I.1995/2705 (N.I. 15))

(2) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; subsection (6A) was inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))

(3) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(4) S.R. 1987 No. 463; relevant amending rules are S.R. 1992 No. 148, S.R. 1995 No. 86, S.R. 1996 No. 476 and S.R. 1997 No. 113

(5) 1954 c. 33 (N.I.)

Family credit: remunerative work

2. In regulation 4(4)(c)(ii)(bb) of the Family Credit Regulations(6) (remunerative work) after “the date of claim,” there shall be inserted “or he has, in the 5 weeks immediately preceding the week of claim, increased the number of hours that he works from below 16 hours to 16 hours or more per week,”.

Family credit: determination of maximum credit

3. For the entries in column (2) of Schedule 4 to the Family Credit Regulations(7) against paragraph 3 (maximum credits in respect of young persons) there shall be substituted the entry “£24·80.”.

Disability working allowance: determination of maximum allowance

4. For paragraph 4 in column (2) of Schedule 5 to the Disability Working Allowance Regulations (Northern Ireland) 1992(8) (maximum allowances in respect of young persons) there shall be substituted the following paragraph—

“4. £24·80.”.

Amendment of the Income-Related Benefits and Jobseeker’s Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations

5.—(1) The Income-Related Benefits and Jobseeker’s Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations (Northern Ireland) 1996(9) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) for paragraph (3) there shall be substituted the following paragraphs—

“(3) In so far as these Regulations amend provisions relating to housing benefit—

(a) in any case to which paragraph (3A) applies, they shall come into operation on 1st April 1997, and

(b) in any other case, they shall come into operation on 7th April 1997.

(3A) This paragraph applies in any case where—

(a) rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, or

(b) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.”.

(b) in paragraph (4) for the words from “which is current” to the end of the paragraph there shall be substituted—

“—

(a) which expires on 6th October 1997, on 7th October 1997;

(b) which expires after 6th October 1997, on the day following the expiration of that award.”.

(6) Regulation 4 was substituted by S.R. 1992 No. 148 and paragraph (4) was amended by S.R. 1995 No. 86

(7) Relevant amending rules are S.R. 1996 No. 476 and S.R. 1997 No. 113

(8) S.R. 1992 No. 72; relevant amending rules are S.R. 1996 No. 476 and S.R. 1997 No. 113

(9) S.R. 1996 No. 476

(3) In regulation 10(3) (transitional provisions) after “8 and 9” there shall be inserted “or regulation 3 or 4 of the Income-Related Benefits (Amendment) Regulations (Northern Ireland) 1997(10)”.

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

13th March 1997.

John O'Neill
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to regulation 5(1) and (2)(a) of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on

13th March 1997.

R. E. Aiken
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Family Credit (General) Regulations (Northern Ireland) 1987 (“the Family Credit Regulations”), the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 (“the Disability Working Allowance Regulations”) and the Income-Related Benefits and Jobseeker’s Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations (Northern Ireland) 1996 (“the Income-Related Benefits Regulations”).

Regulation 2 amends the Family Credit Regulations in relation to what constitutes remunerative work for the purposes of those Regulations.

Regulations 3 and 4 make amendments to the Family Credit Regulations and the Disability Working Allowance Regulations respectively which are consequential on previous amendments to those Regulations which provided that an increase in the appropriate maximum family credit and disability working allowance will no longer be applicable in respect of young persons aged 18 or over.

Regulation 5(2)(a) amends the operative date provisions for housing benefit within the Income-Related Benefits Regulations by inserting an operative date for those cases where payments by way of rates are not made together with rent at weekly intervals or multiples thereof.

Regulation 5(2)(b) and (3) amends the Income-Related Benefits Regulations in order to clarify the date from which the amendments in those Regulations will have effect for those with awards of family credit or disability working allowance on the date those Regulations come into operation and to ensure that the amendments made by regulations 3 and 4 of these Regulations will not apply in respect of young persons who attained the age of 18 before these Regulations came into operation.

In so far as these Regulations are required, for the purposes of regulation 5(1) and (2)(a) 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.