
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 325

HOUSING; RATES

The Housing Benefit (Amendment) (New Deal) Regulations (Northern Ireland) 1998

Made - - - - *15th September 1998*

Coming into operation *19th October 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(d), 132(4)(a) and (b) and 171(1) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(2) in so far as its consent is required, 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 Housing Benefit (Amendment) (New Deal) Regulations (Northern Ireland) 1998 and shall come into operation on 19th October 1998.

(2) In these Regulations “the principal Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(4).

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

Amendment of regulation 35 of the principal Regulations

2. In regulation 35 of the principal Regulations (notional income)—

(a) in paragraph (3)(6), for the words from the beginning to “regulation 75(1)(b)(ii) of those Regulations” there shall be substituted “Any payment of income, other than a payment of income specified in paragraph (3A)”;

(1) 1992 c. 7

(2) 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))

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

(4) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 No. 424, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 145, 195 and 233, S.R. 1997 Nos. 412 and 541 and S.R. 1998 No. 182

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

(6) Paragraph (3) was amended by regulation 9(a) of S.R. 1988 No. 424, regulation 3(3)(a) of S.R. 1990 No. 33, regulation 3(3) of S.R. 1991 No. 204, regulation 4(3) of S.R. 1992 No. 201, regulation 6(a) of S.R. 1993 No. 145, regulation 4(3)(a) of S.R.

- (b) after paragraph (3) there shall be inserted the following paragraph—
- “(3A) Paragraph (3) shall not apply in respect of a payment of income made—
- (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;
 - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994(7) (concessionary coal);
 - (c) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950(8) in respect of a person’s participation—
 - (i) in an employment programme specified in regulation 75(1)(a) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(9);
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii)(10) of those Regulations, or
 - (iii) in a qualifying course within the meaning specified in regulation 17A(7)(11) of those Regulations.”.

Amendment of regulation 43 of the principal Regulations

3. In regulation 43 of the principal Regulations (notional capital)—
- (a) in paragraph (3)(12), for the words from the beginning to “regulation 75(1)(b)(ii) of those Regulations” there shall be substituted “Any payment of capital, other than a payment of capital specified in paragraph (3A)”;
 - (b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Paragraph (3) shall not apply in respect of a payment of capital made—

 - (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;
 - (b) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person’s participation—
 - (i) in an employment programme specified in regulation 75(1)(a) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations, or
 - (iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.”.

1993 No. 195, regulation 4(3)(a) of S.R. 1993 No. 233, regulation 7(1) and (2)(c) of S.R. 1997 No. 412 and regulation 17(1) and (2)(b) of S.R. 1997 No. 541

(7) 1994 c. 21

(8) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))

(9) S.R. 1996 No. 198; regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by regulation 4(2) of S.R. 1998 No. 182

(10) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by regulation 8(b) of S.R. 1998 No. 198

(11) Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198

(12) Paragraph (3) was amended by regulation 12(a) of S.R. 1988 No. 424, regulation 3(3)(b) of S.R. 1990 No. 33, regulation 3(5) of S.R. 1991 No. 204, regulation 4(5) of S.R. 1992 No. 201, regulation 8(a) of S.R. 1993 No. 145, regulation 4(3)(c) of S.R. 1993 No. 195, regulation 4(3)(c) of S.R. 1993 No. 233 and regulation 17(5) and (6)(b) of S.R. 1997 No. 541

Amendment to Schedule 4 of the principal Regulations

4. In Schedule 4 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 68(13) there shall be added the following paragraph—

“**69.**—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996.

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student’s attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 57 (other amounts to be disregarded).”.

Amendment to Schedule 5 to the principal Regulations

5. In Schedule 5 to the principal Regulations (capital to be disregarded) after paragraph 53(14) there shall be added the following paragraph—

“**54.** Any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 but only for the period of 52 weeks from the date of receipt of that payment.”.

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

L.S.

15th September 1998.

John O'Neill
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to the foregoing
Regulations.

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

L.S.

15th September 1998.

J. Ritchie
Assistant Secretary

(13) Paragraph 68 was added by regulation 5(5) and (6)(a) of S.R. 1998 No. 182

(14) Paragraph 53 was added by regulation 5(11) and (12)(b) of S.R. 1998 No. 182

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

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend certain provisions in the Housing Benefit (General) Regulations (Northern Ireland) 1987 in relation to those persons who are undertaking qualifying courses as defined for the purposes of Parts II and V of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 in regulation 17A(7) of those Regulations.

Regulations 2 to 5 provide that discretionary payments made to persons undertaking qualifying courses to meet, or help meet special needs, shall, for the purposes of housing benefit, be disregarded for the purposes of assessing that person's income or capital or, where such payments are made to third parties, shall not be taken into account as their notional income or notional capital.