
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 81

**The Social Security (Miscellaneous Amendments
No. 2) Regulations (Northern Ireland) 1998**

Part III

**AMENDMENTS WITH RESPECT TO INCOME-
RELATED BENEFITS AND JOBSEEKER'S ALLOWANCE**

Common Amendments: Disregard of contribution

3.—(1) In each of the regulations specified in paragraph (2) (students) in the definition of “contribution” after “in respect of the income” there shall be inserted “of a student or”.

(2) The regulations specified in this paragraph are—

- (a) regulation 41 of the Disability Working Allowance Regulations;
- (b) regulation 37 of the Family Credit Regulations;
- (c) regulation 46 of the Housing Benefit Regulations⁽¹⁾;
- (d) regulation 61 of the Income Support Regulations⁽²⁾, and
- (e) regulation 130 of the Jobseeker's Allowance Regulations.

(3) In each of the regulations specified in paragraph (4) the following regulation shall be inserted and numbered in accordance with that paragraph—

“Further disregard of student's income

Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant, the amount taken into account shall be disregarded in assessing that student's income.”

(4) The Regulations and regulation numbers specified in this paragraph are—

- (a) regulation 48A of the Disability Working Allowance Regulations;
- (b) regulation 43A of the Family Credit Regulations;
- (c) regulation 58A of the Housing Benefit Regulations;
- (d) regulation 67A of the Income Support Regulations, and
- (e) regulation 137A of the Jobseeker's Allowance Regulations.

(1) The definition of “contribution” was substituted by regulation 4(4)(a) of S.R. 1996 No. 405

(2) The definition of “contribution” was substituted by regulation 5(8)(a) of S.R. 1996 No. 405

Common Amendments: Disregard of income other than earnings

4.—(1) For each of the paragraphs of the Schedules to the Regulations specified in paragraph (2) (sums to be disregarded in the calculation of income other than earnings) there shall be substituted the following paragraph—

“Any payment—

- (a) made to the claimant or his partner for a person (“the person concerned”), who is not normally a member of the claimant’s household but is temporarily in his care by—
 - (i) an authority;
 - (ii) a voluntary organisation, or
 - (iii) the person concerned pursuant to Article 36(7) of the Health and Personal Social Services (Northern Ireland) Order 1972(3), or
- (b) made to the claimant or his partner for a person who is not normally a member of the claimant’s household but is temporarily in his care by a training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968(4) (approval of schools).”.

(2) The paragraphs of the Schedules to the Regulations specified in this paragraph are—

- (a) paragraph 24 of Schedule 3 to the Disability Working Allowance Regulations(5);
- (b) paragraph 24 of Schedule 2 to the Family Credit Regulations(6);
- (c) paragraph 27 of Schedule 4 to the Housing Benefit Regulations(7);
- (d) paragraph 27 of Schedule 9 to the Income Support Regulations(8), and
- (e) paragraph 28 of Schedule 6 to the Jobseeker’s Allowance Regulations(9).

(3) In Schedule 4 to the Housing Benefit Regulations in paragraph 35(10) for “paragraphs 15” there shall be substituted “paragraphs 15(1)”.

Housing Benefit, Income Support, Jobseeker’s Allowance: Amendments with respect to persons in detention

5.—(1) For the words referred to in each of the provisions specified in paragraph (2) there shall be substituted “who is detained in hospital”—

(2) The words referred to and the provisions specified in this paragraph are—

- (a) in the Housing Benefit Regulations—
 - (i) in regulation 5(8A)(11) (circumstances in which a person is to be treated as liable to make payments in respect of a dwelling) for “who is detained”;
 - (ii) in regulation 63(7)(e)(iii)(12) (non-dependant deductions) for “whose detention is”;
- (b) in the Income Support Regulations—

(3) [S.I. 1972/1275 \(N.I. 14\)](#); Article 36 was substituted by Article 25 of [S.I. 1991/194 \(N.I. 1\)](#) and amended by paragraph 2(4) and (5) of Schedule 1 to [S.I. 1992/3204 \(N.I. 20\)](#)

(4) [1968 c. 34 \(N.I.\)](#); section 137 was amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 and Article 185(1) of, and paragraph 42 of Schedule 9 to, the Children (Northern Ireland) Order 1995 ([S.I. 1995/755 \(N.I. 2\)](#))

(5) Paragraph 24 was amended by regulation 7(5)(c) of [S.R. 1998 No. 2](#)

(6) Paragraph 24 was amended by regulation 4(5)(c) of [S.R. 1998 No. 2](#)

(7) Paragraph 27 was amended by regulation 3(6)(c) of [S.R. 1998 No. 2](#)

(8) Paragraph 27 was amended by regulation 2(8)(c) of [S.R. 1998 No. 2](#)

(9) Paragraph 28 was amended by regulation 8(7)(c) of [S.R. 1998 No. 2](#)

(10) Paragraph 35 was amended by regulation 3(3) of [S.R. 1990 No. 305](#) and regulation 7(b) of [S.R. 1996 No. 93](#)

(11) Paragraph (8A) was inserted by regulation 5 of [S.R. 1995 No. 89](#)

(12) Regulation 63(7)(e) was added by regulation 2(d)(iv) of [S.R. 1992 No. 85](#)

- (i) in regulation 21(3)(13) (special cases) in the definition of “prisoner”(14) for “whose detention is”;
- (ii) in Schedule 7 in column 1 of paragraph 2A(15) (applicable amounts in special cases) for “who is detained”, and
- (c) in the Jobseeker’s Allowance Regulations in regulation 85(4) (special cases) in the definition of “prisoner” for “whose detention is”.

Housing Benefit: Maximum rent

6. In regulation 11 of the Housing Benefit Regulations(16) (maximum rent) in paragraph (16) in the definition of “property-specific rent” for “paragraph 1(2)” there shall be substituted “paragraph 1” and for “paragraph 3” there shall be substituted “paragraph 3(3)”.

Housing Benefit: Excluded tenancies

7. In Schedule 1B to the Housing Benefit Regulations(17) (excluded tenancies) in paragraph 2(3) (c) for “for the purposes of paragraph 2” there shall be substituted “under paragraph 2(2)”.

Income Support and Jobseeker’s Allowance: Treatment of grant awards for former students

8. In regulation 29(2A) of the Income Support Regulations(18) and regulation 94(2A) of the Jobseeker’s Allowance Regulations(19) (calculations of earnings derived from employed earner’s employment and income other than earnings) after sub-paragraph (a) the following sub-paragraph shall be inserted—

- “(aa) where the grant is paid in instalments, on the day before the next instalment would have been paid had the claimant remained a student, or”.

Income Support and Jobseeker’s Allowance: Calculation of notional income and income other than earnings

9.—(1) The Income Support Regulations shall be amended in accordance with sub-paragraphs (a) to (c)—

- (a) in regulation 40(1)(20) (calculation of income other than earnings) for “paragraphs (2) to (3A)”(21) there shall be substituted “paragraphs (2) to (3B)”(22);
- (b) in regulation 42(7) (notional income) for “paragraphs (1) to (4)” there shall be substituted “paragraphs (1) to (4A)”(23), and
- (c) in Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
 - (i) in paragraph 7(24)—

(13) Relevant amending Regulations are [S.R. 1996 No. 375](#)

(14) The definition of “prisoner” was substituted by regulation 2(6)(a) of [S.R. 1995 No. 86](#)

(15) Paragraph 2A was inserted by regulation 19(b) of [S.R. 1990 No. 131](#)

(16) Regulation 11 was substituted by regulation 7 of [S.R. 1996 No. 111](#)

(17) Schedule 1B was inserted by regulation 15 of [S.R. 1996 No. 111](#)

(18) Paragraph (2A) was inserted by regulation 5(1)(b) of [S.R. 1997 No. 22](#)

(19) Paragraph (2A) was inserted by regulation 5(2)(b) of [S.R. 1997 No. 22](#)

(20) Relevant amending Regulations are [S.R. 1988 No. 431](#) and [S.R. 1990 No. 297](#)

(21) Paragraph (3A) was inserted by regulation 4(4)(b) of [S.R. 1990 No. 297](#); relevant amending Regulations are [S.R. 1991 No. 46](#) and [S.R. 1997 No. 412](#)

(22) Paragraph (3B) was inserted by regulation 7(1) of [S.R. 1997 No. 22](#)

(23) Paragraph (4A) was inserted by regulation 4(4)(b) of [S.R. 1994 No. 77](#)

(24) Relevant amending Regulations are [S.R. 1992 No. 6](#)

- (a) in sub-paragraph (a) for “paragraph 6, 9 or 9A”(25) there shall be substituted “paragraph 6 or 9”, and
 - (b) in sub-paragraph (b) at the end there shall be added “or jobseeker’s allowance”;
 - (ii) after paragraph 61(26) there shall be added the following paragraph—

“62. Any payment made with respect to a person on account of the provision of accommodation, aftercare or other personal social services to which Articles 15 and 36 of the 1972 Order refer which falls to be treated as notional income under regulation 42(4A) (payments made in respect of a person in a residential care or nursing home).”.
- (2) The Jobseeker’s Allowance Regulations shall be amended in accordance with sub-paragraphs (a) and (b)—
- (a) in regulation 103(1) (calculation of income other than earnings) for “paragraphs (2) to (5)” there shall be substituted “paragraphs (2) to (5A)”(27), and
 - (b) in Schedule 6 to the Jobseeker’s Allowance Regulations(28) (sums to be disregarded in the calculation of income other than earnings) at the end there shall be added the following paragraph—

“60. Any payment which falls to be treated as notional income under regulation 105(11) (payments made in respect of a person in a residential care or nursing home).”.

Jobseeker’s Allowance: Periods of interruption of employment

10.—(1) Regulation 47A of the Jobseeker’s Allowance Regulations(29) (job seeking periods: periods of interruption of employment) shall be renumbered as regulation 47A(1) and in sub-paragraph (za) of that paragraph “and is still current on 1st December 1997” shall be omitted.

(2) After the renumbered paragraph (1) the following paragraph shall be added—

“(2) In paragraph (1) “period of interruption of employment” in relation to a period prior to 7th October 1996 has the same meaning as it had in the Benefits Act by virtue of section 25A of that Act(30) (determination of days for which unemployment benefit is payable) as in operation on 6th October 1996.”.

(25) Paragraph 9A was omitted by [S.R. 1993 No. 373](#)

(26) Paragraph 61 was added by regulation 17(9) and (10)(a) of [S.R. 1997 No. 541](#)

(27) Paragraph (5A) was inserted by regulation 7(2) of [S.R. 1997 No. 22](#)

(28) Paragraph 59 was added by regulation 14(b) of [S.R. 1997 No. 541](#)

(29) Regulation 47A was inserted by regulation 2(7) of [S.R. 1996 No. 503](#) and amended by regulation 2 of [S.R. 1997 No. 484](#)

(30) Section 25A was inserted by paragraph 5 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 ([S.I. 1994/1898 \(N.I. 12\)](#)) and repealed by Article 4 of, and Schedule 3 to, the Jobseekers (Northern Ireland) Order 1995