
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 107

SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 1999**

*Made - - - - 10th March 1999
Coming into operation in accordance with
regulation 1(2)*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(a) to (c), 131(1), 132(3) and (4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and Articles 2(2), 6(5), 8(4), 9(4), 10(2)(d)(ii) and 36 of the Jobseekers (Northern Ireland) Order 1995(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(a) to (c), 131(1), 132(3) and (4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and Articles 2(2), 6(5), 8(4), 9(4), 10(2)(d)(ii) and 36 of the Jobseekers (Northern Ireland) Order 1995(2) 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 Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1999.

(2) These Regulations shall come into operation:—

- (a) in the case of regulations 1, 2 and 3, on 5th April 1999;
- (b) in the case of regulations 4 and 5, on the 6th April 1999 save that in the case of a claimant for family credit or disability working allowance who has an award of either of those benefits which is current on 5th April 1999, regulations 4 and 5 shall have effect in his case as from the day following the expiration of that award.

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

(1) 1992 c. 7
(2) S.I.1995/2705 (N.I. 15)
(1) 1992 c. 7
(2) S.I.1995/2705 (N.I. 15)
(3) 1954 c. 33 (N.I.)

Amendment of the Jobseeker’s Allowance Regulations

2.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(4) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 14(1)(5) (circumstances in which a person is to be treated as available) after sub-paragraph (j)(6) there shall be inserted the following sub-paragraph—

“(ja) notwithstanding regulation 15(a), if he is participating in a programme provided by the Venture Trust in pursuance of an arrangement made by the Secretary of State for the Home Department with the Trust, for a maximum of 4 weeks and one such programme in any period of 12 months;”.

(3) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment) after sub-paragraph (j)(7) there shall be inserted the following sub-paragraph—

“(ja) in any week during which he is participating for not less than 3 days in a programme provided by the Venture Trust in pursuance of an arrangement made by the Secretary of State for the Home Department with the Trust, for a maximum of 4 weeks and one such programme in any period of 12 months;”.

(4) In regulation 30(c) (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notice under regulation 23) for “(k)” there shall be substituted “(ja)”.

(5) In regulation 47(3)(b) (jobseeking period) the words from “or, where good cause” to the end of the sub-paragraph shall be omitted.

(6) In Schedule 2 (housing costs) in paragraph 13(6)(b) for “regulation 9” there shall be substituted “regulation 8A or 8B”(8).

Amendment of the Income Support (General) Regulations

3. In Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987(9) (housing costs) in paragraph 14(5)(b) for “regulation 9” there shall be substituted “regulation 8A or 8B”.

Amendment of the Family Credit (General) Regulations

4. In regulation 13A of the Family Credit (General) Regulations (Northern Ireland) 1987(10) (treatment of child care charges)—

(a) in paragraph (1) after “is incurring” there shall be inserted “or in the case of a claimant to whom paragraph (6A) applies, will incur”;

(b) in paragraph (2) at the end of the definition of “relevant child care charges”(11) there shall be added—

“or, in the case of a claimant to whom paragraph (6A) applies, with paragraphs (6B) and (6C)”;

(4) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358 and S.R. 1997 No. 138

(5) Paragraph (1) was amended by S.R. 1997 No. 138

(6) Sub-paragraph (j) was substituted by regulation 5(2)(b) of S.R. 1996 No. 358

(7) Sub-paragraph (j) was substituted by regulation 7(3) of S.R. 1996 No. 358

(8) In S.R. 1975 No. 113 regulations 8A and 8B were inserted by regulation 2(6) of S.R. 1996 No. 430

(9) S.R. 1987 No. 459; Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301 and paragraph 14 was amended by regulation 2 of S.R. 1995 No. 434

(10) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1994 No. 274, S.R. 1995 No. 86, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 2

(11) The definition of “relevant child care charges” was amended by regulation 4 of S.R. 1995 No. 86, regulation 4 of S.R. 1996 No. 476, regulation 2 of S.R. 1997 No. 515 and regulation 4 of S.R. 1998 No. 2

(c) in paragraph (2A)(12) after sub-paragraph (b) there shall be added the following sub-paragraph—

“(c) in the definition of “relevant child care charges” the words “charges paid” shall be taken to include charges which will be incurred and to which paragraph (6A) applies.”;

(d) after paragraph (6) there shall be inserted the following paragraphs—

“(6A) Where a claimant—

(a) has entered into an agreement for the provision of child care, and

(b) will incur under that agreement relevant child care charges in respect of child care during the period of the family credit award,

the weekly charge for child care shall be calculated in accordance with paragraphs (6B) and (6C), based upon a written estimate of the relevant future charges provided by the claimant and child minder or other child care provider.

(6B) Subject to paragraph (6C), relevant child care charges which fall under paragraph (6A) shall be calculated in accordance with the formula—

$$\frac{X + Y}{52}$$

where—

X is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall in school term-time in respect of the child or children concerned, multiplied by 39, and

Y is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall out of school term-time in respect of the child or children concerned, multiplied by 13.

(6C) Where relevant child care charges fall under paragraph (6A) and they are in respect of a child who does not attend school, the relevant child care charges shall mean the weekly estimate provided by the child minder or other child care provider multiplied by the number of weeks during the period of the family credit award in which relevant child care charges will be paid, divided by 26.”.

Amendment of the Disability Working Allowance (General) Regulations

5. In regulation 15A of the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(13) (treatment of child care charges)—

(a) in paragraph (1) after “is incurring” there shall be inserted “or in the case of a claimant to whom paragraph (6A) applies, will incur”;

(b) in paragraph (2) at the end of the definition of “relevant child care charges”(14)(b) there shall be added—

“or, in the case of a claimant to whom paragraph (6A) applies, with paragraphs (6B) and (6C)”;

(c) in paragraph (2A)(15) after sub-paragraph (b) there shall be added the following sub-paragraph—

(12) Paragraph (2A) was substituted by regulation 4(3) of S.R. 1996 No. 476

(13) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1994 No. 274, S.R. 1995 No. 86, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 2

(14) The definition of “relevant child care charges” was amended by regulation 5 of S.R. 1995 No. 86, regulation 7 of S.R. 1996 No. 476, regulation 2 of S.R. 1997 No. 515 and regulation 7 of S.R. 1998 No. 2

(15) Paragraph (2A) was substituted by regulation 7(3) of S.R. 1996 No. 476

- “(c) in the definition of “relevant child care charges” the words “charges paid” shall be taken to include charges which will be incurred and to which paragraph (6A) applies.”;
- (d) after paragraph (6) there shall be inserted the following paragraphs—

“(6A) Where a claimant—

- (a) has entered into an agreement for the provision of child care; and
(b) will incur under that agreement relevant child care charges in respect of child care during the period of the disability working allowance award,

the weekly charge for child care shall be calculated in accordance with paragraphs (6B) and (6C), based upon a written estimate of the relevant future charges provided by the claimant and child minder or other child care provider.

(6B) Subject to paragraph (6C), relevant child care charges which fall under paragraph (6A) shall be calculated in accordance with the formula—

$$\frac{X - Y}{52}$$

where—

X is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall in school term-time in respect of the child or children concerned, multiplied by 39, and

Y is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall out of school term-time in respect of the child or children concerned, multiplied by 13.

(6C) Where relevant child care charges fall under paragraph (6A) and they are in respect of a child who does not attend school, the relevant child care charges shall mean the weekly estimate provided by the child minder or other child care provider multiplied by the number of weeks during the period of the disability working allowance award in which relevant child care charges will be paid, divided by 26.”.

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

L.S.

10th March 1999.

John O'Neill
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations contain amendments to a number of Social Security Regulations.

Regulation 2 amends the Jobseeker's Allowance Regulations (Northern Ireland) 1996. Paragraphs (2) and (3) insert in regulations 14 and 19 respectively (which provide for circumstances in which a person is to be treated as available for or actively seeking employment) a reference to the Venture Trust Project and paragraph (4) makes a consequential amendment to regulation 30(c). Paragraph (5) amends existing provisions which cover claims in respect of a past period, to provide that no period before the claim is made forms part of the jobseeking period. Paragraph (6) is a technical amendment to ensure that references to the Social Security (Credits) Regulations (Northern Ireland) 1975 are correct.

Regulation 3 amends the Income Support (General) Regulations (Northern Ireland) 1987 and is a technical amendment to ensure that references to the Social Security (Credits) Regulations (Northern Ireland) 1975 are correct.

Regulations 4 and 5 amend the Family Credit (General) Regulations (Northern Ireland) 1987 and the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 to enable child care charges to be calculated in circumstances where an agreement for child care has been made, but charges for that care have not been incurred.

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.