
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 298

**The Housing Benefit (General) (Amendment)
Regulations (Northern Ireland) 1999**

Amendment of Schedule 3 to the principal Regulations

5. In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of earnings) after paragraph 15(1) there shall be added the following paragraph—

“**16.**—(1) In a case where the claimant is a person who satisfies the conditions set out in either sub-paragraph (2) or (3), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (4), the amount of his earnings that falls to be disregarded under paragraphs 3 to 8 shall be increased by a sum equal to either—

- (a) the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations(2) if he satisfies the conditions of sub-paragraph (2), or
- (b) the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations(3) if he satisfies the conditions of sub-paragraph (3),

and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3), his disregarded earnings shall be increased by the higher of the two sums, or if they are the same, by the amount of the credit referred to in sub-paragraph (a).

(2) The conditions of this sub-paragraph are that—

- (a) the claimant, or if he is a member of a couple either the claimant or his partner, is a person to whom regulation 46(1)(aa) of the Family Credit Regulations applies, or
- (b) (i) the claimant, or if he is a member of a couple one member of the couple is, or both members are, engaged in remunerative work for on average not less than 30 hours per week, and
- (ii) his applicable amount includes a family premium under paragraph 3 (family premium) of Schedule 2(4) (applicable amounts).

(3) The conditions of this sub-paragraph are that—

- (a) the claimant, or if he is a member of a couple either the claimant or his partner, is a person to whom regulation 51(1)(bb) of the Disability Working Allowance Regulations applies, or
- (b) (i) the claimant, or if he is a member of a couple one member of the couple is, or both members are, engaged in remunerative work for on average not less than 30 hours per week,
- (ii) the claimant’s applicable amount includes a higher pensioner or a disability premium under paragraph 10 or 11 (higher pensioner premium or disability premium) of Schedule 2 (applicable amounts) respectively, and

(1) Paragraph 15 was amended by regulation 17 of S.R. 1991 No. 337

(2) Regulation 46(1)(aa) was inserted by regulation 3(3) of S.R. 1995 No. 223

(3) Regulation 51(1)(bb) was inserted by regulation 4(3) of S.R. 1995 No. 223

(4) Relevant amending Rules are S.R. 1997 No. 4, S.R. 1998 Nos. 73 and 112 and S.R. 1999 No. 50

(iii) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the higher pensioner premium or the disability premium referred to in sub-head (ii) and is engaged in remunerative work for on average not less than 16 hours per week.

(4) The following are the amounts referred to in sub-paragraph (1)—

- (a) the amount calculated as disregardable from the claimant's earnings under paragraphs 3 to 8;
- (b) the amount of child care charges calculated as deductible under regulation 21(1)(c)(5), and
- (c) (i) in the case of a claimant who satisfies the conditions of sub-paragraph (2), the amount of the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations, or
(ii) in the case of a claimant who satisfies the conditions of sub-paragraph (3), the amount of the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations,

and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3) the higher of the two amounts shall be taken into account, or if they are the same, the amount of the credit referred to in sub-head (i) shall be used.

(5) The provisions of regulation 4 (remunerative work) shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation was a reference to 30 hours.

(6) In this paragraph—

“the Family Credit Regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987(6);

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(7).”.

(5) Regulation 21(1)(c) was added by regulation 2(2)(b) of S.R. 1994 No. 274
(6) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1995 No. 223
(7) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1995 No. 223