

2001 No. 4

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Capital Disregards Amendment)
Regulations (Northern Ireland) 2001**

Made 12th January 2001

Coming into operation 1st February 2001

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 132(4)(b) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Article 14(4)(b) of the Jobseekers (Northern Ireland) Order 1995(b) and now vested in it(c), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(d) in so far as regulation 2(b) is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Capital Disregards Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 1st February 2001.

(2) The Interpretation Act (Northern Ireland) 1954(f) shall apply to these Regulations as it applies to an Act of the Assembly.

Income support, housing benefit and jobseeker's allowance: capital disregard

2. There shall be added as—

(a) paragraph 57 of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(g) (capital to be disregarded);

(a) 1992 c. 7
(b) S.I. 1995/2705 (N.I. 15)
(c) See Article 8(b) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(d) 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)); consent function transferred from the Department of the Environment for Northern Ireland to the Department of Finance and Personnel; see Article 6(b) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(f) 1954 c. 33 (N.I.)
(g) S.R. 1987 No. 459; paragraph 56 was added by regulation 2(3) and (4)(b) of S.R. 2000 No. 2

(b) paragraph 59 of Schedule 5 to the Housing Benefit (General) Regulations (Northern Ireland) 1987^(a) (capital to be disregarded);

(c) paragraph 51 of Schedule 7 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996^(b) (capital to be disregarded);

the following paragraph—

“Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

(a) the claimant;

(b) the claimant's partner;

(c) the claimant's deceased spouse, or

(d) the claimant's partner's deceased spouse,

by the Japanese during the Second World War, £10,000.”.

Sealed with the Official Seal of the Department for Social Development on 12th January 2001.

(L.S.)

John O'Neill

Senior Officer of the Department for
Social Development

The Department of Finance and Personnel hereby consents to regulation 2(b) of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 12th January 2001.

(L.S.)

Brian Delaney

Senior Officer of the Department of
Finance and Personnel

(a) S.R. 1987 No. 461; paragraph 58 was added by regulation 2(3) and (4)(a) of S.R. 2000 No. 2

(b) S.R. 1996 No. 198; paragraph 50 was added by regulation 2(3) and (4)(c) of S.R. 2000 No. 2

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

In particular, regulation 2 provides that ex-gratia payments of £10,000 made on or after 1st February 2001 by the Secretary of State in consequence of a person's imprisonment or internment by the Japanese during the Second World War, shall be disregarded as capital when ascertaining the entitlement to those benefits.

In so far as these Regulations are required, for the purpose of regulation 2(b), to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, ("the 1992 Act"), 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.

These Regulations do not impose any charge on business.

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