
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 195

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Working Tax Credit and
Child Tax Credit Consequential Amendments)
Regulations (Northern Ireland) 2003**

Made - - - - 24th March 2003

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred on it by sections 22(5), 122(1)(a) and (d), 123(1)(e), 131(1), 132(1), (3) and (4), 134(1)(a), (2) and (4) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1), sections 1(1C) and 165(1) of the Social Security Administration (Northern Ireland) Act 1992(2) and Articles 6(5), 14, 15(2) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(3), and now vested in it(4), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(5) in so far as regulation 4 and Schedule 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation and that Schedule should not be referred to it(6), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003 and this regulation shall come into operation on 1st April 2003.

(2) Subject to paragraph (5), in a case where a claimant for income support –

(a) has a child or young person who is a member of his family for the purposes of his claim for income support, and

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- (1) 1992 c. 7; section 123(1)(c) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))
- (2) 1992 c. 8; section 1(1C) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11))
- (3) S.I. 1995/2705 (N.I. 15)
- (4) See Article 8(b) of S.R. 1999 No. 481
- (5) 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)); see also Article 6(b) of S.R. 1999 No. 481
- (6) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

- (b) is awarded, or his partner is awarded, a child tax credit for a period beginning before 6th April 2004,

regulation 6 shall have effect from the first day of the first benefit week to commence for that claimant on or after the day from which that award of child tax credit begins and regulation 2 and Schedule 1 shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

- (3) Subject to paragraph (5), in a case where a claimant for income support –
 - (a) has a child or young person who is a member of his family for the purposes of his claim for income support, and
 - (b) has not been awarded, or his partner has not been awarded, a child tax credit for a period beginning before 6th April 2004,

regulations 2 and 6 and Schedule 1 shall have effect from the first day of the first benefit week to commence for that claimant on or after the day on which his, or his partner's, award of child tax credit begins.

(4) Subject to paragraph (5), in a case where paragraph (2)(a) or (3)(a) does not apply to a claimant for income support, regulation 2 and Schedule 1 shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

- (5) The provisions in –
 - (a) paragraphs 10(b) and (c), 20(b), 23(a) and 24(a) of Schedule 1 and regulation 2 insofar as it relates to those paragraphs shall have effect in relation to any particular claimant for income support from the first day of the first benefit week to commence for the claimant on or after 7th April 2003, and
 - (b) paragraph 19 of Schedule 1 and regulation 2 insofar as it relates to that paragraph shall come into operation on 7th April 2003.

- (6) Subject to paragraph (9), in a case where a claimant for a jobseeker's allowance –
 - (a) has a child or young person who is a member of his family for the purposes of his claim for jobseeker's allowance, and
 - (b) is awarded, or his partner is awarded, a child tax credit for a period beginning before 6th April 2004,

regulation 7 shall have effect from the first day of the first benefit week to commence for that claimant on or after the day from which that award of child tax credit begins and regulation 3 and Schedule 2 shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

- (7) Subject to paragraph (9), in a case where a claimant for a jobseeker's allowance –
 - (a) has a child or young person who is a member of his family for the purposes of his claim for jobseeker's allowance, and
 - (b) has not been awarded, or his partner has not been awarded, a child tax credit for a period beginning before 6th April 2004,

regulations 3 and 7 and Schedule 2 shall have effect from the first day of the first benefit week to commence for that claimant on or after the day on which his, or his partner's, award of child tax credit begins.

(8) Subject to paragraph (9), in a case where paragraph (6)(a) or (7)(a) does not apply to a claimant for jobseeker's allowance, regulation 3 and Schedule 2 shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(9) Paragraphs 10(b), 20(b) and (c), 23(a) and 24(a) of Schedule 2 and regulation 3 insofar as it relates to those paragraphs shall have effect in relation to any particular claimant for jobseeker's

allowance from the first day of the first benefit week to commence for the claimant on or after 7th April 2003.

(10) The provisions in –

- (a) paragraph 6 of Schedule 4 and regulation 5 insofar as it relates to that paragraph shall come into operation on 1st April 2003 immediately before the coming into operation of paragraph 5 of Schedule 2 to the Income-Related Benefits and Jobseeker’s Allowance (Working Tax Credit and Child Tax Credit Amendment) Regulations (Northern Ireland) 2003(7),
- (b) paragraph 5 of Schedule 4 and regulation 5 insofar as it relates to that paragraph shall come into operation on 1st April 2003, and
- (c) the remaining paragraphs of Schedule 4 and regulation 5 insofar as it relates to those paragraphs and regulation 4 and Schedule 3 shall come into operation on 7th April 2003.

(11) In paragraphs (2) to (5) and regulation 6, the expressions “benefit week”(8), “claimant” and “partner” have the same meaning as in regulation 2(1) of the Income Support Regulations and in paragraphs (6) to (9) and regulation 7, the expressions “benefit week”(9) and “partner”(10) have the same meaning as in regulation 1(2) of the Jobseeker’s Allowance Regulations.

(12) In these Regulations –

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(11);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(12), and

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(13).

(13) The Interpretation Act (Northern Ireland) 1954(14) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support Regulations

2. The Income Support Regulations shall be amended in accordance with Schedule 1 and references in that Schedule to regulations and Schedules are to regulations of and Schedules to those Regulations.

(7) S.R. 2003 No. 1

(8) The definition of “benefit week” was amended by regulation 2(a) of S.R. 1988 No. 318

(9) The definition of “benefit week” was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(a) of S.R. 1996 No. 503

(10) The definition of “partner” was amended by paragraph 1 of Schedule 2 to S.R. 2000 No. 350

(11) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 No. 424, S.R. 1990 No. 345, S.R. 1991 No. 47, S.R. 1992 Nos. 6 and 404, S.R. 1994 Nos. 274 and 335, S.R. 1995 No. 129, S.R. 1996 No. 334, S.R. 1999 No. 385, S.R. 2000 No. 221 and S.R. 2002 No. 363

(12) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 146, 274, 318 and 431, S.R. 1989 Nos. 139, 249 and 366, S.R. 1990 Nos. 131, 297 and 346, S.R. 1992 Nos. 6 and 147, S.R. 1993 Nos. 149 and 373, S.R. 1994 Nos. 77 and 327, S.R. 1995 Nos. 67, 410 and 481, S.R. 1996 Nos. 199, 288, 449 and 476, S.R. 1997 Nos. 22, 331 and 483, S.R. 1998 Nos. 2, 81, 112 and 326, S.R. 1999 Nos. 381, 382, 385, 391, 472 (C. 36) and 500, S.R. 2000 Nos. 71, 242, 366 and 367, S.R. 2001 Nos. 134 and 278, S.R. 2002 Nos. 99, 128, 132, 222, 267, 270, 295, 323 and 363, and S.R. 2003 No. 1

(13) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 288, 356 and 476, S.R. 1997 Nos. 130, 331 and 483, S.R. 1998 Nos. 2, 81, 112 and 326, S.R. 1999 Nos. 382, 385, 391 and 428 (C. 32), S.R. 2000 Nos. 71, 242, 350, 366 and 367, S.R. 2001 Nos. 261 and 278, S.R. 2002 Nos. 99, 128, 132, 222, 267 and 323 and S.R. 2003 No. 1

(14) 1954 c. 33 (N.I.)

Amendment of the Jobseeker's Allowance Regulations

3. The Jobseeker's Allowance Regulations shall be amended in accordance with Schedule 2 and references in that Schedule to regulations and Schedules are to regulations of and Schedules to those Regulations.

Amendment of the Housing Benefit Regulations

4. The Housing Benefit Regulations shall be amended in accordance with Schedule 3 and references in that Schedule to regulations and Schedules are to regulations of and Schedules to those Regulations.

Other miscellaneous consequential amendments

5. The consequential amendments to the regulations specified in Schedule 4 shall have effect.

Income support – transitional arrangements

6.—(1) In the case of a claimant for income support who makes a claim, or whose partner makes a claim, for a child tax credit, the Department shall treat that claimant's income as including an amount equivalent to the amount of child tax credit to which he, or his partner, is entitled for the period specified in paragraph (3).

(2) In a case where a claimant for income support –

(a) has a child or young person who is a member of his family for the purposes of his claim for income support, and

(b) is, or has a partner who is, aged not less than 60,

the Department shall, in the first benefit week in which his, or his partner's, award of child tax credit begins during the period specified in paragraph (3), disregard from his income an amount equivalent to the amount of child tax credit to which he is entitled.

(3) For the purposes of paragraphs (1) and (2), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after 7th April 2003, or the date the award of child tax credit begins if later, and ends on the day before the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(4) In the case of a claimant for income support who applies for an applicable amount under regulation 17 or 18 of the Income Support Regulations on or after 7th April 2003 in respect of a child or young person who is a member of his family, the Department shall treat that claimant's income as including an amount equivalent to the amount of child benefit to which he, or his partner, is entitled in respect of that child or young person for the period specified in paragraph (5).

(5) For the purposes of paragraph (4), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after the date from which his claim includes that applicable amount and ends on –

(a) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning before 6th April 2004, the first day of the first benefit week to commence for that claimant on or after 6th April 2004;

(b) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning on or after 6th April 2004, the first day of the first benefit week to commence for that claimant on or after the day that award of child tax credit begins, or

(c) the first day of the first benefit week in which his applicable amount in respect of that child or young person ends, if earlier.

(6) In the case of a claimant for income support who is entitled, or whose partner is entitled, to child benefit in respect of a child under the age of one year, for the purposes of his claim for income support, the Department shall disregard from that claimant's income the sum of £10.45 in respect of one child only for the period specified in paragraph (7).

(7) For the purposes of paragraph (6), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after 7th April 2003 and ends on –

- (a) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning before 6th April 2004, the first day of the first benefit week to commence for that claimant on or after 6th April 2004;
- (b) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning on or after 6th April 2004, the first day of the first benefit week to commence for that claimant on or after the day that award child tax credit begins, or
- (c) the first day of the first benefit week in which the award of child benefit in respect of that child ends, if earlier.

Jobseeker's allowance – transitional arrangements

7.—(1) In the case of a claimant for jobseeker's allowance who makes a claim, or whose partner makes a claim, for a child tax credit, the Department shall treat that claimant's income as including an amount equivalent to the amount of child tax credit to which he, or his partner, is entitled for the period specified in paragraph (2).

(2) For the purposes of paragraph (1) the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after 7th April 2003, or the date that award of child tax credit begins if later, and ends on the day before the first day of the first benefit week to commence for that claimant on or after 6th April 2004.

(3) In the case of a claimant for jobseeker's allowance who applies for an applicable amount under regulation 83 or 84 of the Jobseeker's Allowance Regulations on or after 7th April 2003 in respect of a child or young person who is a member of his family, the Department shall treat that claimant's income as including an amount equivalent to the amount of child benefit to which he, or his partner, is entitled in respect of that child or young person for the period specified in paragraph (4).

(4) For the purposes of paragraph (3), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after the date from which his claim includes that applicable amount and ends on –

- (a) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning before 6th April 2004, the first day of the first benefit week to commence for that claimant on or after 6th April 2004;
- (b) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning on or after 6th April 2004, the first day of the first benefit week to commence for that claimant on or after the day on which that award of child tax credit begins, or
- (c) the first day of the first benefit week in which his applicable amount in respect of that child or young person ends, if earlier.

(5) In the case of a claimant for jobseeker's allowance who is entitled, or whose partner is entitled, to child benefit in respect of a child under the age of one year, for the purposes of his claim for jobseeker's allowance, the Department shall disregard from that claimant's income the sum of £10.45 in respect of one child only for the period specified in paragraph (6).

(6) For the purposes of paragraph (5), the specified period begins on, and includes, the first day of the first benefit week to commence for that claimant on or after 7th April 2003 and ends on –

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- (a) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning before 6th April 2004, the first day of the first benefit week to commence for that claimant on or after 6th April 2004;
- (b) in a case where the claimant, or his partner, is awarded child tax credit for a period beginning on or after 6th April 2004, the first day of the first benefit week to commence for that claimant on or after the day on which that award of child tax credit begins, or
- (c) the first day of the first benefit week in which the award of child benefit in respect of that child ends, if earlier.

Sealed with the Official Seal of the Department for Social Development on 24th March 2003.

L.S.

D. A. Baker
Senior Officer of the
Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 4 of, and Schedule 3 to, the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 25th March 2003.

L.S.

D. Thomson
Senior Officer of the
Department of Finance and Personnel

SCHEDULE 1

Regulation 2

AMENDMENTS TO THE INCOME SUPPORT REGULATIONS

1. In regulation 2A(15) (disapplication of section 1(1A) of the Administration Act) paragraph (a) shall be omitted.
2. In regulation 17(1)(16) (applicable amounts) –
 - (a) sub-paragraphs (b)(17) (amount in respect of children and young persons) and (c) (family premium) shall be omitted, and
 - (b) in sub-paragraph (bb)(18) for “or, if he is a member of a family, an amount in respect of any member of the family aged 16 or over” there shall be substituted “or, if he is a member of a couple, an amount in respect of both of them”.
3. In regulation 18(1)(19) (polygamous marriages) –
 - (a) sub-paragraphs (c)(20) (amount in respect of children or young persons) and (d) (family premium) shall be omitted, and
 - (b) in sub-paragraph (cc)(21) for “any member of his household aged 16 or over” there shall be substituted “any partner of the polygamous marriage”.
4. In regulation 21(special cases) –
 - (a) in paragraph (1)(22) the words from “; but no amount shall” to the end of that paragraph shall be omitted, and
 - (b) in paragraph (2) omit “, 3”.
5. In regulation 21A(3)(23) (treatment of refugees) for “dependants” there shall be substituted “partner”.
6. In regulation 23 (calculation of income and capital of members of claimant’s family and of a polygamous marriage) –
 - (a) in paragraph (1)(24) –
 - (i) for the words from “Subject” to “of the Order” there shall be substituted “Subject to paragraph (4), the income and capital of a claimant’s partner which by virtue of section 132 of the Contributions and Benefits Act”, and
 - (ii) the words “or that child or young person” shall be omitted;
 - (b) for paragraph (2) there shall be substituted the following paragraph –

“(2) Subject to the following provisions of this Part, the income paid to, or in respect of, and capital of, a child or young person who is a member of the claimant’s family shall not be treated as the income or capital of the claimant.”;
 - (c) in paragraph (3)(a)(25) “and the income of any child or young person who is one of that member’s family” shall be omitted;

(15) Regulation 2A was inserted by regulation 7 of S.R. 1997 No. 483

(16) Regulation 17(1) was amended by regulation 9 of S.R. 1996 No. 199

(17) Sub-paragraph (b) was amended by regulation 4(7) of S.R. 1993 No. 373

(18) Sub-paragraph (bb) was inserted by regulation 2(3) of S.R. 1993 No. 149

(19) Regulation 18(1) was amended by regulation 5(a) of S.R. 1988 No. 274 and regulation 10(a)(i) of S.R. 1996 No. 199

(20) Sub-paragraph (c) was amended by regulation 4(8) of S.R. 1993 No. 373

(21) Sub-paragraph (cc) was inserted by regulation 2(4) of S.R. 1993 No. 149

(22) Regulation 21(1) was amended by regulation 4(3) of S.R. 1994 No. 77, regulation 12 of S.R. 1996 No. 199, regulation 2(2) of S.R. 1996 No. 449 and regulation 2(1) of, and paragraph 6(a) of Schedule 1 to, S.R. 2002 No. 132

(23) Regulation 21A was substituted by regulation 5(5) of S.R. 2000 No. 71

(24) Paragraph (1) was amended by regulation 6(1)(a) of S.R. 1988 No. 274

(25) Paragraph (3) was amended by regulation 6(1)(b) of S.R. 1988 No. 274

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- (d) in paragraph (3)(b) “or, as the case may be, the income of that child or young person” and the words after “for the claimant” to the end of that paragraph shall be omitted.
7. In regulation 25 (liable relative payments) for “44” there shall be substituted “42”.
8. In regulation 40 (calculation of income other than earnings) –
- (a) in paragraph (1)(26) for the words after “income under” to the end of that paragraph there shall be substituted “regulation 41 (capital treated as income)”;
- (b) in paragraph (4)(b)(27) for “dependants” there shall be substituted “partner”.
9. Regulation 41(3)(28) (capital treated as income) shall be omitted.
10. In regulation 42 (notional income) –
- (a) paragraph (2)(d)(29) shall be omitted;
- (b) in paragraph (2)(e)(30) for “working families' tax credit” there shall be substituted “working tax credit”;
- (c) in paragraph 2(f)(31) for “disabled person’s tax credit” there shall be substituted “child tax credit”;
- (d) paragraph (2D)(32) shall be omitted;
- (e) in paragraph (4)(a)(33) –
- (i) for “in respect of a member of the family” there shall be substituted “his partner”;
- (ii) in head (i)(34) for “or by that member, if it is paid to any member of that family” there shall be substituted “or by his partner, if it is paid to his partner”;
- (iii) in head (ia)(35) for “that member” there shall be substituted “the claimant’s partner”;
- (iv) in head (ii)(36) for “or by that member” there shall be substituted “or his partner” and for “of any member of that family” there shall be substituted “of his partner”;
- (f) for paragraph (4)(b) there shall be substituted the following –
- “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner;”;
- (g) in paragraph (4ZA)(d)(iii)(37) for “any member of his family” there shall be substituted “his partner (if any)”;
- (h) in paragraph (4A)(38) for the words after “the cost of maintaining the claimant” to the end of that paragraph there shall be substituted “or his partner in that home shall be treated as possessed by the claimant or his partner”.

(26) Paragraph (1) was amended by regulation 8 of S.R. 1988 No. 431 and regulation 9(1)(a) of S.R. 1998 No. 81

(27) Paragraph (4) was amended by regulation 5(6)(a) of S.R. 2000 No. 71

(28) Paragraph (3) was amended by regulation 18 of S.R. 1988 No. 146, regulation 7 of S.R. 1989 No. 249 and regulation 2(4) of S.R. 1998 No. 2

(29) Paragraph (2)(d) was substituted by regulation 5(2)(a) of S.R. 1996 No. 288

(30) Paragraph (2)(e) was substituted by regulation 2(1) of, and Part I of Schedule 2 to, S.R. 1999 No. 385

(31) Paragraph (2)(f) was substituted by regulation 2(2) of, and Part II of Schedule 2 to, S.R. 1999 No. 385

(32) Paragraph (2D) was inserted by regulation 5(2)(b) of S.R. 1996 No. 288

(33) Paragraph (4) was substituted by regulation 9(a) of S.R. 1988 No. 318 and amended by regulation 2(2)(a) of S.R. 1998 No. 326

(34) Head (i) was amended by regulation 5(2) of S.R. 1995 No. 410, regulation 2(1)(a) and (2) of S.R. 1995 No. 481 and regulation 2(3) of S.R. 2002 No. 128

(35) Head (ia) was inserted by regulation 2(1)(a) of S.R. 1999 No. 391

(36) Head (ii) was amended by regulation 4(4)(a) of S.R. 1994 No. 77

(37) Paragraph (4ZA) was inserted by regulation 2(2)(b) of S.R. 1998 No. 326 and sub-paragraph (d) was added by regulation 2(3)(b) of S.R. 1999 No. 391

(38) Paragraph (4A) was inserted by regulation 4(4)(b) of S.R. 1994 No. 77

11. Regulation 44(39) (modifications in respect of children and young persons) and regulation 47 (disregard of capital of child or young person) shall be omitted.

12. In regulation 48 (income treated as capital) –

- (a) paragraphs (8)(40) and (10)(b)(41) shall be omitted, and
- (b) in paragraph (10)(a) for “or to a member of the family” there shall be substituted “or to the partner”.

13. In regulation 51 (notional capital) –

- (a) in paragraph (3)(a)(42) –
 - (i) for “in respect of a member of the family” there shall be substituted “his partner”;
 - (ii) in head (i)(43) for “or by that member if it is paid to any member of the family” there shall be substituted “or by his partner, if it is paid to his partner”;
 - (iii) in head (ia)(44) for “that member” there shall be substituted “the claimant’s partner”, and
 - (iv) in head (ii)(45) for “or by that member” there shall be substituted “or his partner” and for “of any member of that family” there shall be substituted “of his partner”;
- (b) for paragraph (3)(b) there shall be substituted the following –
 - “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner.”, and
- (c) in paragraph (3A)(c)(iii)(46) for “any member of his family” there shall be substituted “his partner (if any)”.

14. In regulation 54 (liable relatives interpretation) in the definition of “payment”(47) paragraph (d) shall be omitted.

15. In regulation 57 (period over which payments other than periodical payments are to be taken into account) –

- (a) in paragraph (1) for
 - “by –
 - (a) where the payment is in respect of the claimant or the claimant and any child or young person who is a member of the family, the aggregate”

there shall be substituted “by the aggregate”;

- (b) in paragraph (2) for
 - “is less than –

(39) Regulation 44 was amended by regulation 20 of [S.R. 1988 No. 146](#), regulation 4(14) of [S.R. 1993 No. 373](#), Article 7(8) of [S.R. 1999 No. 472 \(C. 36\)](#) and regulation 2(a) of [S.R. 2000 No. 367](#)

(40) Paragraph (8) was substituted by regulation 4(1) and (2)(a) of [S.R. 1997 No. 331](#)

(41) Paragraph (10) was added by regulation 10(b) of [S.R. 1988 No. 431](#)

(42) Paragraph (3) was substituted by regulation 11(a) of [S.R. 1988 No. 318](#) and amended by regulation 3(2)(a) of [S.R. 1998 No. 326](#)

(43) Head (i) was amended by regulation 9 of [S.R. 1997 No. 22](#) and regulation 2(4) of [S.R. 2002 No. 128](#)

(44) Head (ia) was inserted by regulation 2(1)(a) of [S.R. 1999 No. 391](#)

(45) Head (ii) was amended by paragraph 7 of Schedule 1 to [S.R. 1989 No. 139](#), paragraph 6(8) of Schedule 2 to [S.R. 1993 No. 149](#) and paragraph 8 of Part I of the Schedule to [S.R. 2002 No. 132](#)

(46) Paragraph (3A) was inserted by regulation 3(2)(b) of [S.R. 1998 No. 326](#) and sub-paragraph (c) was added by regulation 2(3)(b) of [S.R. 1999 No. 391](#)

(47) Definition of “payment” was amended by regulation 24 of [S.R. 1988 No. 146](#)

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- (a) in a case where the periodical payment is in respect of the claimant or the claimant and any child or young person who is a member of the family, the aggregate”

there shall be substituted “is less than the aggregate” and for “referred to in sub-paragraph (a) or (b), as the case may be,” there shall be substituted “as calculated under this paragraph”;

- (c) paragraph (1)(b)(48) and (2)(b)(49) and “or” after paragraph (2)(a) shall be omitted, and
(d) in paragraph (3)(a) and (b) “(a) or (b)” and in paragraph (3)(a) “, as the case may be” shall be omitted.

16. In regulation 62 (calculation of grant income) –

- (a) after paragraph (2)(h) there shall be added the following sub-paragraph –
“*(i) intended for the maintenance or child care costs of a child dependant.*”;
- (b) for paragraph (2B)(50) there shall be substituted the following paragraph –
“(2B) There shall also be excluded from a student’s grant income any grant of £510 in respect of expenditure on travel, books and equipment which is payable under regulation 16(8) of the Education (Student Support) Regulations (Northern Ireland) 2002(51).”;
- (c) in paragraph (3)(52) for “dependents” there shall be substituted “adult dependants” and “or intended for an older student under Part IV of that Schedule,” shall be omitted.
- (d) in paragraph (3A)(53) for “dependants” in both places where it occurs there shall be substituted “an adult dependant”, and
- (e) in paragraph (3B)(54) for “dependents” there shall be substituted “an adult dependant”.

17. In regulation 66B(3)(55) (treatment of payments from access funds) and in regulation 68(3)(56) (income treated as capital) for “any other member of his family” there shall be substituted “his partner”.

18. In regulation 71(1) (applicable amounts in urgent cases) –

- (a) sub-paragraphs (a)(ii)(57), (c)(ii)(58) and (d)(i)(59) shall be omitted, and
(b) in sub-paragraphs (a)(iii)(60) and (d)(ii)(61) “II or” shall be omitted.

(48) Paragraph (1)(b) was substituted by regulation 5 of S.R. 1990 No. 346 and was amended by regulation 5(3) of S.R. 1996 No. 288, regulation 2(b) of S.R. 2000 No. 367 and regulation 3 of, and paragraph 1(g) of the Schedule to, S.R. 2002 No. 323

(49) Paragraph (2)(b) was amended by regulation 5(3) of S.R. 1996 No. 288

(50) Paragraph (2B) was inserted by regulation 3(4)(b) of S.R. 2001 No. 278 and amended by regulation 4(1) and (2)(b) of S.R. 2002 No. 222 and regulation 2(1) and (2)(b) of S.R. 2002 No. 270

(51) S.R. 2002 No. 224

(52) Paragraph (3) was amended by regulation 2(3)(d) of S.R. 2000 No. 242 and regulation 4(3) and (4)(b) of S.R. 2002 No. 222

(53) Paragraph (3A) was inserted by regulation 25(b) of S.R. 1988 No. 146, amended by regulation 6(b) of S.R. 2001 No. 278 and regulation 7(1) and (2)(b) of S.R. 2002 No. 222

(54) Paragraph (3B) was inserted by regulation 2(3)(e) of S.R. 2000 No. 242 and amended by regulation 4(5) and (6)(b) of S.R. 2002 No. 222

(55) Regulation 66B was inserted by regulation 2(5) of S.R. 2000 No. 242 and paragraph (3) was amended by regulation 2(1) of, and paragraph 9 of Part I of the Schedule to, S.R. 2002 No. 132

(56) Regulation 68(3) was added by regulation 2(6) of S.R. 2000 No. 242 and amended by regulation 2(1) of, and paragraph 10 of Part I of the Schedule to, S.R. 2002 No. 132

(57) Sub-paragraph (a)(ii) was amended by regulation 26(a) of S.R. 1988 No. 146, regulation 4(6) of S.R. 1994 No. 77 and regulation 2(1) of, and paragraph 11(a) of Part I of the Schedule to, S.R. 2002 No. 132

(58) Sub-paragraph (c)(ii) was amended by regulation 4(6) of S.R. 1994 No. 77 and regulation 2(1) of, and paragraph 11(c) of Part I of the Schedule to, S.R. 2002 No. 132

(59) Sub-paragraph (d)(i) was added by regulation 26(b) of S.R. 1988 No. 146 and was amended by regulation 4(6) of S.R. 1994 No. 77, regulation 5(8)(a) of S.R. 2000 No. 71 and regulation 2(1) of, and paragraph 11(d) of Part I of the Schedule to, S.R. 2002 No. 132

(60) Sub-paragraph (a)(iii) was amended by regulation 9(a) of S.R. 1989 No. 249

(61) Sub-paragraph (d)(ii) was amended by regulation 9(b) of S.R. 1989 No. 249

19. In Schedule 1B**(62)** (prescribed categories of person) –
- (a) in paragraphs 14A(1)(c)**(63)** (parental leave) and 14B(2)(b)**(64)** (paternity leave) after “disabled person’s tax credit” there shall be inserted “, working tax credit, child tax credit payable at a rate higher than the family element”, and
 - (b) in paragraph 14A(2) and 14B(3) at the end there shall be added “and “family element” means in a case where any child in respect of whom child tax credit is payable is under the age of one year, the amount specified in regulation 7(3)(a) of the Child Tax Credit Regulations 2002**(65)** or in any other case, the amount specified in regulation 7(3)(b) of those Regulations”.
20. In Schedule 2 (applicable amounts) –
- (a) paragraphs 2**(66)** (amounts for child or young person), 3**(67)** (family premium), 6(1)(c)**(68)** (premiums) and 14**(69)** (disabled child premium) shall be omitted;
 - (b) in paragraph 12(1)(a)(i)**(70)** (additional condition for the higher pensioner and disability premiums) for “disabled person’s tax credit” there shall be substituted “the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002**(71)**”;
 - (c) in paragraph 13A**(72)** (enhanced disability premium) –
 - (i) in sub-paragraph (1)(b) for “a member of the claimant’s family” there shall be substituted “the claimant’s partner (if any)”;
 - (ii) sub-paragraph (2)(a) shall be omitted, and
 - (d) in paragraph 15**(73)** (weekly amounts of premiums specified in Part III) sub-paragraph (6) (disabled child premium) in columns (1) and (2) and sub-paragraph (8)(a) (enhanced disability premium) in Column (2) shall be omitted.
21. In Schedule 7 (applicable amounts in special cases) –
- (a) in paragraph 1(b)**(74)** in Column (2) for the words after “any amounts applicable to him under” to the end of that sub-paragraph there shall be substituted “regulation 17(1)(e), (f) or (g);”;
 - (b) in paragraph 1(c)(ii)**(75)** in Column (2) for the words after “any amounts which may be applicable under” to the end of that sub-paragraph there shall be substituted “regulation 17(1)(e), (f) or (g);”;

(62) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, [S.R. 1996 No. 199](#)

(63) Paragraph 14A was inserted by regulation 2 of [S.R. 1999 No. 500](#)

(64) Paragraph 14B was inserted by regulation 2(5) of [S.R. 2002 No. 363](#)

(65) [S.I. 2002/2007](#)

(66) Paragraph 2 was amended by regulation 18 of [S.R. 1988 No. 318](#), regulation 2 of [S.R. 1996 No. 476](#), regulation 2(1)(b) and (2)(a) of [S.R. 1999 No. 382](#) and regulation 2(1) and (2)(b) of [S.R. 2002 No. 267](#)

(67) Paragraph 3 was amended by regulation 18 of [S.R. 1988 No. 318](#), regulation 5(4)(a) of [S.R. 1996 No. 288](#), regulation 8 of [S.R. 1998 No. 112](#) and Article 16(4) of [S.R. 2002 No. 99](#)

(68) Paragraph 6 was substituted by regulation 2(c) of [S.R. 2000 No. 367](#)

(69) Paragraph 14 was amended by regulation 10(4)(d) of [S.R. 1992 No. 6](#) and regulation 4(17)(c) of [S.R. 1993 No. 373](#) and Article 16(2) of [S.R. 2002 No. 99](#)

(70) Paragraph 12(1)(a)(i) was amended by [S.R. 1988 No. 146](#), [S.R. 1992 No. 6](#), [S.R. 1994 No. 327](#), [S.R. 1995 No. 67](#) and [S.R. 1999 No. 385](#)

(71) [S.I. 2002/2005](#)

(72) Paragraph 13A was inserted by regulation 2(c)(ii) of [S.R. 2000 No. 367](#) and amended by Article 16(2) of [S.R. 2002 No. 99](#)

(73) Amounts in paragraph 15 were substituted by Article 16(5) of, and Schedule 3 to, [S.R. 2002 No. 99](#) and paragraph (8) was added by regulation 2(c)(iii) of [S.R. 2000 No. 367](#)

(74) Paragraph 1(b) was amended by paragraph 17(a)(i) of Schedule 1 to [S.R. 1988 No. 318](#) and regulation 5(5)(a) of [S.R. 1996 No. 288](#) and Article 16(7) of, and Part 1 of Schedule 4 to, [S.R. 2002 No. 99](#)

(75) Paragraph 1(c)(ii) was amended by paragraph 17(a)(i) of Schedule 1 to [S.R. 1988 No. 318](#) and Article 16(7) of, and Part 1 of Schedule 4 to, [S.R. 2002 No. 99](#)

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- (c) in paragraph 1(d)(ii)(76) in Column (2) for the words from “regulation 18(1)(c)” to “Schedule 2” there shall be substituted “regulation 18(1)(f), (g) or (h)”;
 - (d) paragraph 3(77) in Columns (1) and (2) shall be omitted;
 - (e) paragraph 10C(a)(78) and “and” which follows that sub-paragraph in Column (2) shall be omitted;
 - (f) in paragraph 10C(b)(79) in Column (2) for the words from “under regulation” to the end of that sub-paragraph there shall be substituted “under regulation 17(1)(e), (f) or (g)”;
 - (g) in paragraph 13(80), sub-paragraph (1)(d) in Columns (1) and (2) shall be omitted;
 - (h) for paragraph 14A(a)(81) and (b) in Column (2) there shall be substituted –
 - (a) The amount applicable in respect of the claimant only under regulation 17(1)(a), any amount which may be applicable to him under regulation 17(1)(d) plus the amount applicable to him under regulation 17(1)(e), (f) and (g) or, as the case may be, regulation 21.
 - (b) The amount determined in accordance with that regulation or regulation 21 in respect of the claimant and any partners of his who are not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to income support.”.
22. In Schedule 8 (sums to be disregarded in the calculation of earnings) –
- (a) in paragraph 14 “except earnings to which paragraph 15 applies” shall be omitted, and
 - (b) paragraph 15(82) shall be omitted.
23. In Schedule 9 (sums to be disregarded in calculation of income other than earnings) –
- (a) after paragraph 5 there shall be inserted the following paragraph(83) –

“5A. Any guardian’s allowance.”;
 - (b) after paragraph 5A there shall be inserted the following paragraph –

“5B.—(1) Any child tax credit.
(2) Any child benefit.”;
 - (c) in paragraph 25(84) –
 - (i) in sub-paragraph (1) “to the extent specified in sub-paragraph (2)” shall be omitted, and
 - (ii) sub-paragraph (2) shall be omitted;
 - (d) after paragraph 25, there shall be inserted the following paragraph –

(76) Paragraph 1(d)(ii) was substituted by regulation 19(a) of S.R. 1988 No. 431, amended by paragraph 17(a)(ii) of Schedule 1 to S.R. 1988 No. 318 and Article 16(7) of, and Part I of Schedule 4 to, S.R. 2002 No. 99

(77) Paragraph 3 was amended by regulation 22 of S.R. 1988 No. 318, Article 16(7) of, and Part I of Schedule 4 to, S.R. 2002 No. 99 and paragraph 15(b) of Part I of the Schedule to S.R. 2002 No. 132

(78) Paragraph 10C was inserted by regulation 19(c) of S.R. 1988 No. 431 and amended by regulation 19(e) of S.R. 1990 No. 131

(79) Paragraph 10C(b) was amended by regulation 5(5)(b) of S.R. 1996 No. 288

(80) Paragraph 13 was amended by regulation 22(d) of S.R. 1988 No. 318 and regulation 19(k)(i) of S.R. 1990 No. 131

(81) Paragraph 14A was inserted by regulation 5(10)(a) of S.R. 2000 No. 71 and amended by paragraph 15(j) of Part I of the Schedule to S.R. 2002 No. 132

(82) Paragraph 15 was amended by paragraph 14(b) of Schedule 1 to S.R. 1989 No. 139, regulation 12 of S.R. 1992 No. 147, regulation 3 of, and paragraph 2(g) of the Schedule to, S.R. 2000 No. 366 and paragraph 16(b) of Part I of the Schedule to S.R. 2002 No. 132

(83) Paragraph 5A was inserted by paragraph 5 of Schedule 1 to S.R. 2003 No. 1 and omitted by paragraph 5 of Schedule 4 to these Regulations

(84) Paragraph 25 was amended by regulation 4 of S.R. 1989 No. 366, regulation 3(1) and (2)(a) of S.R. 1997 No. 331 and regulation 2(8)(a) of S.R. 1998 No. 2

“25A. In the case of a claimant who has a child or young person –

- (a) who is a member of his family, and
- (b) who is residing at an educational establishment at which he is receiving relevant education,

any payment made to that educational establishment, in respect of that child or young person’s maintenance by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family.”, and

- (e) in paragraph 68(85), for “any working families’ tax credit or disabled person’s tax credit to which section 127 or as the case may be 128 of the Contributions and Benefits Act refers” there shall be substituted “any working tax credit”.

24. In Schedule 10 (capital to be disregarded) –

- (a) in paragraph 7(1)(b)(86) after “the Family Income Supplements Act (Northern Ireland) 1971” there shall be inserted “, working families’ tax credit under section 128 of the Contributions and Benefits Act, disabled person’s tax credit under section 129 of that Act, child tax credit, working tax credit”, and
- (b) in paragraph 20(87), “, 44(1)” and “, modifications in respect of children and young persons” shall be omitted.

SCHEDULE 2

Regulation 3

AMENDMENTS TO JOBSEEKER'S ALLOWANCE REGULATIONS

1. In regulation 2A(88) (disapplication of section 1(1A) of the Administration Act) paragraph (a) shall be omitted.
2. In regulation 83(89) (applicable amounts) –
 - (a) paragraphs (b) (amount in respect of children and young persons) and (d) (family premium) shall be omitted, and
 - (b) in paragraph (c) for “, or where the claimant is a member of a family, an amount in respect of any member of the family aged 16 or over” there shall be substituted “or, if he is a member of a couple, an amount in respect of both of them”.
3. In regulation 84(90) (polygamous marriages) –
 - (a) paragraph (1)(c) (amount in respect of children and young persons) and (e) (family premium) shall be omitted, and
 - (b) in paragraph (1)(d) for “any member of his household aged 16 or over” there shall be substituted “any partner of the polygamous marriage”.
4. In regulation 85 (special cases) –

(85) Paragraph 68 was added by regulation 2(10) of [S.R. 1999 No. 381](#) and amended by regulation 3(4) of [S.R. 2001 No. 134](#)

(86) Paragraph 7 was amended by regulation 2 of [S.R. 2002 No. 295](#) and sub-paragraph (b) was amended by regulation 26 of [S.R. 1996 No. 199](#)

(87) Paragraph 20 was amended by regulation 4(9) of [S.R. 1990 No. 297](#)

(88) Regulation 2A was inserted by regulation 14 of [S.R. 1997 No. 483](#)

(89) Regulation 83 was amended by Article 21(2) of [S.R. 2002 No. 99](#) and paragraph 4 of Part II of the Schedule to [S.R. 2002 No. 132](#)

(90) Regulation 84 was amended by Article 21(2) of [S.R. 2002 No. 99](#) and paragraph 5 of Part II of the Schedule to [S.R. 2002 No. 132](#)

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- (a) in paragraph (1)(91) (applicable amounts in special cases) the words from “but excluding” to the end of that paragraph shall be omitted, and
 - (b) in paragraph (3) omit “, 2”.
5. In regulation 86B(c)(92) (applicable amounts for joint-claim couples: polygamous marriages) for “any member of his household aged 16 or over” there shall be substituted “any partner of the polygamous marriage”.
6. In regulation 88 (calculation of income and capital of members of claimant’s family and of a polygamous marriage) –
- (a) in paragraph (1)(93) –
 - (i) for “paragraphs (2) and” there shall be substituted “paragraph” and for “regulations” there shall be substituted “regulation”;
 - (ii) the words “and 106 (modifications in respect of children and young persons)” and “and the income of a child or young person” and the words after “to his partner” to the end of that paragraph shall be omitted;
 - (b) for paragraph (2) there shall be substituted the following paragraph –

“(2) Subject to the following provisions of this Part, the income paid to, or in respect of, and capital of, a child or young person who is a member of the claimant’s family shall not be treated as the income or capital of the claimant.”;
 - (c) in paragraph (4)(a) the words after “each such member” to the end of that sub-paragraph shall be omitted, and
 - (d) in paragraph (4)(b) “or, as the case may be, the income of that child or young person” and the words after “for the claimant” to the end of that paragraph shall be omitted.
7. In regulation 89 (liable relative payments) for “106” there shall be substituted “105”.
8. In regulation 103 (calculation of income other than earnings) –
- (a) in paragraph (1)(94) for the words after “income under” to the end of that paragraph there shall be substituted “regulation 104 (capital treated as income)”, and
 - (b) in paragraph (6)(b)(95) for “dependants” there shall be substituted “partner”.
9. Regulation 104(3)(96) (capital treated as income) shall be omitted.
10. In regulation 105 (notional income) –
- (a) paragraph (2)(c)(97) and (2A)(98) shall be omitted;
 - (b) in paragraph (2)(d)(99) for “working families’ tax credit or disabled person’s tax credit” there shall be substituted “working tax credit or child tax credit”;
 - (c) in paragraph (10)(a)(100) –
 - (i) for “in respect of a member of the family” there shall be substituted “his partner”;

(91) Paragraph (1) was amended by regulation 5(8) of S.R. 1997 No. 130, Article 21(2) of S.R. 2002 No. 99 and paragraph 6 of Part II of the Schedule to S.R. 2002 No. 132

(92) Regulation 86B was inserted by paragraph 35 of Schedule 2 to S.R. 2000 No. 350

(93) Paragraph (1) was amended by paragraph 36 of Schedule 2 to S.R. 2000 No. 350

(94) Paragraph (1) was amended by regulation 9(2)(a) of S.R. 1998 No. 81

(95) Paragraph (6) was amended by regulation 10(4) of S.R. 2000 No. 71

(96) Paragraph (3) was amended by regulation 8(5) of S.R. 1998 No. 2

(97) Paragraph (2)(c) was substituted by regulation 9(2)(a) of S.R. 1996 No. 288

(98) Paragraph (2A) was inserted by regulation 9(2)(b) of S.R. 1996 No. 288

(99) Paragraph (2)(d) was amended by regulation 2(1) and (2) of S.R. 1999 No. 385

(100) Paragraph (10) was amended by regulation 2(1)(a) of S.R. 1998 No. 326

- (ii) in head (i)(**101**) for “by that member of the family, if it would normally be paid to that member” there shall be substituted “by his partner, if it would normally be paid to his partner”;
 - (iii) in head (ia)(**102**) for “that member” there shall be substituted “the claimant’s partner”, and
 - (iv) in head (ii)(**103**) for “or by that member of the family” there shall be substituted “or his partner” and for “of any member of the family” there shall be substituted “of his partner”;
- (d) for paragraph (10)(b) there shall be substituted the following –
- “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner;”;
- (e) in paragraph (10A)(d)(iii)(**104**) for “any member of his family” there shall be substituted “his partner (if any)”, and
- (f) in paragraph (11) for the words after “the cost of maintaining the claimant” to the end of that paragraph there shall be substituted “or his partner in that home shall be treated as possessed by the claimant or his partner”.
11. Regulation 106(**105**) (modifications in respect of children and young persons) and regulation 109 (disregard of capital of child or young person) shall be omitted.
12. In regulation 110 (income treated as capital) paragraphs (8)(**106**) and (10)(b) shall be omitted.
13. In regulation 113 (notional capital) –
- (a) in paragraph (3)(a)(**107**) –
 - (i) for “in respect of a member of the family” there shall be substituted “his partner”;
 - (ii) in head (i)(**108**) for “by that member of the family, if it would normally be paid to that member” there shall be substituted “by his partner, if it would normally be paid to his partner”;
 - (iii) in head (ia)(**109**) for “that member” there shall be substituted “the claimant’s partner”;
 - (iv) in head (ii)(**110**) for “or that member of the family” there shall be substituted “or his partner” and for “of any member of the family” there shall be substituted “of his partner”;
 - (b) for paragraph (3)(b) there shall be substituted the following –
 - “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single

(**101**) Head (i) was amended by regulation 4(3) of S.R. 2002 No. 128

(**102**) Head (ia) was inserted by regulation 2(1)(b) of S.R. 1999 No. 391

(**103**) Head (ii) was amended by paragraph 42 of Schedule 2 to S.R. 2000 No. 350

(**104**) Paragraph (10A) was inserted by regulation 2(1)(b) of S.R. 1998 No. 326 and sub-paragraph (d) was added by regulation 2(3)(c) of S.R. 1999 No. 391

(**105**) Regulation 106 was amended by Article 9(8)(c) of S.R. 1999 No. 428 (C.32) and regulation 4(a) of S.R. 2000 No. 367

(**106**) Paragraph 8 was substituted by regulation 4(2)(b) of S.R. 1997 No. 331

(**107**) Paragraph (3) was amended by regulation 3(1)(a) of S.R. 1998 No. 326

(**108**) Head (i) was amended by regulation 4(4) of S.R. 2002 No. 128

(**109**) Head (ia) was inserted by regulation 2(1)(b) of S.R. 1999 No. 391

(**110**) Head (ii) was amended by paragraph 44 of Schedule 2 to S.R. 2000 No. 350 and paragraph 11 of Part II of the Schedule to S.R. 2002 No. 132

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claimant, or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner.”, and

- (c) in paragraph (3A)(c)(iii)(**111**) for “any member of his family” there shall be substituted “his partner (if any)”.

14. In regulation 117 (liable relatives: interpretation) in the definition of “payment” paragraph (d) shall be omitted.

15. In regulation 121 (period over which payments other than periodical payments are to be taken into account) –

- (a) in paragraph (1) for

“by –

- (a) where the payment is in respect of the claimant or the claimant and any child or young person who is a member of the claimant’s family, the aggregate”

there shall be substituted “by the aggregate”;

- (b) in paragraph (2) for

“is less than –

- (a) in a case where the periodical payment is in respect of the claimant or the claimant and any child or young person who is a member of the claimant’s family, the aggregate”

there shall be substituted “is less than the aggregate” and for “referred to in sub-paragraph (a) or (b), as the case may be,” there shall be substituted “as calculated under this paragraph”;

- (c) paragraph (1)(b)(**112**) and (2)(b)(**113**) and “or” after paragraph (2)(a) shall be omitted, and

- (d) in paragraph (3) –

- (i) in sub-paragraph (a) for “paragraph (1)(a) or (b), as the case may be” there shall be substituted “paragraph (1)”, and

- (ii) in sub-paragraph (b) for “paragraph (2)(a) or (b), as the case may be,” there shall be substituted “paragraph (2)”.

16. In regulation 131 (calculation of grant income) –

- (a) after paragraph (2)(g) there shall be added the following sub-paragraph –

“(h) intended for the maintenance or child care costs of a child dependant.”;

- (b) for paragraph (3A)(**114**) there shall be substituted the following paragraph –

“(3A) There shall also be excluded from a student’s grant income any grant of £510 in respect of expenditure on travel, books and equipment which is payable under regulation 16(8) of the Education (Student Support) Regulations (Northern Ireland) 2002.”;

- (c) in paragraph (4)(**115**) for “dependents” there shall be substituted “adult dependants” and “or intended for an older student under Part IV of that Schedule,” shall be omitted;

(**111**) Paragraph (3A) was inserted by regulation 3(1)(b) of [S.R. 1998 No. 326](#) and sub-paragraph (c) was added by regulation 2(3)(c) of [S.R. 1999 No. 391](#)

(**112**) Paragraph (1)(b) was amended by regulation 4(b) of [S.R. 2000 No. 367](#) and paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#)

(**113**) Paragraph (2)(b) was amended by regulation 9(3) of [S.R. 1996 No. 288](#)

(**114**) Paragraph (3A) was inserted by regulation 3(4)(c) of [S.R. 2001 No. 278](#)

(**115**) Paragraph (4) was amended by regulation 3(5)(d) of [S.R. 2000 No. 242](#)

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(d) in paragraph (5)(**116**) for “dependants” in both places where it occurs there shall be substituted “an adult dependant”, and

(e) in paragraph (5A)(**117**) for “dependents” there shall be substituted “an adult dependant”.

17. In regulation 136A(3)(**118**) (treatment of payments from access funds) and regulation 138(3)(**119**) (income treated as capital) for “any other member of his family” there shall be substituted “his partner”.

18. In regulation 140(5)(a)(**120**) (meaning of “person in hardship”) for the words after “Schedule 1 or” to the end of that sub-paragraph there shall be substituted “an element of child tax credit in respect of a child or young person who is disabled or severely disabled within the meaning of regulation 8 of the Child Tax Credit Regulations 2002”.

19. In regulation 148(1)(**121**) (applicable amount in urgent cases) –

(a) sub-paragraphs (a)(ii), (c)(ii) and (d)(i) shall be omitted; and

(b) in sub-paragraphs (a)(iii) and (d)(ii) “II or” shall be omitted.

20. In Schedule 1 (applicable amounts) –

(a) paragraphs 2(**122**) (amounts for child or young person), 4(**123**) (family premium), 7(1)(c)(**124**) (premiums) and 16(**125**) (disabled child premium) shall be omitted;

(b) in paragraph 14(1)(a)(**126**) (additional conditions for higher pensioner and disability premium) for “either disabled person’s tax credit” there shall be substituted “the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002”;

(c) in paragraph 15A(**127**) (enhanced disability premium) –

(i) in sub-paragraph (1)(b) for “a member of the claimant’s family,” there shall be substituted “the claimant’s partner (if any),”, and

(ii) sub-paragraph (2)(a) shall be omitted;

(d) in paragraph 20 (weekly amounts of premiums specified in Part III) sub-paragraph (7)(**128**) (disabled child premium) in Columns (1) and (2) and sub-paragraph (9)(a)(**129**) (enhanced disability premium) in Column (2) shall be omitted, and

(e) in paragraph 20H(1)(a)(**130**) (additional conditions for higher pensioner and disability premium, joint claim) for “either disabled person’s tax credit” there shall be substituted “the disability element or the severe disability element of working tax credit as specified

(**116**) Paragraph (5) was amended by regulation 6(c) of S.R. 2001 No. 278 and regulation 7(1) and (2)(c) of S.R. 2002 No. 222

(**117**) Paragraph (5A) was inserted by regulation 3(5)(e) of S.R. 2000 No. 242 and amended by regulations 4(5) and (6)(c) and 7(1) and (2)(c) of S.R. 2002 No. 222

(**118**) Regulation 136A was inserted by regulation 3(7) of S.R. 2000 No. 242

(**119**) Regulation 138(3) was added by regulation 3(8) of S.R. 2000 No. 242

(**120**) Paragraph 140(5)(a) was amended by regulation 11(b) of S.R. 1996 No. 356

(**121**) Regulation 148(1) was amended by regulation 10(6) of S.R. 2000 No. 71, paragraph 46 of Schedule 2 to S.R. 2000 No. 350, Article 21(2) of S.R. 2002 No. 99 and paragraph 14 of Part II of the Schedule to S.R. 2002 No. 132

(**122**) Paragraph 2 was amended by regulation 2 of S.R. 1996 No. 476, regulation 2 of S.R. 1999 No. 382 and regulation 2 of S.R. 2002 No. 267

(**123**) Paragraph 4 was amended by regulation 9(4)(a) of S.R. 1996 No. 288, regulation 10 of S.R. 1998 No. 112 and Article 21(4) of S.R. 2002 No. 99

(**124**) Paragraph 7 was substituted by regulation 4(c)(i) of S.R. 2000 No. 367

(**125**) Paragraph 16 was amended by Article 21(2) of S.R. 2002 No. 99

(**126**) Paragraph 14(1)(a) was amended by regulation 2(2) of, and Part II of Schedule 2 to, S.R. 1999 No. 385

(**127**) Paragraph 15A was inserted by regulation 4(c)(ii) of S.R. 2000 No. 367 and amended by Article 21(2) of S.R. 2002 No. 99

(**128**) Sub-paragraph (7) was amended by Schedule 9 to S.R. 2002 No. 99

(**129**) Sub-paragraph (9) was added by regulation 4(c)(iii) of S.R. 2000 No. 367 and amended by Schedule 9 to S.R. 2002 No. 99

(**130**) Paragraph 20H was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350

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in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002”.

21. In Schedule 4 (applicable amounts in special cases) –
- (a) paragraph 2(**131**) in Columns (1) and (2) and paragraph 9(a)(**132**) in Column (2) shall be omitted;
 - (b) in paragraph 9(b)(**133**) in Column (2) for “83(d) or (f)” there shall be substituted “83(f)”;
 - (c) for paragraph 13A(a)(**134**) and (b) in Column (2) there shall be substituted –
 - “13A.
 - (a) The amount applicable in respect of the claimant only under regulation 83(a), plus any amount which may be applicable to him under regulation 83(e) or (f) plus the amount applicable to him under regulation 87(2) or (3) or, as the case may be, regulation 85;
 - (b) The amount determined in accordance with that regulation or regulation 85 in respect of the claimant and any partners of his who are not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to jobseeker’s allowance.”; and
 - (d) paragraph 15(1)(d) in Columns (1) and (2) shall be omitted.
22. In Schedule 5 (sums to be disregarded in the calculation of earnings) –
- (a) in paragraph 17 “except earnings to which paragraph 18 applies” shall be omitted, and
 - (b) paragraph 18(**135**) shall be omitted.
23. In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) –
- (a) after paragraph 6 there shall be inserted the following paragraph(**136**) –
 - “6A. Any guardian’s allowance.”;
 - (b) after paragraph 6A there shall be inserted the following paragraph –
 - “6B.—(1) Any child tax credit.
 - (2) Any child benefit.”;
 - (c) in paragraph 26(1)(**137**) “to the extent specified in sub-paragraph (2)” shall be omitted and sub-paragraph (2) shall be omitted, and
 - (d) after paragraph 26, there shall be inserted the following paragraph –
 - “26A. In the case of a claimant who has a child or young person –
 - (a) who is a member of his family, and
 - (b) who is residing at an educational establishment at which he is receiving relevant education,

(**131**) Paragraph 2 was amended by Schedule 11 to [S.R. 2002 No. 99](#)

(**132**) Paragraph 9 was amended by Schedule 11 to [S.R. 2002 No. 99](#)

(**133**) Paragraph 9(b) was amended by regulation 9(5) of [S.R. 1996 No. 288](#)

(**134**) Paragraph 13A was inserted by regulation 10(7)(a) of [S.R. 2000 No. 71](#) and amended by paragraph 19(d)(i) and (ii) of Part II of the Schedule to [S.R. 2002 No. 132](#)

(**135**) Paragraph 18 was amended by regulation 3 of [S.R. 2000 No. 366](#) and paragraph 21(b) of [S.R. 2002 No. 132](#)

(**136**) Paragraph 6A was inserted by paragraph 5 of Schedule 3 to [S.R. 2003 No. 1](#) and omitted by paragraph 6 of Schedule 4 to these Regulations

(**137**) Paragraph 26(1) was amended by regulation 3(2)(e) of [S.R. 1997 No. 331](#) and regulation 8(7)(a) of [S.R. 1998 No. 2](#)

any payment made to that educational establishment, in respect of that child or young person's maintenance by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family.”.

24. In Schedule 7 (capital to be disregarded) –

- (a) in paragraph 12(1)(b)(**138**) at the end there shall be inserted “, working families' tax credit under section 128 of that Act, disabled person's tax credit under section 129 of that Act, child tax credit or working tax credit”, and
- (b) in paragraph 25 “, 106(1)” and “, modifications in respect of children and young persons” shall be omitted.

SCHEDULE 3

Regulation 4

AMENDMENT OF THE HOUSING BENEFIT REGULATIONS

1. In regulation 21(1ZA)(b)(**139**) (calculation of income on a weekly basis) for “working families' tax credit or disabled person's tax credit” there shall be substituted “working tax credit or child tax credit”.

2. In regulation 21A(**140**) (treatment of child care charges) –

- (a) in paragraph (8) before “tax credit” in each place where those words occur there shall be inserted “child care element of working”, and
- (b) for paragraph (9)(b) there shall be substituted the following –
 - “(b) in paragraph (8) “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002(**141**) (child care element).”.

3. In regulation 43A(**142**) (diminishing notional capital rule) paragraph (3)(b)(**143**) and (d)(**144**) and paragraph (4)(b)(**145**) and (d)(**146**) shall be omitted.

4. In regulation 105(1)(b)(**147**) (recovery of overpayments from prescribed benefits) “, family credit or disability working allowance” shall be omitted.

5. In paragraph 12(1)(a)(i)(**148**) of Schedule 2 (additional condition for the higher pensioner and disability premiums) for “disabled person's tax credit” there shall be substituted “the disability

(**138**) Paragraph 12(1) was amended by regulation 4 of S.R. 2002 No. 295 and sub-paragraph (b) was amended by regulation 2(2)(c) of S.R. 2001 No. 261

(**139**) Regulation 21(1ZA) was inserted by regulation 2(b) of S.R. 2000 No. 221

(**140**) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274 and for paragraphs (7) and (8) there were substituted paragraphs (7) to (10) by regulation 4(4) of S.R. 2002 No. 363

(**141**) 2002 c. 21

(**142**) Regulation 43A was inserted by regulation 6 of S.R. 1990 No. 345

(**143**) Paragraph (3) was amended and sub-paragraph (b) was added by regulation 5(a) of S.R. 1991 No. 47 and sub-paragraph (b) was amended by Part I of Schedule 2 to S.R. 1999 No. 385

(**144**) Sub-paragraph (d) was added by regulation 8(a)(iii) of S.R. 1992 No. 404 and amended by regulation 8(a)(ii) of S.R. 1996 No. 334 and Part I of Schedule 2 to S.R. 1999 No. 385

(**145**) Paragraph (4) was amended and sub-paragraph (b) was added by regulation 5(b) of S.R. 1991 No. 47 and sub-paragraph (b) was amended by Part I of Schedule 2 to S.R. 1999 No. 385

(**146**) Sub-paragraph (d) was added by regulation 8(b)(iii) of S.R. 1992 No. 404 and amended by regulation 8(b)(ii) of S.R. 1996 No. 334 and Part II of Schedule 2 to S.R. 1999 No. 385

(**147**) Regulation 105(1)(b) was amended by regulation 11(3)(b) of S.R. 1992 No. 6

(**148**) Paragraph 12(1)(a)(i) was amended by regulation 17(a)(i) of S.R. 1988 No. 424, regulation 11(4)(b)(i) of S.R. 1992 No. 6, regulation 11(a)(i) of S.R. 1994 No. 335, regulation 8(a)(i) and 8(a)(ii) of S.R. 1995 No. 129 and regulation 2(2) and Part II of Schedule 2 to S.R. 1999 No. 385

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element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(149)".

SCHEDULE 4

Regulation 5

OTHER MISCELLANEOUS CONSEQUENTIAL AMENDMENTS

1. In the Social Security (Credits) Regulations (Northern Ireland) 1975(150) –
 - (a) in regulation 2(1) (interpretation) –
 - (i) the definition of “disabled person’s tax credit”(151) shall be omitted, and
 - (ii) for the definition of “working families' tax credit”(152) there shall be substituted the definition –

““working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002”;
 - (b) in the heading which precedes regulation 7B(153) (credits for disabled person’s tax credit) for “disabled person’s tax credit” there shall be substituted “disability element of working tax credit”;
 - (c) in regulation 7B for “a disabled person’s tax credit” there shall be substituted “the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 is included in an award of working tax credit which”;
 - (d) in the heading which precedes regulation 7C(154) (credits for working families' tax credit) for “working families' tax credit” there shall be substituted “working tax credit”;
 - (e) in regulation 7C –
 - (i) at the beginning of paragraph (1)(155), there shall be inserted “Subject to regulation 7B.”;
 - (ii) in paragraphs (1) and (2)(156) for “working families' tax credit” there shall be substituted “working tax credit”;
 - (iii) in paragraph (3)(157) for “working families' tax credit” in sub-paragraphs (a) and (c) there shall be substituted “working tax credit”, sub-paragraph (b) shall be omitted and “as equal” in sub-paragraph (c) shall be omitted, and
 - (iv) paragraph (5) shall be omitted.
2. In the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 1987(158) –
 - (a) in regulation 2(1) (interpretation) –

(149) S.I. 2002/2005

(150) S.R. 1975 No. 113; relevant amending regulations are S.R. 1991 No. 528, S.R. 1995 No. 479, S.R. 1999 No. 385 and S.R. 2001 No. 108

(151) The definition of “disabled person’s tax credit” was substituted by regulation 2(3)(a) of, and Part III of Schedule 2 to, S.R. 1999 No. 385

(152) The definition of “working families' tax credit” was inserted by regulation 2(3)(b) of, and Part III of Schedule 2 to, S.R. 1999 No. 385

(153) Regulation 7B was inserted by regulation 3 of S.R. 1991 No. 528 and amended by Part II of Schedule 2 to S.R. 1999 No. 385

(154) Regulation 7C was inserted by regulation 2 of S.R. 1995 No. 479

(155) Paragraph (1) was amended by Part 1 of Schedule 2 to S.R. 1999 No. 385 and regulation 3(6) of S.R. 2001 No. 108

(156) Paragraph (2) was amended by Part 1 of Schedule 2 to S.R. 1999 No. 385

(157) Paragraph (3) was amended by Part 1 of Schedule 2 to S.R. 1999 No. 385

(158) S.R. 1987 No. 150; relevant amending Regulations are S.R. 1988 No. 22, S.R. 1992 No. 6, S.R. 1996 No. 423, S.R. 1997 No. 155, S.R. 1999 No. 385 and S.R. 2000 No. 49

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- (i) after the definition of “child” there shall be inserted the following definition –
““child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;”;
 - (ii) after the definition of “family” there shall be inserted the following definition –
““family element” means in a case where any child in respect of whom child tax credit is payable is under the age of one year, the amount specified in regulation 7(3)(a) of the Child Tax Credit Regulations 2002(159) or in any other case, the amount specified in regulation 7(3)(b) of those Regulations;”,
and
 - (iii) after the definition of “unmarried couple” there shall be inserted the following definition –
““working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002.”;
- (b) in regulation 4(1)(a)(160) (entitlement to a maternity payment) for “working families' tax credit or disabled person's tax credit” there shall be substituted “working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 is included in the award or child tax credit payable at a rate higher than the family element”;
 - (c) in regulation 5(b)(161) (persons affected by a trade dispute) for “working families' tax credit or disabled person's tax credit”, in both places where those occur, there shall be substituted “working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 is included in the award or child tax credit payable at a rate higher than the family element”;
 - (d) in regulation 6(1)(a)(162) (entitlement) for “working families' tax credit, disabled person's tax credit” there shall be substituted “working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 is included in the award, child tax credit payable at a rate higher than the family element”.
3. In regulation 6 (date of claim) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(163) –
- (a) in paragraph (28)(a)(164) for “family credit or disability working allowance” there shall be substituted “working tax credit”, and
 - (b) in paragraph 28(b) after “remunerative work” there shall be added “for the purposes of that tax credit”.
4. In regulation 1B(2) (relaxation of the first contribution condition in certain cases) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(165) after sub-paragraph (b)(ii) there shall be inserted the following head –

(159) S.I. 2002/2007

(160) Regulation 4(1)(a) was amended by regulation 3(1)(a) of S.R. 1988 No. 22, regulation 9(2) of S.R. 1992 No. 6, regulation 3 of S.R. 1996 No. 423, Parts I and II of Schedule 2 to S.R. 1999 No. 385 and regulation 4 of S.R. 2000 No. 49

(161) Regulation 5(b) was amended by Parts I and II of Schedule 2 to S.R. 1999 No. 385 and regulation 4 of S.R. 2000 No. 49

(162) Regulation 6 was substituted by regulation 2(5) of S.R. 1997 No. 155 and paragraph (1)(a) was amended by Parts I and II of Schedule 2 to S.R. 1999 No. 385

(163) S.R. 1987 No. 465; relevant amending Rules are S.R. 1997 No. 156 and S.I. 1999/2574

(164) Paragraph (28) was added by regulation 3(4)(e) of S.R. 1997 No. 156

(165) S.R. 1994 No. 461; regulation 1B was inserted by regulation 2(2) of S.R. 2000 No. 404

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“(iii) who was entitled to working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 was included in the award, or”.

5. Paragraph 5 of Schedule 1 and paragraph 5 of Schedule 3 to the Income-related Benefits and Jobseeker’s Allowance (Working Tax Credit and Child Tax Credit Amendment) Regulations (Northern Ireland) 2003(166) shall be omitted.

6. Paragraph 5 of Schedule 2 to the Income-related Benefits and Jobseeker’s Allowance (Working Tax Credit and Child Tax Credit Amendment) Regulations (Northern Ireland) 2003 shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987 and the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 so as to remove, in accordance with section 1 of the Tax Credits Act 2002 (“the 2002 Act”), the special amounts and premia in income support and jobseeker’s allowance for those with responsibility for children and young persons.

These Regulations further amend the Income Support Regulations, the Jobseeker’s Allowance Regulations, the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Social Security (Credits) Regulations (Northern Ireland) 1975, the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 1987, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987, the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 and the Income-related Benefits and Jobseeker’s Allowance (Working Tax Credit and Child Tax Credit Amendment) Regulations (Northern Ireland) 2003 to make further consequential provision and transitional arrangements in connection with the introduction of child tax credit and working tax credit by the 2002 Act.

In so far as these Regulations are required, for the purposes of regulation 4 and Schedule 3, 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 Work and Pensions 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.