

2004 No. 394

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Housing Benefit, State Pension Credit
and Miscellaneous Amendments) Regulations
(Northern Ireland) 2004**

Made - - - - - 15th September 2004

Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(a) and (d), 129(4), 131(1), 132(1), (3) and (4), 132A(3) and (4)(a), 133(2)(c), (d) and (h) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), sections 5(1)(h) and 165(1), (4) and (6) of the Social Security Administration (Northern Ireland) Act 1992(b), Article 6(5) of the Jobseekers (Northern Ireland) Order 1995(c) and Articles 11(6) and 74(1) of the Social Security (Northern Ireland) Order 1998(d) and now vested in it(e) and paragraphs 4(5) and 20(1)(b) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(f) and sections 2(3)(b), 15(1)(j) and (6)(b) and 16(2)(a) of the State Pension Credit Act (Northern Ireland) 2002(g) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(h), in so far as regulation 2 is concerned and after agreement by the Social Security Advisory Committee that proposals in respect of that Regulation should not be referred to it(i), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Housing Benefit, State Pension Credit and Miscellaneous Amendments) Regulations (Northern Ireland) 2004 and shall come into operation –

- (a) for the purposes of this regulation and regulations 2(10)(a)(iii) and (iv) and (b) and (22) and 6(1) to (4) and (6), on 4th October 2004;

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- (a) 1992 c. 7; section 132A was inserted by section 14 of and paragraph 3 of Part I of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14), Section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
- (b) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 165(6) was amended by paragraph 86 of Schedule 6, and Article 78(2) and Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
- (c) S.I. 1995/2705 (N.I. 15)
- (d) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002 (c. 21)
- (e) See Article 8(b) of and Part II of Schedule 6 to S.R. 1999 No. 481
- (f) 2000 c. 4 (N.I.)
- (g) 2002 c. 14 (N.I.)
- (h) 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 and Part II of Schedule 4 to S.R. 1999 No. 481
- (i) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

- (b) for the purposes of regulation 7, on 6th October 2004;
- (c) for all other purposes, on 4th April 2005.

(2) In these Regulations –

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(a).

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

Amendment of the Housing Benefit Regulations

2.—(1) Subject to paragraphs (2) and (3), the Housing Benefit Regulations shall be amended in accordance with the following paragraphs.

(2) The amendments made by paragraphs (4)(b), (9), (10), (13), (18) and (22) are to the Housing Benefit Regulations as modified in their application to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(c) applies.

(3) The amendment made by paragraph (8)(a) is to the Housing Benefit Regulations as modified in their application to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003 applies, and to those Regulations as not so modified.

(4) In regulation 4 (remunerative work) –

- (a) in paragraph (5)(d) “, state pension credit” shall be omitted;
- (b) paragraph (5B)(e) shall be omitted.

(5) In regulation 5 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), for paragraph (8B)(c)(i)(f) there shall be substituted the following head –

“(i) detained in custody on remand pending trial or, as a condition of bail, required to reside in a dwelling, other than the dwelling he occupies as his home or, detained pending sentence upon conviction, or”.

(6) In regulation 16(b)(g) (applicable amounts), from “, except a child or young person” to the end of that paragraph shall be omitted.

(7) In regulation 17(c)(h) (polygamous marriages) from “, except a child or young person” to the end of that paragraph shall be omitted.

(8) In regulation 19 (calculation of income and capital of members of claimant’s family and of a polygamous marriage) –

(a) in paragraph (1) there shall be omitted –

- (i) from “and, subject to” to “a child or young person,”, and
- (ii) “or that child or young person”;

(b) paragraph (2) shall be omitted;

(c) in paragraph (3) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs –

“(a) the claimant shall be treated as possessing capital and income belonging to each such member; and

(b) the income and capital of that member shall be calculated in accordance with the following provisions of this Part in like manner as for the claimant.”;

(a) S.R. 1987 No. 461; relevant amending Rules are S.R. 1990 No. 297, S.R. 1992 No. 85, S.R. 1993 No. 381, S.R. 1995 No. 101, S.R. 1996 No. 334, S.R. 2000 No. 366, S.R. 2001 No. 215, S.R. 2003 Nos. 189, 197, 294 and 418 and S.R. 2004 Nos. 47 and 82

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

(c) S.R. 2003 No. 197

(d) Paragraph (5) was amended by regulation 3 of S.R. 1996 No. 334 and regulation 3(2) of S.R. 2003 No. 418

(e) Paragraph (5B) was inserted by regulation 2(3) of S.R. 2003 No. 418

(f) Paragraph (8B) was inserted by regulation 2(2)(c) of S.R. 1995 No. 101

(g) Regulation 16(b) was amended by regulation 5 of S.R. 1993 No. 381 and Article 19(2) of S.R. 2004 No. 82

(h) Regulation 17(c) was amended by regulation 6 of S.R. 1993 No. 381 and Article 19(2) of S.R. 2004 No. 82

- (d) after paragraph (3) there shall be added the following paragraph –
- “(4) The income and capital of a child or young person shall not be treated as the income and capital of the claimant.”.
- (9) In regulation 23(4)(a) (calculation of claimant’s income and capital in savings credit only cases) –
- (a) for sub-paragraph (b) there shall be substituted the following sub-paragraph –
- “(b) in respect of any dependent children of the claimant, childcare charges taken into account under regulation 26(1)(c);”;
- (b) in sub-paragraph (c)(b) heads (ii) and (iii) shall be omitted.
- (10) In regulation 25 (meaning of “income”) –
- (a) in paragraph (1) –
- (i) in sub-paragraph (b) “and child tax credit” shall be omitted;
- (ii) in sub-paragraph (f) after head (iv) there shall be inserted the following head –
- “(iv)(a) child benefit;”;
- (iii) at the end of sub-paragraph (q)(c) for “, and” there shall be substituted “;”;
- (iv) after sub-paragraph (r) there shall be added the following sub-paragraph –
- “and
- (s) any payment made at regular intervals under an equity release scheme.”;
- (b) after paragraph (6) there shall be added the following paragraph –
- “(7) In paragraph (1)(s) “equity release scheme” means a loan –
- (a) made between a person (“the lender”) and the claimant;
- (b) by means of which a sum of money is advanced by the lender to the claimant by way of payments at regular intervals; and
- (c) which is secured on a dwelling in which the claimant owns an estate or interest and which he occupies as his home.”.
- (11) In regulation 33(1)(d) (calculation of income other than earnings) from “or 36” to the end of that paragraph shall be omitted.
- (12) Regulation 36 (modifications in respect of child and young person) shall be omitted.
- (13) In regulation 42 (notional capital) for paragraph (2) there shall be substituted the following paragraph –
- “(2) A person who disposes of capital for the purpose of –
- (a) reducing or paying a debt owed by the claimant, or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the claimant’s case,
- shall be regarded as not depriving himself of it.”.
- (14) In regulation 63 (non-dependant deductions) after paragraph (9)(e) there shall be added the following paragraph –
- “(10) No deduction shall be made in respect of a non-dependant who is on state pension credit.”.
- (15) In regulation 68 (date on which change of circumstances is to take effect) –
- (a) paragraph (1)(f) after “paragraphs (3) to (12)” there shall be inserted “, regulation 68B”;

(a) Regulations 21 to 44 were substituted by regulation 8 of S.R. 2003 No. 197 and paragraph (4)(b) was amended by regulation 2(5)(a) of S.R. 2003 No. 418

(b) Paragraph (c) was amended by regulation 3(2)(a)(i) of S.R. 2004 No. 47

(c) Sub-paragraphs (q) and (r) were added by regulation 2(5)(b)(iii) of S.R. 2003 No. 418

(d) Regulation 33(1) was amended by regulation 3(4)(a) of S.R. 1990 No. 297 and regulation 10 of S.R. 1993 No. 381

(e) Paragraph (9) was added by regulation 2(e) of S.R. 1992 No. 85

(f) Paragraph (1) was amended by regulation 8(a)(i) of S.R. 2001 No. 215, regulation 2(2)(a)(i) of S.R. 2003 No. 189, regulation 13(2) of S.R. 2003 No. 197, regulation 11(a) of S.R. 2003 No. 294 and regulation 13(a) of S.R. 2004 No. 144

- (b) in paragraph (9)(b)(ii)(a) for “the income of a non-dependant increased” there shall be substituted “there has been a change of circumstances in respect of a non-dependant”.
- (16) In regulation 68B(b) (change of circumstances where state pension credit payable) –
- (a) after paragraph (5) there shall be inserted the following paragraphs –
- “(5A) Where, in the case of a claimant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is –
- (a) a change of circumstances of a kind described in any of paragraphs (2) to (5) which results from a relevant calculation or estimate, and
- (b) a change of circumstances which is a relevant determination,
- each of which results in a change in the rate of housing benefit payable to the claimant, the change of circumstances referred to in sub-paragraph (b) shall take effect from the day specified in paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in sub-paragraph (a).”;
- (b) after paragraph (8) there shall be added the following paragraph –
- “(9) In this regulation –
- “relevant calculation or estimate” means the calculation or estimate made by the Department of the claimant’s or, as the case may be, the claimant’s partner’s income and capital for the purposes of the award of state pension credit;
- “relevant determination” means a change in the determination by the relevant authority of the claimant’s income and capital using the relevant calculation or estimate, in accordance with regulation 23(1) as modified in their application to persons to whom regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003 applies.”.
- (17) In paragraph 14 of Schedule 2 (applicable amounts) sub-paragraph (a)(c) and the word “and” immediately following it shall be omitted.
- (18) In Schedule 2A(d) (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit) in paragraph 1, column (1), sub-paragraph (1), after “Single claimant” there shall be inserted “or lone parent”.
- (19) In Schedule 3 (sums to be disregarded in the calculation of earnings) –
- (a) in paragraph 13 the words from “except” to “applies” shall be omitted;
- (b) paragraph 14(e) shall be omitted.
- (20) In paragraph 25(2) of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) for the words from “a child or young person” to “so much” there shall be substituted “a child or young person, so much”.
- (21) In paragraph 21(f) of Schedule 5 (capital to be disregarded) there shall be omitted –
- (a) “, 36(5)”; and
- (b) “, modifications in respect of child and young person”.
- (22) In paragraph 4(a) of Part I of Schedule 5ZA(g) (capital to be disregarded) for the words from “partner” to “claimant” there shall be substituted “person who is a relative of the claimant or of his partner”.

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- (a) Paragraph (9) was added by regulation 13(3) of S.R. 2003 No. 197 and amended by regulation 2(9)(a)(i) of S.R. 2003 No. 418
- (b) Regulation 68B was inserted by regulation 13(4) of S.R. 2003 No. 197 and paragraph (5) was amended by regulation 2(9)(b)(iv) of S.R. 2003 No. 418
- (c) Sub-paragraph (a) was amended by regulation 12(b) of S.R. 1993 No. 381 and Article 19(2) of S.R. 2004 No. 82
- (d) Schedule 2A was inserted by regulation 6(2) of S.R. 2003 No. 197
- (e) Paragraph 14 was amended by regulation 13(e) of S.R. 1993 No. 381 and regulation 3 of and Schedule to S.R. 2000 No. 366
- (f) Paragraph 21 was amended by regulation 14(a) of S.R. 1993 No. 381
- (g) Schedule 5ZA was inserted by regulation 12(1) and Schedule 2 of S.R. 2003 No. 197

Amendment of Social Security and Child Support (Decisions and Appeals) Regulations

3. In regulation 7(17B)(d)(ii) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(a) (date from which a decision superseded under Article 11 takes effect) for “a non-dependant’s income increases and this affects” there shall be substituted “there has been a change of circumstances in respect of a non-dependant and this reduces”.

Amendment of the Income Support (General) Regulations

4. In Schedule 3(b) to the Income Support (General) Regulations (Northern Ireland) 1987(c) (housing costs) –

- (a) in paragraph 3(11)(c) (circumstances in which a person is to be treated as occupying a dwelling as his home) for sub-head (i) there shall be substituted the following sub-head –
 - “(i) detained in custody on remand pending trial or, as a condition of bail, required to reside in a dwelling, other than the dwelling he occupies as his home or, detained pending sentence upon conviction, or”;
- (b) in paragraph 18 (non-dependant deductions) –
 - (i) in sub-paragraph (1) for heads (a) to (c)(d) there shall be substituted the following heads –
 - “(a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work, £47.75;
 - (b) in respect of a non-dependant aged 18 or over to whom head (a) does not apply, £7.40.”;
 - (ii) in sub-paragraph (7) –
 - (aa) at the end of head (g)(e) there shall be inserted “or”;
 - (bb) after head (g) there shall be added the following head –
 - “(h) if he is in receipt of state pension credit.”.

Amendment of the Jobseeker’s Allowance Regulations

5. In Schedule 2 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(f) (housing costs) –

- (a) in paragraph 3(11)(c) (circumstances in which a person is to be treated as occupying a dwelling as his home) for sub-head (i)(g) there shall be substituted the following sub-head –
 - “(i) required, as a condition of bail, to reside in a dwelling, other than the dwelling he occupies as his home; or”;
- (b) in paragraph 17 (non-dependant deductions) –
 - (i) in sub-paragraph (1), for heads (a) to (c)(h) there shall be substituted the following heads –
 - “(a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work, £47.75;
 - (b) in respect of a non-dependant aged 18 or over to whom head (a) does not apply, £7.40.”;
 - (ii) in sub-paragraph (7) –
 - (aa) at the end of head (g)(i) there shall be inserted “or”;

(a) S.R. 1999 No. 162; paragraph (17B) was substituted by regulation 2(a) of S.R. 2004 No. 110
(b) Schedule 3 was substituted by regulation 2 of and Schedule 1 to S.R. 1995 No. 301
(c) S.R. 1987 No. 459; relevant amending Rules are S.R. 1995 No. 301, S.R. 2003 Nos. 191 and 261 and S.R. 2004 No. 82
(d) Heads (a) to (c) were substituted by regulation 24(6)(e) of S.R. 2003 No. 191 and amended by Article 16(6)(a) of S.R. 2004 No. 82
(e) Sub-paragraph (g) was amended by regulation 3(4) of S.R. 2003 No. 261
(f) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 No. 358, S.R. 2003 Nos. 191 and 261 and S.R. 2004 No. 82
(g) Sub-head (i) was substituted by regulation 29(2) of S.R. 1996 No. 358
(h) Heads (a) to (c) were substituted by regulation 32(c) of S.R. 2003 No. 191 and amended by Article 22(7)(a) of S.R. 2004 No. 82
(i) Head (g) was amended by regulation 5(4) of S.R. 2003 No. 261

- (bb) after head (g) there shall be added the following head –
“(h) if he is in receipt of state pension credit.”.

Amendment of the State Pension Credit Regulations

6.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(a) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation), after the definition of “the Eileen Trust” there shall be inserted –

““equity release scheme” means a loan –

- (a) made between a person (“the lender”) and the claimant;
- (b) by means of which a sum of money is advanced by the lender to the claimant by way of payments at regular intervals, and
- (c) which is secured on a dwelling in which the claimant owns an estate or interest and which he occupies as his home;”.

(3) In regulation 15(5) (income for the purposes of the Act) after sub-paragraph (i)(b) there shall be added the following sub-paragraph –

“(j) any payment made at regular intervals under an equity release scheme.”.

(4) At the end of regulation 16 (retirement pension income) there shall be added the following paragraph –

“(m) any payment made at regular intervals under an equity release scheme.”.

(5) In Schedule 2 (housing costs) –

(a) in paragraph 4(11)(c) (circumstances in which a person is to be treated as occupying a dwelling as his home) for sub-head (i) there shall be substituted the following sub-head –

“(i) detained in custody on remand pending trial or, as a condition of bail, required to reside in a dwelling, other than the dwelling he occupies as his home or, detained pending sentence upon conviction; or”;

(b) in paragraph 14 (persons residing with the claimant) –

(i) in sub-paragraph (1), for heads (a) to (c)(c) there shall be substituted the following heads –

“(a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work, £47.75;

(b) in respect of a non-dependant aged 18 or over to whom head (a) does not apply, £7.40.”;

(ii) in sub-paragraph (7) –

(aa) at the end of head (e)(d) there shall be inserted “or”;

(bb) after head (e) there shall be added the following head –

“(f) if he is in receipt of state pension credit.”.

(6) In paragraph 4(a) of Schedule 5 (capital disregarded for the purpose of calculating income), for the words from “partner” to “claimant” there shall be substituted “person who is a close relative, grandparent, grandchild, uncle, aunt, nephew or niece of the claimant or of his partner”.

Amendment of the Social Security (Claims and Payments) Regulations

7. In regulation 4E(3) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(e) (making a claim after attaining the qualifying age: date of claim) –

(a) S.R. 2003 No. 28; relevant amending Rules are S.R. 2003 Nos. 261 and 421 and S.R. 2004 No. 82

(b) Sub-paragraph (i) was added by regulation 2(7)(b) of S.R. 2003 No. 421

(c) Heads (a) to (c) were amended by Article 24(4) of S.R. 2004 No. 82

(d) Head (e) was amended by regulation 7(2) of S.R. 2003 No. 261

(e) S.R. 1987 No. 465; regulation 4E was inserted by regulation 4(3) of S.R. 2003 No. 191 and amended by regulation 2(5) of S.R. 2003 No. 317

- (a) for “claimant” the first time it appears there shall be substituted “person wishing to make a claim”, and
- (b) in sub-paragraph (a) after “informs” there shall be inserted “(by whatever means)”.

Sealed with the Official Seal of the Department for Social Development on 15th September 2004.

(L.S.)

John O’Neill

A senior officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 2.

Sealed with the Official Seal of the Department of Finance and Personnel on 15th September 2004.

(L.S.)

Ciaran Doran

A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Housing Benefit Regulations”), the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999, the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Jobseeker’s Allowance Regulations (Northern Ireland) 1996, the State Pension Credit Regulations (Northern Ireland) 2003 and the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.

The Housing Benefit Regulations were modified by the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) for persons who have attained the qualifying age for state pension credit (except where regulation 2(2) applies). These Regulations apply to the Housing Benefit Regulations as so modified and as not so modified, as set out in regulations 2(1), (2) and (3).

Regulation 2 amends the Housing Benefit Regulations.

- Paragraph (4) makes amendments to regulation 4 (as modified at paragraph (5B) and not so modified at paragraph (5)) omitting provisions which bring state pension credit within the scope of the remunerative work provisions, in consequence of the amendment made to regulation 63 by paragraph (14).
- Paragraph (5) extends the categories of persons who are to be treated as occupying a dwelling as their home to those cases where the claimant is on bail and as a condition of that bail is required to reside at an address other than the dwelling they occupy as their home.
- Paragraph (6) amends regulation 16(b) to exclude the capital of a child taken into account for the purposes of calculating a claimant’s applicable amount.
- Paragraph (7) amends regulation 17(c) to exclude the capital of a child taken into account for the purposes of calculating a claimant’s applicable amount where that claimant is a member of a polygamous marriage.
- Paragraph (8) makes amendments to regulation 19 to exclude the income and capital of a child or young person from the calculation of income and capital of members of the claimant’s family and of a polygamous marriage to be treated as income and capital of the claimant.
- Paragraph (9) amends regulation 23(4) (as modified) to remove child benefit, child tax credit, widowed mother’s allowance and widowed parent’s allowance from the income which may be taken into account by the relevant authority in modifying the calculation or estimate of net income provided by the Department.
- Paragraph (10) amends regulation 25 (as modified) to omit child tax credit from the meaning of income and to add child benefit to the list of benefits which are not within the meaning of income. This paragraph also adds to regulation 25 any payment made at regular intervals under an equity release scheme to the types of income which are prescribed for the purposes of section 132A(3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and a definition paragraph for the term “equity release scheme”, which mirrors the definition inserted into the State Pension Credit Regulations by regulation 6(2).
- Paragraphs (11), (12), (17), (20) and (21) make amendments consequent upon those made by paragraphs (6), (7) and (8).
- Paragraph (13) amends regulation 42(2) (as modified) to substitute a provision which omits sub-paragraph (a) of that regulation (by means of which a person is regarded as having deprived himself of a capital resource which he possesses and disposes of by way of gift to a third party).

- Paragraph (14) amends regulation 63 to insert a new paragraph which provides that in calculating maximum housing benefit no deduction shall be made in respect of a non-dependant who is on state pension credit, in consequence of this amendment there is no longer a requirement to establish whether a person is in remunerative work for the purposes of deciding whether or not the non-dependant deduction should be taken into account to make this calculation.
- Paragraph (15) amends regulation 68(9) setting out a substituted circumstance (where there has been a change of circumstances in respect of a non-dependant) in which the effective date set out in regulation 68(10) applies, for claimants or their partners who have attained the age of 65.
- Paragraph (16) amends regulation 68B to provide that where a claimant or his partner is or has been awarded the savings credit only of state pension credit and there is a change of circumstances as described in paragraphs (2) to (5) of that regulation resulting from the Department’s calculation or estimate of income and capital for the purposes of an award of state pension credit and there is a change in the determination by the relevant authority of the claimant’s income and capital using that calculation or estimate in accordance with regulation 23(1) as modified in its application to persons to whom regulation 2(1) of the 2003 Regulations applies, each of which result in a change in the rate of housing benefit payable, the change in that determination shall take effect from the dates set out in paragraphs (2), (3), (4) or (5) as the case may be.
- Paragraph (18) amends sub-paragraph (1) of column (1) of paragraph (1) of Schedule 2A (as modified) to include lone parents in the category of persons to whom the applicable amount for single claimants applies.
- Paragraph (19) omits paragraph 14 of Schedule 3 to remove from the sums to be disregarded in the calculation of earnings, the disregarded amounts of the earnings of a child or young person who is engaged in remunerative work. This paragraph also makes an amendment to paragraph 13 of Schedule 3 which is consequent upon that made to paragraph 14 of that Schedule.
- Paragraph (22) amends paragraph 4(a) in Part I of Schedule 5ZA to clarify who must occupy the premises for the capital disregard in regulation 39(2) (as modified) to apply.

Regulation 3 amends the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999. The amendment made by this regulation mirrors that made by regulation 2(15)(b) of these Regulations.

Regulation 4 amends the Income Support Regulations. The amendments made by paragraph (a) of this regulation mirror that made by regulation 2(5) of these Regulations. Paragraph (b) amends paragraph 18 of Schedule 3 to the Income Support Regulations in consequence of the amendments made to the Housing Benefit Regulations in respect of non-dependant deductions by regulations 2(4) and (14) of these regulations.

Regulation 5 amends the Jobseeker’s Allowance Regulations (Northern Ireland) 1996. The amendments made to those Regulations mirror those made to the Income Support Regulations, except in so far as the amendment made by paragraph (a) of this regulation does not extend to those detained in custody on remand pending trial or detained pending sentence upon conviction, for the purposes of jobseeker’s allowance.

Regulation 6 amends the State Pension Credit Regulations (Northern Ireland) 2003. Paragraph (2) amends regulation 1(2) inserting a definition of “equity release scheme” which is defined to mean a loan by means of which a sum of money is advanced by way of payments at regular intervals to the claimant and made against the security of a dwelling in which the claimant owns an estate or interest and occupies as his home. Paragraph (3) amends regulation 15(5) adding payments made at regular intervals under an equity release scheme to the descriptions of income which are prescribed for the purposes of section 15(1)(j) of the State Pension Credit Act (Northern Ireland) 2002. Paragraph (4) amends regulation 16 by adding payments made at regular intervals under an equity release scheme to the descriptions of income

listed as retirement pension income in section 16(1) of the State Pension Credit Act (Northern Ireland) 2002. Paragraph (5) amends Schedule 2 to the Regulations mirroring those made to the Income Support Regulations by regulation 4 of these Regulations. Paragraph (6) amends paragraph 4(a) of Schedule 5 to the State Pension Credit Regulations (Northern Ireland) 2003 to clarify who must occupy the premises for the capital disregard in regulation 17(8)(a) of those Regulations to apply.

Regulation 7 amends regulation 4E of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 to allow a person, who wishes to make a claim for State Pension Credit, to inform an office, as prescribed, of his intention of claiming, himself or through a person acting on his behalf.

In so far as these Regulations are required, for the purposes of regulation 2 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.

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