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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 121**

**The Social Security (Miscellaneous Amendments)  
Regulations (Northern Ireland) 2012**

**PART 4**

**OTHER AMENDMENTS**

**Amendment of the Statutory Sick Pay (General) Regulations**

**11.** In regulation 2(1)(b)(1) of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(2) (persons deemed incapable of work) for sub-paragraphs (bb), (cc) and (dd) substitute—

- “(bb) regulations 8 and 9 of the Public Health (Ships) Regulations (Northern Ireland) 2008(3) (examination etc., of persons on ships and powers in respect of persons leaving ships) apply;
- (cc) regulations 7 and 8 of the Public Health (Aircraft) Regulations (Northern Ireland) 2008(4) (examination etc., of persons on aircraft and powers in respect of persons leaving aircraft) apply;”.

**Amendment of the Income Support Regulations: persons in relevant education**

**12.** In regulation 13(3)(b) of the Income Support Regulations(5) (circumstances in which persons in relevant education are to be entitled to income support)—

- (a) at the end of head (iii) add “; or”
- (b) after head (iii) add  
“(iv) who is entitled to an employment and support allowance which includes a work-related activity component or support component.”.

**Amendment of the Social Security (Claims and Payments) Regulations**

**13.—(1)** The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(6) are amended in accordance with paragraphs (2) and (3).

- (2) In regulation 21 (direct credit transfer)—
  - (a) in paragraph (1)(7) for the words from the beginning to “regulation 33(1)(c),” substitute “The Department may arrange for benefit to”; and
  - (b) omit paragraph (5).

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(1) Sub-paragraph (b) was substituted by regulation 2 of [S.R. 2006 No. 142](#) and amended by regulation 6 of [S.R. 2011 No. 357](#)

(2) [S.R. 1982 No. 263](#); relevant amending Regulations are [S.R. 2006 No. 142](#) and [S.R. 2011 No. 357](#)

(3) [S.R. 2008 No. 333](#)

(4) [S.R. 2008 No. 436](#)

(5) Regulation 13(3)(b) was amended by regulation 2(3) of [S.R. 2009 No. 338](#)

(6) [S.R. 1987 No. 465](#); relevant amending Regulations are [S.R. 2002 No. 297](#), [S.R. 2005 No. 46](#) and [S.R. 2006 No. 168](#)

(7) Paragraph (1) was substituted by regulation 2(2)(a) of [S.R. 2002 No. 297](#) and amended by regulation 2(11) of [S.R. 2006 No. 168](#)

(3) In regulation 37(1)(bb)(8) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period) for “the person entitled to it and the Department have” substitute “the Department has”.

### **Amendment of the Social Security (Payments on Account, Overpayments and Recovery) Regulations**

14. In regulation 11(2)(b)(ii) of the Social Security (Payments on Account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 (9) (recovery of overpayments by automated or other direct credit transfer) for “before he agreed to the arrangement” substitute “before the arrangement came into effect”.

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

15. In regulation 7(7)(b)(i)(10) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(11) (date from which a decision superseded under Article 11 takes effect) after “Income Support Regulations” insert “, regulation 2 of the Jobseeker’s Allowance Regulations”.

### **Amendment of the Social Fund Winter Fuel Payment Regulations**

16.—(1) The Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(12) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1)(a)(13) (persons not entitled to a social fund winter fuel payment) for “in the qualifying week” substitute “throughout the qualifying week”.

(3) In both regulation 3(1)(b) and (2)(a) and regulation 4(1) (making a winter fuel payment without a claim) for “before the 31st March” substitute “on or before the 31st March”.

### **Amendment of the Housing Benefit (Decisions and Appeals) Regulations**

17. In regulation 1(2) of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(14) (interpretation) in the definition of “official error”(15) for “paragraphs (a) to (c)” substitute “paragraph (a) or (b)”.

### **Amendment of the Employment and Support Allowance Regulations**

18.—(1) The Employment and Support Allowance Regulations are amended in accordance with paragraphs (2) to (4).

(2) In regulation 8(2)(16) (relaxation of the first contribution condition)—

- (a) at the end of sub-paragraph (c) add “or”;
- (b) at the end of sub-paragraph (ca)(17) omit “; or”; and

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(8) Regulation 37(1)(bb) was inserted by regulation 5(8)(a) of S.R. 2005 No. 46

(9) S.R. 1988 No. 142; regulation 11(2)(b) was substituted by regulation 3 of S.R. 2005 No. 14

(10) Regulation 7(7) was substituted by regulation 4(4)(b) of S.R. 2006 No. 168 and amended by regulation 22(5)(d) of S.R. 2008 No. 286

(11) S.R. 1999 No. 162

(12) S.R. 2000 No. 91; relevant amending Regulation is S.R. 2010 No. 103

(13) Regulation 3(1) was amended by regulation 6(4) of S.R. 2010 No. 103

(14) S.R. 2001 No. 213; relevant amending Regulations are S.R. 2002 No. 189 and S.R. 2003 No. 274

(15) The definition of “official error” was amended by regulation 3(2)(b) of S.R. 2002 No. 189 and paragraph 7(a)(ii) of Schedule 2 to S.R. 2003 No. 274

(16) Regulation 8 was amended by regulation 3(3) of S.R. 2010 No. 346 and regulation 21(3) of S.R. 2011 No. 357

(17) Sub-paragraph (ca) was inserted by regulation 3 of S.R. 2011 No. 434

(c) omit sub-paragraph (d).

(3) In regulation 14 (meaning of education) after paragraph (2) add—

“(2A) Paragraph (2) does not apply to any course of study which the claimant is required to attend for the purpose of meeting a requirement to undertake work-related activity.”.

(4) In regulation 44(18) (claimants who are treated as not entitled to any allowance at all by reason of regulation 40(1) are to be treated as not having limited capability for work) after paragraph (1) insert—

“(2) Paragraph (1) does not apply where the claimant remains entitled to a contributory allowance, but is not entitled to an income-related allowance by reason of regulation 40(1).”.

### **Amendment of the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland)**

**19.** In regulation 16 of the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010(19) (application of other statutory provisions applying to employment and support allowance) after paragraph (1) insert—

“(1A) Where—

- (a) a person makes a claim for an employment and support allowance subsequent to the termination of that person’s entitlement to an employment and support allowance by virtue of these Regulations; and
- (b) the period of limited capability for work in relation to that claim would link, by virtue of regulation 145(1) of the 2008 Regulations, to a period of limited capability for work in respect of which an award was made by virtue of these Regulations,

that person’s entitlement to an award of an employment and support allowance shall be determined in accordance with these Regulations.”.

### **Revocations**

**20.** The provisions specified in column (1) of the Schedule are revoked to the extent specified in column (3).

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(18) Regulation 44(2) was revoked by regulation 26 and the Schedule to [S.R. 2011 No. 357](#)

(19) [S.R. 2010 No. 312](#)