

**2014 No. 105**

**HOUSING; RATES; SOCIAL SECURITY**

**The Social Security (Miscellaneous Amendments) Regulations  
(Northern Ireland) 2014**

*Made* - - - - *7th April 2014*

*Coming into operation* - *28th April 2014*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4), 132A and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), sections 5(1)(a), 109A(2)(b) and 165(1), (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(b), Articles 14(4) and 36(2)(a) of the Jobseekers (Northern Ireland) Order 1995(c), and now vested in it(d), sections 15(3) and (6) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(e) and sections 17(1) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(f).

Regulations 6 and 7 are made with the consent of the Department of Finance and Personnel(g).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 6 and 7 should not be referred to it(h).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2014 and shall come into operation on 28th April 2014.

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

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- (a) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) 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)
- (c) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999
- (d) See Article 8(b) of S.R. 1999 No. 481
- (e) 2002 c. 14 (N.I.)
- (f) 2007 c. 2 (N.I.)
- (g) 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
- (h) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
- (i) 1954 c.33 (N.I.)

## **Amendment of the Income Support Regulations**

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(a) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation)—

- (a) in paragraph (1)(b) omit the definition of “service user group”; and
- (b) after paragraph (1A)(c) insert—

“(1B) References in these Regulations to a claimant participating as a service user are to—

- (a) a person who is being consulted by or on behalf of—
  - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing, or
  - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or
- (b) the carer of a person consulted under sub-paragraph (a).”.

(3) In regulation 35(2)(f)(d) (earnings of employed earners) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(4) In regulation 42(8ZA)(e) (notional income) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(5) In paragraph 12(2B)(f) (the standard rate) of Schedule 3 (housing costs) for “0.5%” substitute “0.5 percentage points”.

(6) In paragraph 2A(g) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

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

3. In regulation 4(11) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(h) (making a claim for benefit) after “funeral expenses” insert “or winter fuel payment”.

## **Amendment of the Jobseeker’s Allowance Regulations**

4.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(i) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) in paragraph (2)(j) omit the definition of “service user group”; and

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- (a) S.R. 1987 No. 459; relevant amending Regulations are S.R. 2002 No. 132, S.R. 2003 No. 261, S.R. 2005 No. 458, S.R. 2009 No. 338 and S.R. 2010 No. 340
  - (b) The definition of “service user group” was inserted by regulation 2(2)(b) of S.R. 2009 No. 338
  - (c) Paragraph 1A was inserted by paragraph 1(b) of the Schedule to S.R. 2002 No. 132 and amended by regulation 3 of and paragraph 1(b) of Schedule 1 to S.R. 2005 No. 458 and regulation 3(2) of S.R. 2003 No. 261
  - (d) Paragraph (2)(f) was added by regulation 2(6) of S.R. 2009 No. 338
  - (e) Paragraph (8ZA) was inserted by regulation 2(8)(b) of S.R. 2009 No. 338
  - (f) Sub-paragraph (2B) was inserted by regulation 2(2) of S.R. 2010 No. 340
  - (g) Paragraph 2A was inserted by regulation 2(16)(a) of S.R. 2009 No. 338
  - (h) S.R. 1987 No. 465; regulation 4(11) was added by regulation 2(2)(b) of S.R. 2005 No. 14; relevant amending Regulations are S.R. 2005 No. 299 and S.R. 2010 No. 337
  - (i) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2002 No. 243, S.R. 2009 No. 338 and S.R. 2010 No. 340
  - (j) The definition of “service user group” was inserted by regulation 4(2)(b) of S.R. 2009 No. 338

(b) after paragraph (2F)(a) insert—

“(2G) References in these Regulations to a claimant participating as a service user are to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing, or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or

(b) the carer of a person consulted under sub-paragraph (a).”.

(3) In regulation 98(2)(h)(b) (earnings of an employed earner) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(4) In regulation 105(15A)(c) (notional income) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(5) In paragraph 11(2B)(d) (the standard rate) of Schedule 2 (housing costs) for “0.5%” substitute “0.5 percentage points”.

(6) In paragraph 2A(e) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

### **Amendment of the State Pension Credit Regulations**

**5.—**(1) The State Pension Credit Regulations (Northern Ireland) 2003(f) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2) omit the definition of “service user group”(g); and

(b) after paragraph (3) insert—

“(3A) References in these Regulations to a claimant participating as a service user are to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing, or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or

(b) the carer of a person consulted under sub-paragraph (a).”.

(3) In regulation 17A(3)(f)(h) (earnings of employed earners) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

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(a) Paragraph (2F) was inserted by paragraph 1(b) of Part II of the Schedule to S.R. 2002 No. 243

(b) Paragraph (2)(h) was added by regulation 4(6) of S.R. 2009 No. 338

(c) Paragraph (15A) was added by regulation 4(8)(b) of S.R. 2009 No. 338

(d) Paragraph (2B) was inserted by regulation 2(2) of S.R. 2010 No. 340

(e) Paragraph (2A) was inserted by regulation 4(15)(a) of S.R. 2009 No. 338

(f) S.R. 2003 No. 28; relevant amending Regulations are S.I. 2003/2175, S.R. 2004 No. 461, S.R. 2009 No. 338, S.R. 2010 No. 340 and S.R. 2011 No. 357

(g) The definition of “service user group” was inserted by regulation 5(2)(b) of S.R. 2009 No. 338

(h) Regulation 17A was inserted by regulation 5 of S.I. 2003/2175 and paragraph (3)(f) was inserted by regulation 5(3) of S.R. 2009 No. 338

(4) In regulation 18(7A)(a) (notional income) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(5) In regulation 24(3)(b) (income paid to third parties) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(6) In paragraph 9(2B)(c) (the standard rate) of Schedule 2 (housing costs) for “0.5%” substitute “0.5 percentage points”.

### **Amendment of the Housing Benefit Regulations**

6.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(d) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)(e) omit the definition of “service user group”; and

(b) after paragraph (4) insert—

“(4A) References in these Regulations to a claimant participating as a service user are to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing, or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,

in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or

(b) the carer of a person consulted under sub-paragraph (a).”.

(3) In regulation 32(2)(d)(f) (earnings of employed earners) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(4) In regulation 39(12A)(g) (notional income) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(5) In paragraph 2A(h) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations**

7.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(i) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)(j) omit the definition of “service user group”; and

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(a) Paragraph (7A) was added by regulation 5(4)(b) of S.R. 2009 No. 338  
(b) Paragraph (3) was inserted by regulation 14(4)(b) of S.R. 2011 No. 357  
(c) Paragraph 9 was substituted by regulation 4(c) of S.R. 2004 No. 461 and amended by regulation 5 of S.R. 2007 No. 475. Sub-paragraph (2B) was inserted by regulation 2(2) of S.R. 2010 No. 340  
(d) S.R. 2006 No. 405; relevant amending Regulation is S.R. 2009 No. 338  
(e) The definition of “service user group” was inserted by regulation 6(2)(b) of S.R. 2009 No. 338  
(f) Sub-paragraph (d) was inserted by regulation 6(3) of S.R. 2009 No. 338  
(g) Paragraph (12A) was inserted by regulation 6(4)(b) of S.R. 2009 No. 338  
(h) Paragraph 2A was inserted by regulation 6(6)(a) of S.R. 2009 No. 338  
(i) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2009 No. 338 and S.R. 2011 No. 357  
(j) The definition of “service user group” was inserted by regulation 7(2)(c) of S.R. 2009 No. 338

(b) after paragraph (5) insert—

“(5A) References in these Regulations to a claimant participating as a service user are to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing, or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or

(b) the carer of a person consulted under sub-paragraph (a).”.

(3) In regulation 33(2)(e)(a) (earnings of employed earners) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(4) In regulation 39(10A)(b) (notional income) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(5) In regulation 40(3)(c) (income paid to third parties) for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

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

8. In paragraph 13(2B) (the standard rate) of Schedule 6 (housing costs) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(d) for “0.5%” substitute “0.5 percentage points”.

#### **Revocations**

9. Regulations 2(2)(b), 4(2)(b), 5(2)(b), 6(2)(b) and 7(2)(c) of the Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2009(e) are revoked.

Sealed with the Official Seal of the Department for Social Development on 7th April 2014

A senior officer of the Department for Social Development

The Department of Finance and Personnel consents to regulations 6 and 7.

Sealed with the Official Seal of the Department of Finance and Personnel on 7th April 2014

(L.S.)

*John McKibbin*

A senior officer of the Department of Finance and Personnel

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(a) Sub-paragraph (e) was added by regulation 7(3) of S.R. 2009 No. 338  
(b) Paragraph (10A) was added by regulation 7(4)(b) of S.R. 2009 No. 338  
(c) Paragraph (3) was added by regulation 20(5)(b) of S.R. 2011 No. 357  
(d) S.R. 2008 No. 280; paragraph 13(2B) was inserted by regulation 2(2) of S.R. 2010 No. 340  
(e) S.R. 2009 No. 338

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend a number of different regulations relating to social security.

Regulations 2(2) to (4) and (6), 4(2) to (4) and (6), 5(2) to (5), 6 and 7 amend respectively the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”), the State Pension Credit Regulations (Northern Ireland) 2003 (“the State Pension Credit Regulations”), the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006. These amendments replace the existing definition of, and references to, a service user group with the revised definition of, and references to, a claimant participating as a service user. This has the effect of clarifying the existing provisions and ensuring consistency with the equivalent provisions in the Employment and Support Allowance Regulations (Northern Ireland) 2008 (“the Employment and Support Allowance Regulations”).

Regulations 2(5), 4(5), 5(6) and 8 amend the Income Support Regulations, the Jobseeker’s Allowance Regulations, the State Pension Credit Regulations and the Employment and Support Allowance Regulations respectively. These amendments change the wording of the regulation from “0.5%” to “0.5 percentage points” to make clear the operation of the provision.

Regulation 3 amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 to allow for winter fuel payment claims to be made by telephone.

Regulation 9 makes consequential revocations.

In so far as these Regulations are required, for the purposes of regulations 6 and 7, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, 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, that Act, are not subject to the requirement of section 149(2) for prior reference to the Social Security Advisory Committee.

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