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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 165**

**SOCIAL SECURITY**

**The Social Security (Income Support, Jobseeker's Allowance and Claims and Payments) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997**

*Made* - - - - *19th March 1997*  
*Coming into operation* *7th April 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 6(5), 22(4) and (6) and 36(1) of the Jobseekers (Northern Ireland) Order 1995(1), sections 122(1)(a), 123(1)(e), 131(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2) and sections 5(1)(g), 13A(2)(a) and 165 of the Social Security Administration (Northern Ireland) Act 1992(3) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Income Support, Jobseeker's Allowance and Claims and Payments) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997 and shall come into operation on 7th April 1997.

(2) In these Regulations—

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(4);

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(5).

(3) The Interpretation Act (Northern Ireland) 1954(6) shall apply to these Regulations as it applies to a Measure of the Assembly.

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(1) S.I.1995/2705 (N.I. 15)

(2) 1992 c. 7; section 123(1)(e) was added by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995

(3) 1992 c. 8; section 13A(2) was inserted by the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I. 1992/1309 (N.I. 9))

(4) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1995 No. 301 and S.R. 1996 No. 199

(5) S.R. 1996 No. 198, to which there are amendments not relevant to these Regulations

(6) 1954 c. 33 (N.I.)

### **Amendment of Schedule 1B to the Income Support Regulations**

2. In Schedule 1B to the Income Support Regulations(7) (prescribed categories of person), in paragraph 16(1) (certain persons aged 50 or over who have not been in remunerative work for 10 years) after “that date” on the first occasion where those words occur there shall be inserted “was in receipt of income support and”.

### **Amendment of Schedule 3 to the Income Support Regulations**

3. In Schedule 3 to the Income Support Regulations(8) (housing costs), in paragraph 18(7)(d) (non-dependant deductions) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”.

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

4.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(9) shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 8A(10) (deductions from benefits and direct payment to third parties)—

- (a) in paragraph 8(2) (aggregate amounts and maximum amount of payments to third parties) “and paragraph 3(5) of Schedule 8B” shall be omitted;
- (b) paragraph 8(4) shall be omitted;
- (c) in paragraph 9(1) (priority as between debts)—
  - (i) “or one or more of those paragraphs are applicable to the beneficiary and Schedule 8B also applies” shall be omitted;
  - (ii) head (za) shall be omitted.

(3) In Schedule 8B(11) (deductions of mortgage interest from benefit and payment to qualifying lenders)—

- (a) in paragraph 1 (interpretation) the definitions of “5 per cent. of the personal allowance for a single claimant aged not less than 25 years” and “personal allowance for a single claimant aged not less than 25 years” shall be omitted;
- (b) in paragraph 3 (specified part of relevant benefit) sub-paragraphs (5) and (6) (arrear of mortgage interest) shall be omitted;
- (c) in paragraph 4 (more than one loan) “plus” at the end of sub-paragraph (1)(b) and sub-paragraph (1)(c) shall be omitted.

### **Amendment of regulation 63 of the Jobseeker’s Allowance Regulations**

5.—(1) Regulation 63 of the Jobseeker’s Allowance Regulations (reduced payments under Article 19 of the Order) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) after “reduced by” there shall be inserted “, if he is a single person or a lone parent,” and for “in accordance with paragraph 1 of Schedule 1” there shall be substituted “in accordance with paragraph 1(1) or (2) of Schedule 1 (as the case may be) or, if he is a member of a couple, a sum equal to 40 per cent. of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) of Schedule 1”.

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(7) Schedule 1B was inserted by S.R. 1996 No. 199

(8) Schedule 3 was substituted by S.R. 1995 No. 301

(9) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1988 No. 67, S.R. 1989 No. 40, S.R. 1992 No. 271, S.R. 1993 No. 146, S.R. 1995 No. 301 and S.R. 1996 Nos. 354 and 432

(10) Schedule 8A was inserted by S.R. 1988 No. 67; relevant amending Regulations are S.R. 1989 No. 40, S.R. 1992 No. 271, S.R. 1993 No. 146 and S.R. 1996 No. 432

(11) Schedule 8B was inserted by S.R. 1992 No. 271; relevant amending Regulations are S.R. 1995 No. 301 and S.R. 1996 No. 354

(3) In paragraph (3) after “shall be” there shall be inserted “if he is a single person or a lone parent” and at the end there shall be inserted “determined in accordance with paragraph 1(1) or (2) of Schedule 1 (as the case may be) or, if he is a member of a couple, 20 per cent. of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) of Schedule 1”.

#### **Amendment of regulation 68 of the Jobseeker’s Allowance Regulations**

6.—(1) Regulation 68 of the Jobseeker’s Allowance Regulations (reduced amount of allowance) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) after “reduced by” there shall be inserted “, if he is a single person or a lone parent,” and for “in accordance with paragraph 1 of Schedule 1” there shall be substituted “in accordance with paragraph 1(1) or (2) of Schedule 1 (as the case may be) or, if he is a member of a couple, a sum equal to 40 per cent. of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) of Schedule 1”.

(3) In paragraph (2) after “reduced by” there shall be inserted “, if he is a single person or a lone parent,” and for “in accordance with paragraph 1 of Schedule 1” there shall be substituted “in accordance with paragraph 1(1) or (2) of Schedule 1 (as the case may be) or, if he is a member of a couple, a sum equal to 20 per cent. of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) of Schedule 1”.

#### **Amendment of Schedule 2 to the Jobseeker’s Allowance Regulations**

7.—(1) Schedule 2 to the Jobseeker’s Allowance Regulations (housing costs) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph 13 (linking rule) for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) For the purposes of this Schedule, where a claimant has ceased to be entitled to a jobseeker’s allowance because he or his partner is participating in arrangements for training provided under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(12) or made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(13) he shall be treated as if he had been in receipt of a jobseeker’s allowance for the period during which he or his partner was participating in such arrangements.”.

(3) In paragraph 17(7)(d) (non-dependant deductions) for “a jobseeker’s allowance” there shall be substituted “an income-based jobseeker’s allowance”.

#### **Revocations**

8. Regulation 4(3) and (4) of the Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1992(14), paragraph 3(3)(c) of Schedule 2 to the Social Security (Income Support and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1995(15) and regulation 2(27)(a)(i) of the Social Security (Claims and Payments) (Jobseeker’s Allowance Consequential Amendments) Regulations (Northern Ireland) 1996(16) are hereby revoked.

(12) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

(13) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

(14) S.R. 1992 No. 271

(15) S.R. 1995 No. 301

(16) S.R. 1996 No. 354

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

L.S.

19th March 1997.

*John O'Neill*  
Assistant Secretary

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## EXPLANATORY NOTE

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

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

In particular, these Regulations—

- (a) clarify the rules relating to the reduction of amounts of jobseeker's allowance in the case of young persons who commit certain acts, or who fail to do certain acts, by virtue of which, their jobseeker's allowance falls to be reduced (regulations 5 and 6);
- (b) clarify the linking rules in jobseeker's allowance where a person is participating in training (regulation 7(2));
- (c) clarify the position in relation to persons aged 50 or over who are in a prescribed category of person for the purpose of entitlement to income support (regulation 2);
- (d) provide that non-dependant deductions may not be made in respect of housing costs in both income support and jobseeker's allowance where a non-dependant is under 25 and in receipt of an income-based jobseeker's allowance (regulations 3 and 7(3));
- (e) provide that certain direct payments for mortgage interest arrears can no longer be made (regulation 4(3)(b)). Regulation 4(2) and (3)(a) and (c) makes amendments which are consequential on that amendment.

Regulation 8 makes consequential revocations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Education and Employment and the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.