
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 179

**The Social Security (Miscellaneous Amendments
No. 2) Regulations (Northern Ireland) 2008**

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(1) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 7(8)(c)(ii)(2) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) omit “9, 10, 11.”

(3) In regulation 25(11) (treatment of child care charges)—

(a) for sub-paragraph (a) substitute—

“(a) the claimant’s applicable amount includes a disability premium on account of the other member’s incapacity;” and

(b) in sub-paragraph (b) omit “or a higher pensioner premium”.

(4) In regulation 39(3) (notional income) omit paragraphs (3) to (5).

(5) In regulation 50(1) (students: interpretation)—

(a) for the definition of “sandwich course” substitute—

““sandwich course” has the meaning prescribed in regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007(4), regulation 2(9) of the Education (Student Support) Regulations 2008(5) or regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007(6), as the case may be;” and

(b) in the definition of “student loan” for “Students’ Allowances (Scotland) Regulations 1999” substitute “Students’ Allowances (Scotland) Regulations 2007(7)”.

(6) In regulation 53(2) (full-time students to be treated as not liable to make payments in respect of a dwelling)—

(a) in sub-paragraph (c) omit “pensioner premium for persons under 75 or, as the case may be, persons 75 or over, higher pensioner premium;” and

(b) in sub-paragraph (i)—

(i) for head (ii) substitute—

“(ii) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students’ Allowances (Scotland) Regulations 2007 or, as the case may be, under

(1) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2007 Nos. 306 and 396 and S.R. 2008 No. 92

(2) Paragraph (8) was amended by regulation 9(3) of S.R. 2007 No. 396

(3) Paragraphs (3) and (3A) were substituted for paragraph (3) by regulation 5(4)(b), and paragraphs (4) and (5) were respectively amended by regulation 5(4)(c) and (d), of S.R. 2007 No. 306

(4) S.R. 2007 No. 195

(5) S.I. 2008/529

(6) S.S.I. 2007/154

(7) S.S.I. 2007/153

paragraph (1)(d) of regulation 4 of the Education Authority Bursaries (Scotland) Regulations 2007⁽⁸⁾, in respect of expenses incurred;”, and

(ii) for head (iv) substitute—

“(iv) a grant has been made under regulation 39 of the Education (Student Support) Regulations (Northern Ireland) 2007 or under regulation 37 of the Education (Student Support) Regulations 2008, or”.

^{F1}(7)

(8) In Schedule 4 (applicable amounts)—

(a) in paragraph 3(4)(e) omit “9, 10, 11 or”;

(b) for paragraph 6 substitute—

“6. The following premiums, namely—

- (a) a severe disability premium to which paragraph 14 applies;
- (b) an enhanced disability premium to which paragraph 15 applies;
- (c) a disabled child premium to which paragraph 16 applies; and
- (d) a carer premium to which paragraph 17 applies,

may be applicable in addition to any other premium which may apply under this Schedule.”;

(c) omit paragraphs 9, 10 and 11;

(d) in paragraph 13—

- (i) in the heading for “higher pensioner and disability premiums” substitute “disability premium”;
- (ii) in sub-paragraph (1) for “paragraphs 11 and” substitute “paragraph”;
- (iii) in sub-paragraph (3) omit “the higher pensioner premium or”;
- (iv) omit sub-paragraph (4), and
- (v) in sub-paragraph (8) for “within the meaning of paragraph 11(5)” substitute “(a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995⁽⁹⁾ applies, and who again becomes incapable of work for the purposes of Part XIIIA of the Act⁽¹⁰⁾)”;

(e) in paragraph 20⁽¹¹⁾ omit sub-paragraphs (2), (3) and (4).

(9) In Schedule 5 (sums to be disregarded in the calculation of earnings)—

(a) in paragraph 3—

(i) for sub-paragraph (3)(a) substitute—

“(a) the claimant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 4; and”, and

(ii) omit sub-paragraphs (4) and (5); and

(b) in paragraph 17(2)(b)(iv)—

⁽⁸⁾ S.S.I. 2007/149

⁽⁹⁾ S.R. 1995 No. 41; regulation 13A was inserted by regulation 4(2) of S.R. 1998 No. 324 and amended by regulation 2(6) of S.R. 2000 No. 4 and regulation 2(2) of S.R. 2006 No. 150

⁽¹⁰⁾ Part XIIIA was inserted by Articles 7 and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

⁽¹¹⁾ The amounts in sub-paragraphs (2), (3) and (4) were amended by Schedule 7 to S.R. 2008 No. 92

- (i) in paragraph (aa) omit “a higher pensioner premium or”, “11 or” and “respectively”, and
 - (ii) in paragraph (bb) omit “higher pensioner premium or”.
- (10) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) omit paragraph 19;
 - ^{F2}(b) and
 - (c) for paragraph 49 substitute—

“49.—(1) Where a claimant’s applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the claimant’s former partner, or the claimant’s partner’s former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(3) A payment made by the Department in lieu of maintenance shall, for the purposes of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

49A.—(1) Any payment of child maintenance which is made by the parent of the child or young person except where the person making the payment is the claimant or the claimant’s partner.

(2) In this paragraph, “child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made through or under—

- (a) the Child Support (Northern Ireland) Order 1991(12);
- (b) the Child Support Act 1991(13);
- (c) a court order (including a consent order);
- (d) a minute of agreement as registered for execution in the Books of Council and Session or the sheriff court books,

and for this purpose a “young person” is a person referred to in regulation 17.

(3) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

(4) A payment made by the Department in lieu of maintenance shall, for the purposes of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).” .

^{F3}(11)

Textual Amendments

F1 Reg. 3(7) revoked (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/92\)](#), reg. 1(1), **Sch.**

(12) S.I. 1991/2628 (N.I. 23)

(13) 1991 c. 48

Changes to legislation: *There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2008, Section 3. (See end of Document for details)*

- F2** Reg. 3(10)(b) revoked (5.1.2009) by The Social Security (Miscellaneous Amendments No. 7) Regulations (Northern Ireland) 2008 (S.R. 2008/498), reg. 1(1), **Sch.**
- F3** Reg. 3(11) revoked (5.1.2009) by The Social Security (Miscellaneous Amendments No. 7) Regulations (Northern Ireland) 2008 (S.R. 2008/498), reg. 1(1), **Sch.**
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Commencement Information

- I1** Reg. 3(1)-(9), (10)(a)(b), (11) in operation at 19.5.2008, see reg. 1(1)
- I2** Reg. 3(10)(c) in operation at 27.10.2008, see **reg. 1(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2008, Section 3.