

2014 No. 275

SOCIAL SECURITY

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments No. 2)
Regulations (Northern Ireland) 2014**

Made - - - - *5th November 2014*

Coming into operation - *26th November 2014*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 131(1) and (6), 132(3), 132A(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c), sections 2(3)(b), 15(3) and (6)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(d) and sections 4(2)(a) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(e).

Regulations 5 and 6 are made with the consent of the Department of Finance and Personnel(f).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 5 and 6 should not be referred to it(g).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2014 and shall come into operation on 26th November 2014.

(2) The Interpretation Act (Northern Ireland) 1954(h) 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) S.I. 1995/2705; Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
- (c) See Article 8(b) of S.R. 1999 No. 481
- (d) 2002 c. 14 (N.I.)
- (e) 2007 c. 2 (N.I.)
- (f) 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
- (g) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
- (h) 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) and (3).

(2) In Schedule 2 (applicable amounts)—

(a) in paragraph 12 (additional condition for the higher pensioner and disability premiums)—

(i) for sub-paragraph (1)(a)(iii) substitute—

“(iii) is certified as severely sight impaired or blind by a consultant ophthalmologist;”, and

(ii) for sub-paragraph (2) substitute—

“(2) For the purposes of sub-paragraph (1)(a)(iii), a person who has ceased to be certified as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as severely sight impaired or blind, as the case may be, and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so certified.”;

(b) in paragraph 13 (severe disability premium)—

(i) in sub-paragraph (2A)(b) for “blind or is treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”, and

(ii) in sub-paragraph (3)(d)(c) for “blind or is treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”; and

(c) in paragraph 14(1)(b)(d) (disabled child premium). for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”.

(3) In Schedule 3 (housing costs), in paragraph 18(6)(a) (non-dependant deductions) for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”.

Amendment of the Jobseeker’s Allowance Regulations

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(e) are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1 (applicable amounts)—

(a) in paragraph 14 (additional conditions for higher pensioner and disability premium)—

(i) for sub-paragraph (1)(h)(f) substitute—

“(h) the claimant or, as the case may be, his partner, is certified as severely sight impaired or blind by a consultant ophthalmologist.”, and

(ii) for sub-paragraph (2) substitute—

“(2) For the purposes of sub-paragraph (1)(h), a person who has ceased to be certified as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as severely sight impaired or blind, as the case may be, and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so certified.”;

(b) in paragraph 15 (severe disability premium)—

(a) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1993 No. 218, S.R. 2003 No. 195, S.R. 2007 No. 154 and S.R. 2011 No. 135

(b) Sub-paragraph 2(A) was inserted by regulation 3(2)(b) of S.R. 1993 No. 218

(c) Sub-paragraph 3(d) was inserted by regulation 3(2)(c) of S.R. 1993 No. 218

(d) Paragraph 14 remains in operation by virtue of regulation 1(3) of S.R. 2003 No. 195 and was substituted by regulation 2(7)(g) of S.R. 2007 No. 154 and amended by regulation 3(6)(b) of S.R. 2011 No. 135

(e) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 503, S.R. 2000 No.350, S.R. 2003 No. 195, S.R. 2007 No. 154 and S.R. 2011 No. 135

(f) Sub-paragraph (1)(h) was amended by regulation 2(17)(c) of S.R. 1996 No 503

- (i) in sub-paragraph (3) for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”, and
 - (ii) in sub-paragraph (4)(c) for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”;
 - (c) in paragraph 16(1)(b)(a) (disabled child premium) for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”;
 - (d) in paragraph 20H(b) (additional conditions for higher pensioner and disability premium)—
 - (i) for sub-paragraph (1)(i) substitute—
 - “(ii) is certified as severely sight impaired or blind by a consultant ophthalmologist.”, and
 - (ii) for sub-paragraph (3) substitute—
 - “(3) For the purposes of sub-paragraph (1)(i), a person who has ceased to be certified as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as severely sight impaired or blind, as the case may be, and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so certified.”; and
 - (e) in paragraph 20I (severe disability premium)—
 - (i) in sub-paragraph (2) for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”, and
 - (ii) in sub-paragraph (3)(c) for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”.
- (3) In Schedule 2 (housing costs), in paragraph 17(6)(a) (non-dependant deductions) for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”.

Amendment of the State Pension Credit Regulations

4.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(c) are amended in accordance with paragraphs (2) to (4).

(2) In Schedule 1 (circumstances in which persons are treated as being or not being severely disabled)—

- (a) in paragraph 1 (severe disablement)—
 - (i) for sub-paragraph (1)(c)(ii) substitute—
 - “(ii) the other partner is certified as severely sight impaired or blind by a consultant ophthalmologist;”, and
 - (ii) for sub-paragraph (3) substitute—
 - “(3) For the purposes of sub-paragraph (1)(c)(ii), a person who has ceased to be certified as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as severely sight impaired or blind, as the case may be, and as satisfying the requirements set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so certified.”; and
- (b) in paragraph 2 (persons residing with the claimant whose presence is ignored)—
 - (i) for sub-paragraph (2)(b) substitute—

(a) Paragraph 16 remains in operation by virtue of regulation 1(7) of S.R. 2003 No. 195 and was substituted by regulation 3(8)(f) of S.R. 2007 No. 154 and amended by regulation 7(7)(b) of S.R. 2011 No. 135
 (b) Paragraph 20H was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350
 (c) S.R. 2003 No. 28; relevant amending Regulation is S.R. 2008 No. 286

- “(b) is certified as severely sight impaired or blind by a consultant ophthalmologist;”,
and
- (ii) for sub-paragraph (2)(c) substitute—
“(c) is no longer certified as severely sight impaired or blind in accordance with head
(b) but was so certified not more than 28 weeks earlier;”.
- (3) In Schedule 2 (housing costs)—
 - (a) in paragraph 1(2) in paragraph (b) of the definition of “disabled person” for head (iii)(a)
substitute—
“(iii) is certified as severely sight impaired or blind by a consultant ophthalmologist
or who is within 28 weeks of ceasing to be so certified;” and
 - (b) in paragraph 14(6) (persons residing with the claimant) for head (a) substitute—
“(a) certified as severely sight impaired or blind by a consultant ophthalmologist, or
who is within 28 weeks of ceasing to be so certified, or”.
- (4) In Schedule 6 (sums disregarded from claimant’s earnings), in paragraph 4(1) for head (b)
substitute—
“(b) is or are certified as severely sight impaired or blind by a consultant
ophthalmologist.”.

Amendment of the Housing Benefit Regulations

5.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(b) are amended in accordance with paragraphs (2) to (4).

- (2) In regulation 25(13) (treatment of child care charges)—
 - (a) for sub-paragraph (b) substitute—
“(b) who is certified as severely sight impaired or blind by a consultant
ophthalmologist;”; and
 - (b) in sub-paragraph (c) for “registered as blind in such a register” substitute “certified as
severely sight impaired or blind”.
- (3) In regulation 72(6)(a) (non-dependant deductions) for “blind or treated as blind” substitute
“severely sight impaired or blind or treated as severely sight impaired or blind”.
- (4) In Schedule 4 (applicable amounts)—
 - (a) in paragraph 13 (additional condition for the disability premium)—
 - (i) in sub-paragraph (1)(a)(c) for head (v) substitute—
“(v) is certified as severely sight impaired or blind by a consultant
ophthalmologist; or”, and
 - (ii) for sub-paragraph (2) substitute—
“(2) For the purposes of sub-paragraph (1)(a)(v), a person who has ceased to be certified
as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as
severely sight impaired or blind, as the case may be, and as satisfying the additional
condition set out in that sub-paragraph for a period of 28 weeks following the date on which
he ceased to be so certified.”;
 - (b) in paragraph 14 (severe disability premium)—
 - (i) in sub-paragraph (3) for “blind or is treated as blind” substitute “severely sight
impaired or blind or treated as severely sight impaired or blind”, and

(a) Head (iii) was amended by regulation 30(8)(a)(i) of S.R. 2008 No. 286
 (b) S.R. 2006 No. 405; relevant amending Regulation is S.R. 2008 No. 179
 (c) Sub-paragraph (1) was amended by regulation 3(8)(d)(i) and (ii) of S.R. 2008 No. 179

- (ii) in sub-paragraph (4)(b) for “blind or is treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”; and
- (c) in paragraph 16(b) (disabled child premium) for “blind or treated as blind” substitute “severely sight impaired or blind or treated as severely sight impaired or blind”.

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

6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006^(a) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 29(13) (treatment of child care charges)—

(a) for sub-paragraph (b) substitute—

“(b) who is certified as severely sight impaired or blind by a consultant ophthalmologist;” and

(b) in sub-paragraph (c) for “registered as blind in such a register” substitute “certified as severely sight impaired or blind”.

(3) In Schedule 4 (applicable amounts), in paragraph 6 (severe disability premium)—

(a) for sub-paragraph (4) substitute—

“(4) For the purposes of sub-paragraph (3), a person is blind if he is certified as severely sight impaired or blind by a consultant ophthalmologist.”; and

(b) for sub-paragraph (5) substitute—

“(5) For the purposes of sub-paragraph (4), a person who has ceased to be certified as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so certified.”.

(4) In Schedule 5 (sums disregarded from claimant’s earnings), in paragraph 5(1)(b) for head (b) substitute—

“(b) is or are certified as severely sight impaired or blind by a consultant ophthalmologist; or”.

Amendment of the Employment and Support Allowance Regulations

7.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008^(c) are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 4 (amounts), in paragraph 6(9) (severe disability premium) for the definition of “blind or severely sight impaired” substitute—

““blind or severely sight impaired” means certified as blind or severely sight impaired by a consultant ophthalmologist and a person who has ceased to be certified as blind or severely sight impaired where that person’s eyesight has been regained is, nevertheless, to be treated as blind or severely sight impaired for a period of 28 weeks following the date on which the person ceased to be so certified;”.

(3) In Schedule 6 (housing costs), in paragraph 19(6) (non-dependant deductions) for head (a) substitute—

“(a) certified as blind or severely sight impaired by a consultant ophthalmologist, or who is within 28 weeks of ceasing to be so certified;”.

(a) S.R. 2006 No. 406

(b) Paragraph 5(1) has amendments not relevant to these Regulations

(c) S.R. 2008 No. 280;

Revocation

8. Regulation 2(17)(c) of the Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996(a) is revoked.

Sealed with the Official Seal of the Department for Social Development on 5th November 2014

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

The Department of Finance and Personnel consents to regulations 5 and 6.

Sealed with the Official Seal of the Department of Finance and Personnel on 5th November 2014

(L.S.)

Emer Morelli

A senior officer of the Department of Finance and Personnel

(a) S.R. 1996 No. 503

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 to 7 amend respectively the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996, the State Pension Credit Regulations (Northern Ireland) 2003, the Housing Benefit Regulations (Northern Ireland) 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 and the Employment and Support Allowance Regulations (Northern Ireland) 2008.

These amendments replace the current method by which a person is determined to be blind with the condition that they must be certified as severely sight impaired or blind by a consultant ophthalmologist. This is relevant for the purposes of calculating the amount of benefit payable to a claimant, such as when determining entitlement to an additional amount of benefit or calculating income.

Regulation 8 makes a consequential revocation.

In so far as these Regulations are required, for the purposes of regulations 5 and 6, 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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STATUTORY RULES OF NORTHERN IRELAND

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