
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 108

The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008

7.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the appropriate places insert—

““Grenfell Tower payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

- (a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;
- (b) by the Royal Borough of Kensington and Chelsea; or
- (c) by a registered charity;”;

““the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;”;

(b) in the definition of “qualifying person”—

- (i) after “means a person in respect of whom” insert “a Grenfell Tower payment has been made or”, and
- (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.

(3) In regulation 107 (notional income – income due to be paid or income paid to or in respect of a third party) —

- (a) in paragraph (3), for “paragraph (5)” substitute “paragraph (5) or (5A)”;;
- (b) in paragraph (4), for “paragraph (5)” substitute “paragraph (5) or (5A)”;;
- (c) in paragraph (5)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
- (d) after paragraph (5), insert—

“(5A) Paragraphs (3) and (4) do not apply in respect of a payment of income which is a Grenfell Tower payment.”.

(4) In regulation 112 (income treated as capital) for paragraph (8) substitute—

“(8) This paragraph applies to—

(1) S.R. 2008 No. 280; relevant amending Rules are S.R. 2008 No. 413, S.R. 2009 No. 261, S.R. 2010 Nos. 69 and 311, S.R. 2011 No. 357, S.I. 2013/3021 and S.R. 2017 Nos. 205 and 219.

- (a) any payment which is made under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the National Emergencies Trust or the Independent Living Fund (2006); or
 - (b) any Grenfell Tower payment.”.
- (5) In regulation 115 (notional capital)—
 - (a) in paragraph (3), for “paragraph (5)” substitute “paragraph (5) or (5A)”;
 - (b) in paragraph (4), for “paragraph (5)” substitute “paragraph (5) or (5A)”;
 - (c) in paragraph (5)(a), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
 - (d) after paragraph (5), insert—
 - “(5A) Paragraphs (3) and (4) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.”.
- (6) In regulation 131(1) (interpretation), after the definition of “period of study” insert—
 - ““postgraduate loan” means a loan to a student undertaking a postgraduate master’s degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;”.
- (7) In regulation 132(3) (calculation of grant income)—
 - (a) after “student loan” insert “or a postgraduate loan”;
 - (b) for “such a loan” substitute “a student loan or a postgraduate loan”.
- (8) In regulation 137 (treatment of student loans)—
 - (a) at the end of the heading add “and postgraduate loans”;
 - (b) in paragraph (1), after “A student loan” insert “and postgraduate loan”;
 - (c) in paragraph (4)—
 - (i) after “a student loan” in both places, insert “or a postgraduate loan”;
 - (ii) in sub-paragraph (b), for “such a loan” substitute “a student loan or a postgraduate loan”.
 - (d) in paragraph (4A), after “student loan” insert “or postgraduate loan”;
 - (e) after paragraph (5) insert—
 - “(5A) Where a student is treated as possessing a postgraduate loan under paragraph (4) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (6), a sum equal to 30 per cent. of the maximum postgraduate loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.”;
 - (f) in paragraph (6), after “into account under paragraph (5)” insert “or (5A)”.
- (9) In regulation 141 (further disregard of student’s income), for “or student loan” substitute “, student loan or postgraduate loan”.
- (10) In Schedule 6 (housing costs), in paragraph 19(8)(b)—
 - (a) at the beginning insert “any Grenfell Tower payment or”;
 - (b) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.

- (11) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 21(2)—
 - (i) after “sub-paragraph (1) shall not apply where the income in kind” insert “is a Grenfell Tower payment or”, and
 - (ii) after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
 - (b) in paragraph 40—
 - (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”,
 - (ii) after sub-paragraph (1), insert—
 - “(1A) Any Grenfell Tower payment.”,
 - (iii) in each of sub-paragraphs (2) to (5), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment”,
 - (iv) in sub-paragraph (6), after “Trusts to which sub-paragraph (1) refers” add “or from a Grenfell Tower payment”, and
 - (v) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”.
- (12) In Schedule 9 (capital to be disregarded)—
- (a) in paragraph 27—
 - (i) in sub-paragraph (1), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”,
 - (ii) after sub-paragraph (1), insert—
 - “(1A) Any Grenfell Tower payment or any payment made under the Child Migrants Trust (registered charity number 1171479).”,
 - (iii) in each of sub-paragraphs (2) to (5), after “Trusts to which sub-paragraph (1) refers” insert “, or from a Grenfell Tower payment”,
 - (iv) in sub-paragraph (6), after “or deriving from any of the Trusts” insert “or from a Grenfell Tower payment”, and
 - (v) in sub-paragraph (7), after “the We Love Manchester Emergency Fund” insert “, the National Emergencies Trust”;
 - (b) in paragraph 31, after “Any payment in kind” insert “which is a Grenfell Tower payment or is”.