
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 224

SOCIAL SECURITY

**The Family Credit (General) (Amendment)
Regulations (Northern Ireland) 1996**

Made - - - - *5th June 1996*
Coming into operation *2nd July 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(b) and 127(3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and sections 5(1)(I) and 25(1) of the Social Security Administration (Northern Ireland) Act 1992(2) 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 Family Credit (General) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 2nd July 1996.

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

Insertion of regulation 49A into the Family Credit (General) Regulations

2. After regulation 49 of the Family Credit (General) Regulations (Northern Ireland) 1987(4) (death of claimant) there shall be inserted the following regulation—

“Young person leaving full-time education

49A.—(1) Subject to paragraph (3), where an award of family credit is payable and the claimant or his partner are responsible, or are treated as being responsible for the purposes of regulation 7 (circumstances in which a person is to be treated as responsible or not responsible for another), for a young person and that young person—

(a) is, for the purpose of that award, a person of a prescribed description under section 127(1)(d) of the Contributions and Benefits Act, and

(1) 1992 c. 7
(2) 1992 c. 8
(3) 1954 c. 33 (N.I.)
(4) S.R. 1987 No. 463

(b) ceases, or has ceased, to receive full-time education, that cessation shall be a change of circumstances affecting the award, the award shall be reviewed and the award shall cease with effect from the date specified in paragraph (2).

(2) The date specified for the purposes of paragraph (1) shall be—

- (a) 2nd July 1996 where the young person ceased to receive full-time education as from a date before that date, or
- (b) the date upon which the young person attains the age of 16 or ceases to receive full-time education, whichever is the later.

(3) Paragraph (1) shall not apply where a young person referred to in that paragraph is a member of the same household as one or more children or, as the case may be, young persons who are receiving full-time education and for whom the claimant or his partner are responsible or are treated as responsible for the purposes of regulation 7.

(4) For the purposes of paragraphs (1) and (2), “young person” includes a young person who attains the age of 19—

- (a) during the period between the date of claim and the date from which the claimant is awarded family credit, or
- (b) during the period an award of family credit is payable.

(5) In this regulation, “full-time education” means full-time education, either by attendance at a recognised educational establishment as defined in section 143(1) of the Contributions and Benefits Act or otherwise, if such education is recognised by the Department pursuant to section 138(2) of that Act, but is not a course of advanced education for the purposes of Chapter VII of Part IV(5) (students).”.

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

L.S.

5th June 1996.

W. G. Purdy
Assistant Secretary

(5) The definition of “a course of advanced education” in regulation 37 was amended by regulation 3(8) of S.R. 1992 No. 403 and regulation 3(9) of S.R. 1993 No. 373

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Family Credit (General) Regulations (Northern Ireland) 1987 by providing that awards of family credit shall be reviewed and shall terminate where persons between the ages of 16 and 19 leave, or have already left, full-time education during the period those awards are in effect and that person is the only member of that household in respect of whom family credit is payable (regulation 2). The Regulations also define what is to constitute full-time education for the purpose of this requirement.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by 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 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.