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# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART VII **N.I.**

#### INCOME-RELATED BENEFITS

##### *General*

#### **130 Exclusions from benefit. **N.I.****

- (1) No person shall be entitled to an income-related benefit if his capital or a prescribed part of it exceeds the prescribed amount.
- (2) Except in prescribed circumstances the entitlement of one member of a family to any one income-related benefit excludes entitlement to that benefit for any other member for the same period.
- (3) Where the amount of any income-related benefit would be less than a prescribed amount, it shall not be payable except in prescribed circumstances.

#### **Modifications etc. (not altering text)**

- C1** [S. 130\(1\)\(2\)](#): certain functions transferred (5.10.1999) by [1999 c. 10, ss. 2\(1\)\(a\), 20\(2\)](#), [Sch. 2 para. 3\(e\)](#)

#### **131 The applicable amount. **N.I.****

- (1) The applicable amount, in relation to any income-related benefit, shall be such amount or the aggregate of such amounts as may be prescribed in relation to that benefit.
- (2) The power to prescribe applicable amounts conferred by subsection (1) above includes power to prescribe nil as an applicable amount.

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<sup>F1</sup>(3) .....

<sup>F1</sup>(4) .....

- (5) In relation to income support and housing benefit, the applicable amount for a severely disabled person shall include an amount in respect of his being a severely disabled person.
- (6) Regulations may specify circumstances in which persons are to be treated as being or as not being severely disabled.

#### Textual Amendments

- F1** S. 131(3)(4) omitted (*temp.*) (1.7.1992) by virtue of [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9\)](#), ss. 6, 7(2), [Sch. 4 Pt. I paras. 1,4](#).

### 132 Income and capital. **N.I.**

- (1) Where a person claiming an income-related benefit is a member of a family, the income and capital of any member of that family shall, except in prescribed circumstances, be treated as the income and capital of that person.
- (2) Regulations may provide that capital not exceeding the amount prescribed under section 130(1) above but exceeding a prescribed lower amount shall be treated, to a prescribed extent, as if it were income of a prescribed amount.
- (3) Income and capital shall be calculated or estimated in such manner as may be prescribed.
- (4) Circumstances may be prescribed in which—
- (a) a person is treated as possessing capital or income which he does not possess;
  - (b) capital or income which a person does possess is to be disregarded;
  - (c) income is to be treated as capital;
  - (d) capital is to be treated as income.

#### Modifications etc. (not altering text)

- C2** S. 132: certain functions transferred (5.10.1999) by [1999 c. 10](#), ss. 2(1)(a), 20(2), [Sch. 2 para. 3\(g\)](#)

### 133 Interpretation of Part VII and supplementary provisions. **N.I.**

- (1) In this Part of this Act—
- “child” means a person under the age of 16;
- [<sup>F2</sup>“dwelling” means any residential accommodation, whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;]
- “the Executive” means the Northern Ireland Housing Executive;
- “family” means—
- (a) a married or unmarried couple;

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(b) a married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a person of a prescribed description;

(c) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

“industrial injuries regulations” means the regulations made under Schedule 8 to this Act or section 150 of the 1975 Act or under the Old Cases Act;

“married couple” means a man and woman who are married to each other and are members of the same household;

“prescribed” means specified in or determined in accordance with regulations;

“unmarried couple” means a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;

“war pension scheme” means a scheme under which war pensions (as defined in section 25(4) of the <sup>M1</sup>Social Security Act 1989) are provided.

(2) Regulations may make provision for the purposes of this Part of this Act—

- (a) as to circumstances in which a person is to be treated as being or not being in Northern Ireland;
- (b) continuing a person’s entitlement to benefit during periods of temporary absence from Northern Ireland;
- (c) as to what is or is not to be treated as remunerative work or as employment;
- (d) as to circumstances in which a person is or is not to be treated as—
  - (i) engaged or normally engaged in remunerative work;
  - (ii) available for employment; or
  - (iii) actively seeking employment;
- (e) as to what is or is not to be treated as relevant education;
- (f) as to circumstances in which a person is or is not to be treated as receiving relevant education;
- (g) specifying the descriptions of pension increases under war pension schemes or the industrial injuries regulations that are analogous to the benefits mentioned in section 128(2)(b)(i) to (iii) above;
- (h) as to circumstances in which a person is or is not to be treated as occupying a dwelling as his home;
  - (i) for treating any person who is liable to make payments in respect of a dwelling as if he were not so liable;
  - (j) for treating any person who is not liable to make payments in respect of a dwelling as if he were so liable;
- (k) for treating as included in a dwelling any land used for the purposes of the dwelling;
- (l) as to circumstances in which persons are to be treated as being or not being members of the same household;
- (m) as to circumstances in which one person is to be treated as responsible or not responsible for another.

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#### Textual Amendments

**F2** Definition of "dwelling" in s. 133(1) inserted (retrospectively) by [S.I. 1993/1579 \(N.I. 8\)](#), [art. 3\(2\)\(4\)](#)

#### Marginal Citations

**M1** [1989 c. 24.](#)

### 133 Interpretation of Part VII and supplementary provisions. **N.I.**

(1) In this Part of this Act—

“child” means a person under the age of 16;

“the Executive” means the Northern Ireland Housing Executive;

“family” means—

- (a) a married or unmarried couple;
- (b) a married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a person of a prescribed description;
- (c) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

“industrial injuries regulations” means the regulations made under Schedule 8 to this Act or section 150 of the 1975 Act or under the Old Cases Act;

“married couple” means a man and woman who are married to each other and are members of the same household;

“prescribed” means specified in or determined in accordance with regulations;

“unmarried couple” means a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;

“war pension scheme” means a scheme under which war pensions (as defined in section 25(4) of the <sup>M2</sup>Social Security Act 1989) are provided.

(2) Regulations may make provision for the purposes of this Part of this Act—

- (a) as to circumstances in which a person is to be treated as being or not being in Northern Ireland;
- (b) continuing a person’s entitlement to benefit during periods of temporary absence from Northern Ireland;
- (c) as to what is or is not to be treated as remunerative work or as employment;
- (d) as to circumstances in which a person is or is not to be treated as—
  - (i) engaged or normally engaged in remunerative work;
  - (ii) available for employment; or
  - (iii) actively seeking employment;
- (e) as to what is or is not to be treated as relevant education;
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- (g) specifying the descriptions of pension increases under war pension schemes or the industrial injuries regulations that are analogous to the benefits mentioned in section 128(2)(b)(i) to (iii) above;
- (h) as to circumstances in which a person is or is not to be treated as occupying a dwelling as his home;
- (i) for treating any person who is liable to make payments in respect of a dwelling as if he were not so liable;
- (j) for treating any person who is not liable to make payments in respect of a dwelling as if he were so liable;
- (k) for treating as included in a dwelling any land used for the purposes of the dwelling;
- (l) as to circumstances in which persons are to be treated as being or not being members of the same household;
- (m) as to circumstances in which one person is to be treated as responsible or not responsible for another.

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