



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

## 1992 CHAPTER 7

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

#### INCOME-RELATED BENEFITS

##### *Income support*

#### 123 **Income support.** **N.I.**

- (1) A person in Northern Ireland is entitled to income support if—
- [<sup>F1</sup>(a) he is of or over the age of 16;]
  - [<sup>F2</sup>(aa) he has not attained the qualifying age for state pension credit;]
  - (b) he has no income or his income does not exceed the applicable amount;
  - (c) he is not engaged in remunerative work and, if he is a member of a [<sup>F3</sup>couple], the other member is not so engaged; <sup>F4</sup> . . .
  - [<sup>F5</sup>(d) except in such circumstances as may be prescribed, he is not receiving relevant education;]
  - [<sup>F6</sup>(e) he falls within a prescribed category of person; <sup>F7</sup> ...
  - (f) he is not entitled to a jobseeker's allowance and, if he is a member of a [<sup>F8</sup>couple], the other member of the couple is not [<sup>F9</sup>, and the couple are not,] entitled to an income-based jobseeker's allowance]; <sup>F10</sup> ...
  - [<sup>F11</sup>(g) if he is a member of a [<sup>F12</sup>couple], the other member of the couple is not entitled to state pension credit][<sup>F13</sup>; and
  - (h) he is not entitled to an employment and support allowance and, if he is a member of a couple, the other member of the couple is not entitled to an income-related employment and support allowance].

[<sup>F14</sup>(1A) Regulations under paragraph (e) of subsection (1) must secure that a person who—

- (a) is not a member of a couple, and

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- (b) is responsible for, and a member of the same household as, a child under the age of 7,  
 falls within a category of person prescribed under that paragraph.
- (1B) Subsection (1A) does not apply if regulations under paragraph (4)(c) of Article 3A of the Jobseekers (Northern Ireland) Order 1995 containing the provision mentioned in paragraph (5) of that Article are in operation.]
- (2) In subsection (1)(a) above “period” includes—
- (a) a period of a determinate length;
  - (b) a period defined by reference to the happening of a future event; and
  - (c) a period of a determinate length but subject to earlier determination upon the happening of a future event.
- (3) Circumstances may be prescribed in which a person must not only satisfy the condition specified in subsection (1)(d)(i) above but also be registered in the prescribed manner for employment.
- (4) Subject to subsection (5) below, where a person is entitled to income support, then—
- (a) if he has no income, the amount shall be the applicable amount; and
  - (b) if he has income, the amount shall be the difference between his income and the applicable amount.
- (5) Where a person is entitled to income support for a period to which this subsection applies, the amount payable for that period shall be calculated in such manner as may be prescribed.
- (6) Subsection (5) above applies—
- (a) to a period of less than a week which is the whole period for which income support is payable; and
  - (b) to any other period of less than a week for which it is payable.
- [<sup>F15</sup>(7) In this section, “income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance).]

#### Textual Amendments

- F1** S. 123(1)(a) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 13(2)**; S.R. 1996/401, **art. 2**
- F2** S. 123(1)(aa) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), ss. 14, 21(2), **Sch. 2 para. 2(a)**; S.R. 2002/366, **art. 2(1)(I)**; S.R. 2003/373, **art. 2**
- F3** Word in s. 123(1)(c) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 96**; S.I. 2005/3255, art. 2(1), **Sch.**
- F4** Word in s. 123(1)(c) repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1)(2), **Sch. 2 para. 13(3), Sch. 3**; S.R. 1996/401, **art. 2**
- F5** S. 123(1)(d) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 13(4)**; S.R. 1996/401, **art. 2**
- F6** S. 123(1)(e)(f) inserted (5.2.1996 for the purpose only of authorising the making of regulations and 7.10.1996 otherwise) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 13(5)**; S.R. 1996/26, art. 2(b), **Sch.**; S.R. 1996/401, **art. 2**

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- F7** Word in s. 123(1) repealed (6.10.2003) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), s. 21(2), **Sch. 3**; S.R. 2003/373, art. 2
- F8** Word in s. 123(1)(f) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 96**; S.I. 2005/3255, art. 2(1), Sch.
- F9** Words in s. 123(1)(f) inserted (19.3.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 26**; S.R. 2001/114, **art. 4(a)**
- F10** Word in s. 123(1) repealed (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 8**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
- F11** S. 123(1)(g) and preceding word added (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), ss. 14, 21(2), **Sch. 2 para. 2(a)**; S.R. 2002/366, **art. 2(1)(l)**; S.R. 2003/373, **art. 2**
- F12** Word in s. 123(1)(g) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 96**; S.I. 2005/3255, art. 2(1), Sch.
- F13** S. 123(1)(h) and preceding word added (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 3(9)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
- F14** S. 123(1A)(1B) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 3(1), 36(1)(b)**
- F15** S. 123(7) added (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 3(10)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

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

- C1** S. 123(1)(e) modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), **arts. 1(3), 73(8)(d)**

**F16** 124 ..... **N.I.**

**Textual Amendments**

- F16** S. 124 repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), **Sch. 3**; S.R. 1996/401, **art. 2**

**125 Trade disputes. N.I.**

- (1) This section applies to a person, other than a child or a person of a prescribed description—
  - (a) who <sup>F17</sup>is prevented from being entitled to a jobseeker’s allowance by Article 16 of the Jobseekers (Northern Ireland) Order 1995 (trade disputes)]; or
  - (b) who would be so <sup>F18</sup>prevented] if otherwise entitled to that benefit, except during any period shown by the person to be a period of incapacity for work <sup>F19</sup>... or to be within the maternity period.
- (2) In subsection (1) above “the maternity period” means the period commencing at the beginning of the 6th week before the expected week of confinement and ending at the end of the 7th week after the week in which confinement takes place.
- (3) For the purpose of calculating income support—
  - (a) so long as this section applies to a person who is not a member of a family, the applicable amount shall be disregarded;
  - (b) so long as it applies to a person who is a member of a family but is not a member of a <sup>F20</sup>couple], the portion of the applicable amount which is included in respect of him shall be disregarded;
  - (c) so long as it applies to one of the members of a <sup>F21</sup>couple]—

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- (i) if the applicable amount consists only of an amount in respect of them, it shall be reduced to one-half; and
- (ii) if it includes other amounts, the portion of it which is included in respect of them shall be reduced to one-half and any further portion of it which is included in respect of the member of the couple to whom this section applies shall be disregarded;
- (d) so long as it applies to both the members of a [<sup>F22</sup>couple]—
  - (i) if neither of them is responsible for a child or person of a prescribed description who is a member of the same household, the applicable amount shall be disregarded; and
  - (ii) in any other case, the portion of the applicable amount which is included in respect of them and any further portion of it which is included in respect of either of them shall be disregarded.
- (4) Where a reduction under subsection (3)(c) above would not produce a sum which is a multiple of 5p, the reduction shall be to the nearest lower sum which is such a multiple.
- (5) Where this section applies to a person for any period, then, except so far as regulations provide otherwise—
  - (a) in calculating the entitlement to income support of that person or a member of his family the following shall be treated as his income and shall not be disregarded—
    - (i) any payment which he or a member of his family receives or is entitled to obtain by reason of the person to whom this section applies being without employment for that period; and
    - (ii) without prejudice to the generality of sub-paragraph (i) above, any amount which becomes or would on an application duly made become available to him in that period by way of repayment of income tax deducted from his [<sup>F23</sup>taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) under PAYE regulations]; and
  - (b) any payment by way of income support for that period or any part of it which apart from this paragraph would be made to him, or to a person whose applicable amount is aggregated with his—
    - (i) shall not be made if the weekly rate of payment is equal to or less than the relevant sum; or
    - (ii) if it is more than the relevant sum, shall be at a weekly rate equal to the difference.
- (6) In respect of any period less than a week, subsection (5) above shall have effect subject to such modifications as may be prescribed.
- (7) Subject to subsection (8) below, “the relevant sum” for the purposes of subsection (5) above shall be [<sup>F24</sup>£38·00].
- (8) If an order under section 132 of the Administration Act (annual up-rating) has the effect of increasing payments of income support, from the time when the order comes into operation there shall be substituted, in subsection (5)(b) above, for the references to the sum for the time being mentioned in it references to a sum arrived at by—
  - (a) increasing that sum by the percentage by which the personal allowance under paragraph 1(1) of Part I of Schedule 2 to the <sup>M1</sup>Income Support (General)

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- Regulations (Northern Ireland) 1987 for a single person aged not less than 25 has been increased by the order; and
- (b) if the sum as so increased is not a multiple of 50p, disregarding the remainder if it is 25p and, if it is not, rounding it up or down to the nearest 50p, and the order shall state the substituted sum.

#### Textual Amendments

- F17** Words in s. 125(1)(a) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 14(a)**; S.R. 1996/401, **art. 2**
- F18** Word in s. 125(1)(b) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 14(b)**; S.R. 1996/401, **art. 2**
- F19** Words in s. 125(1) repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 Pt. I para. 31, **Sch. 2**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F20** Words in s. 125(3)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 97**; S.I. 2005/3255, art. 2(1), Sch.
- F21** Words in s. 125(3)(c) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 97**; S.I. 2005/3255, art. 2(1), Sch.
- F22** Words in s. 125(3)(d) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 97**; S.I. 2005/3255, art. 2(1), Sch.
- F23** Words in s. 125(5)(a)(ii) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 200** (with Sch. 7)
- F24** Sum in s. 125(7) substituted (coming into force in accordance with art. 1(1)(i), 6 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2012 (S.R. 2012/116), arts. 1(1)(i), **19**

#### Marginal Citations

- M1** S.R. (N.I.) 1987 No. 459.

## 126 Effect of return to work. **N.I.**

If a person returns to work with the same employer after a period during which section 125 above applies to him, and whether or not his return is before the end of any stoppage of work in relation to which he is or would be <sup>F25</sup>prevented from being entitled to a jobseeker's allowance]—

- (a) that section shall cease to apply to him at the commencement of the day on which he returns to work; and
- (b) until the end of the period of 15 days beginning with that day, section 123(1) above shall have effect in relation to him as if the following paragraph were substituted for paragraph (c)—
- “(c) in the case of a member of a <sup>F26</sup>couple], the other member is not engaged in remunerative work; and”;
- (c) any sum paid by way of income support for that period of 15 days to him or, where he is a member of a <sup>F26</sup>couple], to the other member of that couple, shall be recoverable in accordance with the regulations from the person to whom it was paid or from any prescribed person or, where the person to whom it was paid is a member of a <sup>F26</sup>couple], from the other member of the couple.

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#### Textual Amendments

- F25** Words in s. 126 substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 15**; S.R. 1996/401, **art. 2**
- F26** Words in s. 126 substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 98**; S.I. 2005/3255, art. 2(1), Sch.

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