

## 1988 No. 205

## SOCIAL SECURITY

**The Family Credit and Income Support (General)  
(Amendment) Regulations (Northern Ireland) 1988**

*Made* . . . . . 8th June 1988

*Coming into operation* . . . . . 9th June 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 23(8) and (9) of the Social Security (Northern Ireland) Order 1986(a) 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 and Income Support (General) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 9th June 1988.

(2) In these regulations—

“the Family Credit Regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987(b); and

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(c).

*Amendment of regulation 2 of the Family Credit Regulations*

2. In regulation 2(1) of the Family Credit Regulations (interpretation) after the definition of “employed earner” there shall be inserted the following definition—

“ “the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for Social Services for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;”

*Amendment of regulations 26 and 34 of, and paragraph 35 of Schedule 2 to, and paragraph 23 of Schedule 3 to, the Family Credit Regulations*

3. In the following provisions of the Family Credit Regulations after “the Macfarlane Trust” there shall be inserted “or the Independent Living Fund”—

(a) regulation 26(3) (notional income);

(a) S.I. 1986/1888 (N.I. 18)

(b) S.R. 1987 No. 463; relevant amending regulations are S.R. 1988 No. 131

(c) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 No. 146

- (b) regulation 34(3) (notional capital);
- (c) paragraph 35 of Schedule 2 (income other than earnings to be disregarded); and
- (d) paragraph 23 of Schedule 3 (capital to be disregarded).

*Amendment of regulation 2 of the Income Support Regulations*

4. In regulation 2(1) of the Income Support Regulations (interpretation) after the definition of "housing benefit expenditure" there shall be inserted the following definition—

“ “the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for Social Services for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;”.

*Amendment of regulations 24, 42 and 51 of, paragraphs 21 and 39 of Schedule 9 to, and paragraph 22 of Schedule 10 to, the Income Support Regulations*

5. In the following provisions of the Income Support Regulations after "the Macfarlane Trust" there shall be inserted "or the Independent Living Fund"—

- (a) regulation 24(5)(b)(iii) (treatment of charitable or voluntary payments);
- (b) regulation 42(4) (notional income);
- (c) regulation 51(3) (notional capital);
- (d) paragraphs 21(2) and 39 of Schedule 9 (income other than earnings to be disregarded); and
- (e) paragraph 22 of Schedule 10 (capital to be disregarded).

*Amendment of regulation 72 of the Income Support Regulations*

6. In regulation 72(1) of the Income Support Regulations (assessment of income and capital in urgent cases) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) any income, other than a payment of income made under the Macfarlane Trust or the Independent Living Fund, possessed or treated as possessed by him shall be taken into account in full notwithstanding any provision in that Part disregarding the whole or any part of that income;”.

Sealed with the Official Seal of the Department of Health and Social Services on 8th June 1988.

(L.S.)

P. A. Conliffe

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Family Credit (General) Regulations (Northern Ireland) 1987 and the Income Support (General) Regulations (Northern Ireland) 1987 to provide, in the calculation of income and capital, for the disregard of payments made to the incapacitated and very severely disabled out of the Independent Living Fund.

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.