

1989 No. 371

SOCIAL SECURITY

**The Income Support (Transitional) (Amendment)
Regulations (Northern Ireland) 1989**

Made 18th September 1989

Coming into operation 9th October 1989

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 84(1A) 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 Income Support (Transitional) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 9th October 1989.

(2) In these regulations “the principal regulations” means the Income Support (Transitional) Regulations (Northern Ireland) 1987(b).

Insertion of regulation 2A in the principal regulations

2. After regulation 2 of the principal regulations (interpretation) there shall be inserted the following regulation—

“Permitted period

2A.—(1) For the purposes of regulations 14 and 15 (reduction and termination of transitional and personal expenses addition and special transitional addition) where a claimant has ceased to be entitled to income support—

(a) because he or his partner becomes engaged in remunerative work the permitted period, subject to paragraph (2), shall be 12 weeks;
or

(b) for any other reason, the permitted period shall be 8 weeks.

(2) Subject to paragraph (3), where the claimant or his partner has ceased to be engaged in remunerative work referred to in paragraph (1)(a) the permitted period shall be 8 weeks if—

(a) the claimant’s weekly applicable amount is reduced under regulation 22 of the General Regulations (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification) because of the cessation of that work;

(a) S.I. 1986/1888 (N.I. 18); Article 84(1A) was inserted by paragraph 9(2) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

(b) S.R. 1987 No. 460; the relevant amending regulations are S.R. 1988 Nos. 132 and 153

- (b) the claimant or his partner has ceased to be engaged in that work within 6 weeks of beginning it; or
- (c) at any time during the period of 26 weeks immediately preceding the beginning of that work, the person who has ceased to be engaged in it—
 - (i) was engaged in remunerative work;
 - (ii) was in relevant education; or
 - (iii) was a student.

(3) Paragraph (2)(b) or (c) shall not apply if, by virtue of section 20A(2) of the principal Act(a) (exemptions from disqualification for unemployment benefit), the person who has ceased to be engaged in remunerative work is exempted from disqualification for receiving unemployment benefit.”.

Amendment of regulation 14 of the principal regulations

3. In regulation 14 of the principal regulations (reduction and termination of transitional and personal expenses addition)—

(a) in paragraph (1)—

- (i) in sub-paragraph (a) for “Part IV of the General Regulations (applicable amounts)” there shall be substituted “Part IV or VI of the General Regulations (applicable amounts or urgent cases)”,
- (ii) in sub-paragraph (d) after “Part IV” there shall be inserted “or VI”;

(b) after paragraph (1C) there shall be inserted the following paragraphs—

“(1D) Notwithstanding paragraph (1)(a) or (d), the amount of a claimant’s transitional addition shall not be reduced if, and to the extent that, the increase in his applicable amount is attributable to the amendments made by regulation 5(a) and (c) of the Income Support (General) (Amendment) Regulations (Northern Ireland) 1989(b) and that increase in his applicable amount takes effect in his benefit week beginning on a day during the period of 7 days commencing on 9th October 1989.

(1E) Notwithstanding paragraph (1)(a) or (d), where a claimant’s applicable amount increases by virtue of his or his partner’s participation or ceasing to participate in training or rehabilitation provided under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(c) or arranged under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(d) or his or his partner’s attendance

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- (a) 1975 c. 15; section 20A was inserted by Article 14(4) of the Social Security (Northern Ireland) Order 1989
 - (b) S.R. 1989 No. 139
 - (c) Sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))
 - (d) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

or ceasing to attend at a course at an employment rehabilitation unit established under those sections, his transitional addition shall not be reduced by the amount of that increase.

(1F) Notwithstanding paragraph (1)(a) or (d), where—

- (a) a claimant has ceased to be entitled to a transitional addition because he or his partner becomes engaged in remunerative work and immediately before he so ceased a higher pensioner premium or a disability premium was applicable to him under paragraph 10 or, as the case may be, 11 of Schedule 2 to the General Regulations (applicable amounts); and
- (b) he becomes re-entitled to that addition by virtue of paragraph (3A) or (4A) or regulation 15(4) (special transitional addition), his transitional addition shall not be reduced if the higher pensioner premium or the disability premium again becomes applicable to him to the extent that any increase in his applicable amount is attributable to that premium.”;
- (c) in paragraph (3) at the beginning there shall be inserted “Except where paragraph (3A) applies,”;
- (d) after paragraph (3) there shall be inserted the following paragraph—
 “(3A) A claimant who has ceased to be entitled to income support and a transitional addition because he or his partner has become engaged in remunerative work shall, if during the permitted period determined in accordance with regulation 2A (permitted period) beginning with the day after the day on which he ceased to be so entitled he or his partner has ceased to be engaged in that work, be re-entitled to a transitional addition of an amount equal to the amount of the transitional addition to which he was previously entitled subject to any reduction in that amount which would have occurred under paragraph (1)(a) had he remained entitled to income support.”;
- (e) in paragraph (4) at the beginning there shall be inserted “Except where paragraph (4A) applies,”;
- (f) after paragraph (4) there shall be inserted the following paragraph—
 “(4A) A claimant who was entitled only to a transitional addition and who has ceased to be entitled to such an addition because he or his partner became engaged in remunerative work shall, if during the permitted period determined in accordance with regulation 2A beginning with the day after the day on which he has ceased to be so entitled he or his partner ceased to be engaged in that work, be re-entitled to a transitional addition of an amount equal to the amount by which his total benefit income in his first benefit week exceeds his total benefit income in the benefit week in which he becomes re-entitled, or the amount to which he was previously entitled, whichever is the lower.”.

Amendment of regulation 15 of the principal regulations

4. In regulation 15(4) of the principal regulations (special transitional addition) in sub-paragraphs (a), (b) and (c) for “not more than 8 weeks after” there shall be substituted in each of those provisions “during the permitted

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period determined in accordance with regulation 2A (permitted period) beginning with the day after''.

Sealed with the Official Seal of the Department of Health and Social Services on 18th September 1989.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Income Support (Transitional) Regulations (Northern Ireland) 1987 by providing for a person's transitional addition not to be reduced by any increase in his applicable amount in the benefit week commencing 9th October 1989 consequent upon the introduction of the new pensioner premium for persons 75 and over, or upon the up-rating of the higher pensioner premium, or by any increase in the applicable amount consequent upon attendance on a training course (regulation 3(b) in so far as it inserts new paragraphs (1D) and (1E)); and provide, in urgent cases, for the addition to be reduced by any increase in a person's applicable amount (regulation 3(a)).

They also make provision for a person to be re-entitled to a transitional addition or special transitional addition where he has ceased to be so entitled because he or his partner is engaged in remunerative work if before the end of the permitted period he ceases to be so engaged; and provide for the permitted period in such cases to be 12 weeks, or the lesser period of 8 weeks if the claimant's applicable amount is subject to a reduction, or he has left the employment within 6 weeks or he was engaged in remunerative work, in relevant education or a student within the preceding 26 weeks (regulations 2, 3(c) to (e) and 4); they further provide that, for any other reason, the permitted period shall be 8 weeks (regulation 2); and, where a higher pensioner premium or disability premium again becomes applicable to the claimant, provide for the addition not to be reduced by any increase in his applicable amount attributable to that premium (regulation 3(b) insofar as it inserts new paragraph (1F)).

Article 84 of the Social Security (Northern Ireland) Order 1986, of which paragraph (1A) is an enabling provision under which these regulations are made, is amended by paragraph 9(2) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 ("the 1989 Order"). The said paragraph 9(2) of Schedule 8 is brought into operation on 23rd August 1989 by Article 1(3) of the 1989 Order.

The regulations correspond 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 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.