

## 1995 No. 223

## SOCIAL SECURITY

**The Income-Related Benefits (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1995**

Made . . . . . 23rd May 1995

Coming into operation in accordance with regulation 1(1) and (2)

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(b), (c) and (d), 127(5), 128(8), 132(3) and (4)(b) and 133(2)(c) and (d)(i) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, and with the consent of the Department of the Environment for Northern Ireland(b) in so far as its consent is required in relation to regulation 2 of these Regulations, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(c), hereby makes the following Regulations:

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Income-Related Benefits (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1995 and shall come into operation on 17th July 1995.

(2) Regulations 3 and 4 shall have effect in relation to any particular claimant—

(a) except where sub-paragraph (b) applies, on 18th July 1995, and

(b) where a claimant has an award of disability working allowance or family credit which is current on 17th July 1995, on the day following the expiration of that award.

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

*Amendment of the Housing Benefit (General) Regulations*

2. In Schedule 4 to the Housing Benefit (General) Regulations (Northern Ireland) 1987 (sums to be disregarded in the calculation of income other than

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(a) 1992 c. 7

(b) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))

(c) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(d) 1954 c. 33 (N.I.)

earnings)(a) after paragraph 59 there shall be added the following paragraphs—

“60. Any amount of disability working allowance up to a maximum of £10 per week where the claimant is entitled to the allowance under regulation 51(1)(bb) of the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 (determination of appropriate maximum disability working allowance)(b).

61. Any amount of family credit up to a maximum of £10 per week where the claimant is entitled to the credit under regulation 46(1)(aa) of the Family Credit (General) Regulations (Northern Ireland) 1987 (determination of appropriate maximum family credit)(c).”

#### *Amendment of the Family Credit (General) Regulations*

3.—(1) The Family Credit (General) Regulations (Northern Ireland) 1987(d) shall be amended in accordance with paragraphs (2) to (4).

(2) After regulation 4 (remunerative work)(e) there shall be inserted the following regulation—

##### *“Further provision as to remunerative work*

4A. Whether, for the purposes of regulation 46(1)(aa) (determination of appropriate maximum family credit) and paragraph 1A of Schedule 4(f), the work a person undertakes is for not less than 30 hours per week shall be determined in accordance with regulation 4(1)(b), (3), (4) and (4A)(g) except that for “16 hours” in paragraph (4) there shall be substituted “30 hours”.”

(3) In regulation 46(1) (determination of appropriate maximum family credit) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) in respect of a lone parent who works, or a claimant who is a member of a married or unmarried couple either or both of whom work, for not less than 30 hours per week, the credit specified in column (2) of Schedule 4 against paragraph 1A;”.

(4) In Schedule 4 (determination of maximum family credit)—

(a) in column (1) after paragraph 1 there shall be inserted the following paragraph—

“1A. In the case of an adult or adults to whom regulation 46(1)(aa) applies.”, and

(b) in column (2) after paragraph 1 there shall be inserted the following paragraph—

“1A. £10.00.”.

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(a) S.R. 1987 No. 461; relevant amending regulations are S.R. 1995 No. 129 which added paragraph 59  
 (b) Sub-paragraph (bb) is inserted by regulation 4(3) of these Regulations  
 (c) Sub-paragraph (aa) is inserted by regulation 3(3) of these Regulations  
 (d) S.R. 1987 No. 463; relevant amending regulations are S.R. 1988 No. 131 and S.R. 1992 No. 148  
 (e) Regulation 4 was substituted by regulation 3 of S.R. 1992 No. 148  
 (f) Paragraph 1A is inserted by regulation 3(4) of these Regulations  
 (g) Paragraph (4A) was inserted by regulation 4(3)(b) of S.R. 1995 No. 86

*Amendment of the Disability Working Allowance (General) Regulations*

4.—(1) The Disability Working Allowance (General) Regulations (Northern Ireland) 1992(a) shall be amended in accordance with paragraphs (2) to (4).

(2) After regulation 6 (remunerative work) there shall be inserted the following regulation—

*“Further provision as to remunerative work*

6A. Whether, for the purposes of regulation 51(1)(bb) (determination of appropriate maximum disability working allowance) and paragraph 2A of Schedule 5(b), the work a person undertakes is for not less than 30 hours per week shall be determined in accordance with regulation 6(1)(b), (3), (4) and (4A)(c) except that for “16 hours” in paragraph (4) there shall be substituted “30 hours”.

(3) In regulation 51(1) (determination of appropriate maximum disability working allowance) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(bb) in respect of a claimant who is—

- (i) a single claimant or lone parent who works, or
- (ii) a member of a married or unmarried couple either or both of whom work,

for not less than 30 hours per week, the allowance specified in column (2) of Schedule 5 at paragraph 2A;”.

(4) In Schedule 5 (determination of appropriate maximum disability working allowance)—

(a) in column (1) after paragraph 2 there shall be inserted the following paragraph—

“2A. In the case of a claimant to whom regulation 51(1)(bb) applies.”, and

(b) in column (2) after paragraph 2 there shall be inserted the following paragraph—

“2A. £10.00.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 23rd May 1995.

(L.S.)

W. G. Purdy

Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to regulation 2 of the foregoing Regulations.

(a) S.R. 1992 No. 78; relevant amending regulations are S.R. 1995 No. 67

(b) Paragraph 2A is inserted by regulation 4(4) of these regulations

(c) Paragraph (4A) was inserted by regulation 5(3)(b) of S.R. 1995 No. 86

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 24th May 1995.

(L.S.)

R. E. Aiken

Assistant Secretary

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### EXPLANATORY NOTE

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

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987 ("the Housing Benefit Regulations"), the Family Credit (General) Regulations (Northern Ireland) 1987 ("the Family Credit Regulations") and the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 ("the Disability Working Allowance Regulations").

The Housing Benefit Regulations are amended so that any additional family credit or additional disability working allowance, referred to below, which is awarded to the claimant is disregarded from a claimant's income in calculating his entitlement to housing benefit (regulation 2).

The Family Credit Regulations and the Disability Working Allowance Regulations are amended to provide for entitlement to an additional credit or allowance of £10 per week where either the claimant or his partner or both of them work not less than 30 hours per week and for the manner in which those hours shall be calculated (regulations 3 and 4).

In so far as these Regulations are required for the purposes of regulation 2, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), ("the 1992 Act"), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they 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 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.