
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 327

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Amendment) (Capital)
Regulations (Northern Ireland) 1998**

Made - - - - *16th September 1998*

Coming into operation *12th October 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1), 132(3), 133(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ and Articles 2(2), 14(1) and 36(2) of the Jobseekers (Northern Ireland) Order 1995⁽²⁾ and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland⁽³⁾ in so far as regulation 2(1) and (2)(b) is concerned, and after agreement by the Social Security Advisory Committee that the proposal in respect of that regulation should not be referred to it⁽⁴⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Amendment) (Capital) Regulations (Northern Ireland) 1998 and shall come into operation on 12th October 1998.

(2) The Interpretation Act (Northern Ireland) 1954⁽⁵⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Capital jointly held

2.—(1) In paragraph (1) of each of the regulations specified in paragraph (2) for the words from “to an equal share” to the end of the paragraph there shall be substituted the following—

“to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter shall apply for the purposes of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess”.

(1) 1992 c. 7

(2) S.I. 1995/2705 (N.I. 15)

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

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

(5) 1954 c. 33 (N.I.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The regulations specified for the purposes of paragraph (1) (which relate to capital jointly held) are—

- (a) regulation 52 of the Income Support (General) Regulations (Northern Ireland) 1987(6);
- (b) regulation 44 of the Housing Benefit (General) Regulations (Northern Ireland) 1987(7);
- (c) regulation 35 of the Family Credit (General) Regulations (Northern Ireland) 1987(8);
- (d) regulation 39 of the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(9);
- (e) regulation 115 of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(10).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on

L.S.

16th September 1998.

John O'Neill
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to regulation 2(1) and (2)(b) of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on

L.S.

16th September 1998.

J. Ritchie
Assistant Secretary

(6) [S.R. 1987 No. 459](#); relevant amending Regulations are [S.R. 1995 No. 367](#)
(7) [S.R. 1987 No. 461](#); relevant amending Regulations are [S.R. 1995 No. 367](#)
(8) [S.R. 1987 No. 463](#); relevant amending Regulations are [S.R. 1995 No. 367](#)
(9) [S.R. 1992 No. 78](#); relevant amending Regulations are [S.R. 1995 No. 367](#)
(10) [S.R. 1996 No. 198](#); to which there are amendments not relevant to these Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Family Credit (General) Regulations (Northern Ireland) 1987, the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

In particular, these Regulations amend the provisions governing the treatment of a person's entitlement to capital which is jointly held for the purposes of ascertaining entitlement to the benefits referred to above (regulation 2).

In so far as these Regulations are required, for the purpose of regulation 2(1) and (2)(b), to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, ("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.