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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 81**

**The Social Security (Miscellaneous Amendments  
No. 2) Regulations (Northern Ireland) 1998**

**Part IV**

**AMENDMENTS WITH RESPECT TO PERSONS FROM ABROAD**

**Common amendments with respect to persons from abroad**

**11.**—(1) In each of the regulations specified in paragraph (2) (conditions affecting the entitlement of a person from abroad to the relevant benefits) for “to remain in the United Kingdom by the Secretary of State” there shall be substituted—

- “(i) to enter the United Kingdom by an immigration officer appointed for the purposes of the Immigration Act 1971(1), or
- (ii) to remain in the United Kingdom by the Secretary of State”.

(2) The regulations specified in this paragraph are—

- (a) regulation 16B(b) of the Child Benefit (General) Regulations (Northern Ireland) 1979(2);
- (b) regulation 5(1A)(b) of the Disability Working Allowance Regulations(3);
- (c) regulation 3(1A)(b) of the Family Credit Regulations(4);
- (d) regulation 2(1A)(b) of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(5);
- (e) regulation 2(1A)(b) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(6);
- (f) regulation 9(1A)(b) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(7), and
- (g) regulation 3(1A)(b) of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(8).

(3) In each of the regulations specified in paragraph (4) (conditions affecting the entitlement of a person from abroad to the relevant benefits) after “exceptional leave” there shall be inserted “to enter the United Kingdom by an immigration officer within the meaning of the Immigration Act 1971, or”.

(4) The regulations specified in this paragraph are—

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(1) 1971 c. 77  
(2) S.R. 1979 No. 5; regulation 16B was inserted by regulation 2 of S.R. 1996 No. 422 and amended by S.R. 1996 No. 469  
(3) Regulation 5(1A) was inserted by regulation 10(b) of S.R. 1996 No. 11  
(4) Regulation 3(1A) was inserted by regulation 6(b) of S.R. 1996 No. 11  
(5) S.R. 1992 No. 20; regulation 2(1A) was inserted by regulation 8(b) of S.R. 1996 No. 11  
(6) S.R. 1992 No. 32; regulation 2(1A) was inserted by regulation 9(b) of S.R. 1996 No. 11  
(7) S.R. 1976 No. 99; regulation 9(1A) was inserted by regulation 2(b) of S.R. 1996 No. 11  
(8) S.R. 1984 No. 317; regulation 3(1A) was inserted by regulation 3(b) of S.R. 1996 No. 11

- (a) regulation 7A(4)(e)(iii) of the Housing Benefit Regulations(9);
- (b) regulation 21(3) of the Income Support Regulations(10) in sub-paragraph (c) of the second definition of “person from abroad”, and
- (c) regulation 85(4) of the Jobseeker’s Allowance Regulations(11) in sub-paragraph (c) of the second definition of “person from abroad”.

### **Further amendments of the Income Support Regulations and the Jobseeker’s Allowance Regulations**

**12.**—(1) In regulation 72 of the Income Support Regulations (assessment of income and capital in urgent cases)—

- (a) for sub-paragraph (a)(12) of paragraph (1) there shall be substituted the following sub-paragraph—

“(a) any income other than—

- (i) a payment of income or income in kind made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds, or
- (ii) income to which paragraph 5, 7 (but only to the extent that a concessionary payment would be due under that paragraph for any non-payment of income support under regulation 70 or of jobseeker’s allowance under regulation 147 of the Jobseeker’s Allowance Regulations (urgent cases)), 31, 39(2), (3) or (4), 40, 42, 52 or 57 of Schedule 9 (disregard of income other than earnings) applies,

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;” and

- (b) in paragraph (2)(13) after “Housing Benefits (Northern Ireland) Order 1983” there shall be inserted “or any arrears of benefit due under regulation 70 or regulation 147 of the Jobseeker’s Allowance Regulations (urgent cases)”.

(2) In regulation 149 of the Jobseeker’s Allowance Regulations (assessment of income and capital in urgent cases)—

- (a) for sub-paragraph (a) of paragraph (1) there shall be substituted the following sub-paragraph—

“(a) any income other than—

- (i) a payment of income or income in kind made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds, or
- (ii) income to which paragraph 6, 8 (but only to the extent that a concessionary payment would be due under that paragraph for any non-payment of jobseeker’s allowance under regulation 147 or of income support under

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(9) Regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80, sub-paragraph (e) was added by regulation 3(1)(a) of S.R. 1994 No. 266 and amended by S.R. 1996 Nos. 405 and 448

(10) Relevant amending Regulations are S.R. 1994 No. 266 and S.R. 1996 Nos. 375 and 405

(11) Relevant amending Regulations are S.R. 1996 Nos. 356 and 503

(12) Sub-paragraph (a) was substituted by regulation 6 of S.R. 1988 No. 205 and relevant amending Regulations are S.R. 1988 No. 431, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1996 No. 449

(13) Relevant amending Regulations are S.R. 1988 No. 431 and S.R. 1996 No. 449

regulation 70 of the Income Support Regulations (urgent cases)), 33, 41(2), (3) or (4) or 42 of Schedule 6 (disregard of income other than earnings) applies,

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;” and

- (b) in paragraph (2) after “Part VII of the Benefits Act” there shall be inserted “or any arrears of benefit due under regulation 147 or regulation 70 of the Income Support Regulations (urgent cases)”.