
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 472

**The Social Security (1998 Order) (Commencement
No. 11 and Consequential and Transitional
Provisions) Order (Northern Ireland) 1999**

Consequential Amendments

Amendment of the Income Support (General) Regulations

7.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(1) shall be amended in accordance with paragraphs (2) to (12).

(2) Subject to paragraphs (7) and (10), for “an adjudication officer” and “the adjudication officer” in each place where they occur there shall be substituted “the Department”.

(3) In regulation 2(1) (interpretation) after the definition of “the 1972 Order” there shall be inserted the following definition—

““the 1998 Order” means the Social Security (Northern Ireland) Order 1998;”.

(4) In regulation 5(2)(b)(ii) (persons treated as engaged in remunerative work) for “of review” there shall be substituted “on which a superseding decision is made under Article 11 of the 1998 Order”.

(5) In regulation 38(7) (calculation of net profit of self-employed earners) for “he” there shall be substituted “it”.

(6) In regulation 41(2) (capital treated as income) for paragraph (1) there shall be substituted the following paragraph—

“(1) Capital which is payable by instalments which are outstanding on—

(a) the first day in respect of which income support is payable or the date of the determination of the claim, whichever is earlier; or

(b) in the case of a supersession, the date of that supersession,

shall be treated as income if the aggregate of the instalments outstanding and the amount of the claimant’s capital otherwise calculated in accordance with Chapter VI of this Part exceeds £8,000 or, in a case where regulation 45(b)(3) applies, £16,000.”.

(7) In regulation 42 (notional income)—

(a) in paragraph (5) for “subsequent review the adjudication officer” there shall be substituted “revision or supersession the Department”; and

(b) in paragraph (6) for “satisfies him” there shall be substituted “satisfies the Department”.

(8) In regulation 44 (modifications in respect of children and young persons) for paragraph (1) there shall be substituted the following paragraph—

(1) S.R. 1987 No. 459; relevant amending regulations are S.R. 1989 Nos. 139 and 395, S.R. 1990 No. 137, S.R. 1995 Nos. 301 and 367, S.R. 1996 No. 93 and S.R. 1997 No. 22
(2) Regulation 41(1) was amended by regulation 5(2) of S.R. 1990 No. 137 and regulation 3(1) of S.R. 1997 No. 22
(3) Regulation 45 was substituted by regulation 11(1)(a) of S.R. 1996 No. 93

“(1) Any capital of a child or young person payable by instalments which are outstanding on—

- (a) the first day in respect of which income support is payable or at the date of the determination of the claim, whichever is the earlier; or
- (b) in the case of a supersession, the date of that supersession,

shall be treated as income if the aggregate of the instalments outstanding and the amount of that child’s or young person’s other capital calculated in accordance with Chapter VI of this Part in like manner as for the claimant would exceed £3,000.”.

(9) In regulation 49(b)(i) (calculation of capital in the United Kingdom) for “review, the date of any subsequent review” there shall be substituted “supersession, the date of that supersession”.

(10) In regulation 69 (disregard of changes occurring during summer vacation) for “an adjudication officer shall disregard” there shall be substituted “there shall be disregarded”.

(11) In Schedule 3(4) (housing costs)—

(a) in paragraph 13 (excessive housing costs)—

(i) for sub-paragraph (6) there shall be substituted the following sub-paragraph—

“(6) Where sub-paragraph (4) does not apply and the claimant (or other member of the family) was able to meet the financial commitments for the dwelling occupied as the home when these were entered into, no restriction shall be made under this paragraph during the 26 weeks immediately following the date on which—

- (a) the claimant became entitled to income support where his housing costs fell within one of the cases in sub-paragraph (1) on that date; or
- (b) a decision took effect which was made under Article 11 of the 1998 Order on the ground that the claimant’s housing costs fell within one of the cases in sub-paragraph (1),

nor during the next 26 weeks if and so long as the claimant uses his best endeavours to obtain cheaper accommodation.”; and

(ii) in sub-paragraph (8)(b) “on appeal or review” shall be omitted; and

(b) in paragraph 14 (linking rule)—

(i) in sub-paragraph (1)(a)(i) for “held, on appeal or review,” there shall be substituted “determined”,

(ii) in sub-paragraph (1)(b) for “held on appeal or review” there shall be substituted “determined”, and

(iii) in sub-paragraph (2)(a) “on review” shall be omitted.

(12) In Schedule 3B(5) (protected sum), in paragraph 3(4) (persons not entitled to a protected sum)—

(a) “on review” in each place where it occurs shall be omitted; and

(b) in head (a) for “that review” there shall be substituted “that determination”.

(4) Schedule 3 was substituted by Schedule 1 to [S.R. 1995 No. 301](#)

(5) Schedule 3B was inserted by paragraph 18 of Schedule 1 to [S.R. 1989 No. 139](#) and paragraph 3(4) was added by regulation 9(c) (ii) of [S.R. 1989 No. 395](#)